

**Time** 10.00 am      **Public Meeting?** YES      **Type of meeting** Regulatory  
**Venue** Committee Room 3, 3rd Floor, Civic Centre

## Membership

**Chair** Cllr Alan Bolshaw (Lab)

### Labour

Cllr Rita Potter

### Conservative

Cllr Wendy Thompson

Quorum for this meeting is two Councillors.

## Information for the Public

If you have any queries about this meeting, please contact the Democratic Services team:

**Contact** Donna Cope, Democratic Services Officer  
**Tel/Email** Tel: 01902 554452 Email: [donna.cope@wolverhampton.gov.uk](mailto:donna.cope@wolverhampton.gov.uk)  
**Address** Democratic Services, Civic Centre, 1st floor, St Peter's Square,  
Wolverhampton WV1 1RL

Copies of other agendas and reports are available from:

**Website** [www.wolverhampton.moderngov.co.uk1](http://www.wolverhampton.moderngov.co.uk1)  
**Email** [democratic.services@wolverhampton.gov.uk](mailto:democratic.services@wolverhampton.gov.uk)  
**Tel** 01902 550320

Please take note of the protocol for filming and recording of, and use of social media in, meetings, copies of which are displayed in the meeting room.

Some items are discussed in private because of their confidential or commercial nature. These reports are not available to the public.

# Agenda

## Part 1 – items open to the press and public

- | <i>Item No.</i> | <i>Title</i>  |
|-----------------|---|
| 1               | <b>Apologies for absence</b>  |
| 2               | <b>Declarations of interest</b>   |
| 3               | <b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN (Pages 3 - 42)</b>   |
| 4               | <b>Exclusion of press and public</b><br>To pass the following resolution:<br>That, in accordance with section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business as they involve the likely disclosure of exempt information falling within paragraph 1 of Schedule 12A to the Act relating to any individual. |
| 5               | <b>Licensing Act 2003 – Application for a Personal Licence in respect of Mr Horace Gilmore McCalla. (Pages 43 - 64)</b>   |

CITY OF  
WOLVERHAMPTON  
COUNCIL

## Licensing Sub-Committee

16 October 2018

<b>Report title</b>	<b>Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN</b>	
<b>Wards affected</b>	Graiseley	
<b>Accountable director</b>	Ross Cook - Service Director, City Environment	
<b>Originating service</b>	Licensing Services	
<b>Accountable employee(s)</b>	Jonathan Lloyd	Senior Licensing Officer
	Tel	01902 551068
	Email	Jonathan.Lloyd@wolverhampton.gov.uk

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### Recommendation for decision:

The Licensing Sub-Committee is requested to consider this application for a review of a premises licence.

## **1.0 Purpose**

- 1.1 To submit for consideration by the Sub-Committee an application for a review of a premises licence.

## **2.0 Background**

- 2.1 The current premises licence is attached at Appendix 1.
- 2.2 The current premises licence has been in place since 5 July 2005. The licence holder at that time was Avtar Singh Takhar. The licensable activity hours at that time were Monday to Saturday 0800 – 2300 hours and Sunday 1000 – 2230 hours.
- 2.3 In July 2016 applications were received to transfer the premises licence and vary the designated premises supervisor to Yogarasa Tangarasa.

## **3.0 Review Application**

- 3.1 An application was received from Trading Standards on 21 August 2018 for a review of the premises licence in respect of Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN.
- 3.2 The premises are situated in Graiseley ward and a location plan is attached at Appendix 2.
- 3.3 A copy of the review application is attached at Appendix 3. The review has been brought in support of the Prevention of Crime and Disorder licensing objectives. Supporting evidence is detailed within the review application.
- 3.4 Representations have been received from the following:
- West Midlands Police
  - Licensing Authority
  - Public Health

These representations can be found at Appendices 4-6.

- 3.5 The notice of review has been properly served on all the Responsible Authorities. The Council has complied with the legislative process and displayed the appropriate notice at the premises and on its website as required, when the application for review was made.
- 3.6 The applicant for review, the current premise licence holder, and those who have made representations have all been invited to attend the review hearing.

## **4.0 Financial implications**

- 4.1 There is no fee for the application of a Review, and there are no direct financial implications arising from this report. The fees and charges in relation to the Licensing Act

2003 are set by the Secretary of State. This was noted by the Licensing Committee on 24 January 2018. [MK/01102018/R]

## **5.0 Legal implications**

5.1 Section 51 of the Licensing Act 2003, as amended states that a responsible authority or any other person may apply to the relevant Licensing Authority for a review of a licence.

5.2 The Licensing Sub-Committee when determining an application for review, pursuant to Section 52 of the Licensing Act 2003 has power to take any of the following steps (if any) as it considers necessary for the promotion of the “licensing objectives” which are listed at 5.3.

- (a) Modify the conditions of the licence;
- (b) Exclude a licensable activity from the scope of the licence;
- (c) Remove the designated premises supervisor;
- (d) Suspend the licence for a period not exceeding 3 months;
- (e) Revoke the licence.

5.3 The four licensing objectives are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

5.4 In addition, regard shall be had to guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003 and City of Wolverhampton Council’s Licensing Policy Statement. [JB/25092018/A]

## **6.0 Equalities implications**

6.1 There are no direct equalities implications associated with this report.

## **7.0 Environmental implications**

7.1 This report has environmental implications in that there is a potential for disturbance caused by patrons using the premises and nuisance caused by litter and waste originating from the premises

## **8.0 Human resources implications**

8.1 There are no human resources implications associated with this report.

**9.0 Corporate landlord implications**

9.1 There are no corporate landlord implications associated with this report.

# Premises Licence

APPENDIX 1

Issued in accordance with The Licensing Act 2003

**Name of Premises:** Burleigh Mini Market

**Address of Premises:** 70 Burleigh Road  
Penn Fields  
WOLVERHAMPTON  
WV3 0HN

**Premises Licence Number:** 16/04010/PRE – Premises Change of Name

**Date of Last Update:** 19<sup>th</sup> July 2016

## 1. Opening hours of the premises

**Normal Hours** Monday to Saturday 0800 to 2300 hours  
Sunday 0800 to 2230 hours  
**Seasonal Variations:** None  
**Non Standard Hours:** Good Friday 0800 to 2230 hours  
Christmas Day 1200 to 1500 and 1900 to 2230 hours

## 2. Licensable Activities authorised by the licence and the times the licence authorises the carrying out of these activities:

### Sale/Supply of Alcohol off the premises

Monday to Saturday	0800 to 2300 hours
Sunday	1000 to 2230 hours
Seasonal Variation	None
Non Standard Timing	Sale/Supply of alcohol off the premises Good Friday 0800 to 2230 hours Christmas Day 1200 to 1500 and 1900 to 2230 hour

## 3. Name of the Designated Premises Supervisor if the sale of alcohol is involved

Tangarasa Yogarasa dated as of 19/07/2016  
Personal Licence Number: PA2491  
Issued by Northampton Borough Council

## 4. Is access to the premises by children restricted or prohibited

Provision only as prohibited or restricted under the Licensing Act 2003

## 5. Name, (registered) address of the holder of the premises licence

Tangarasa Yogarasa  
70 Burleigh Road  
Penn Fields  
WOLVERHAMPTON  
WV3 0HN

## **Mandatory Licensing Conditions (Licensing Act 2003)**

### **Mandatory conditions as required by the Act will apply to the licence.**

It is the responsibility of the Premises Licence Holder and the Designated Premises Supervisor to ensure that they are conversant and compliant with all current mandatory conditions in relation the Licensing Act 2003.

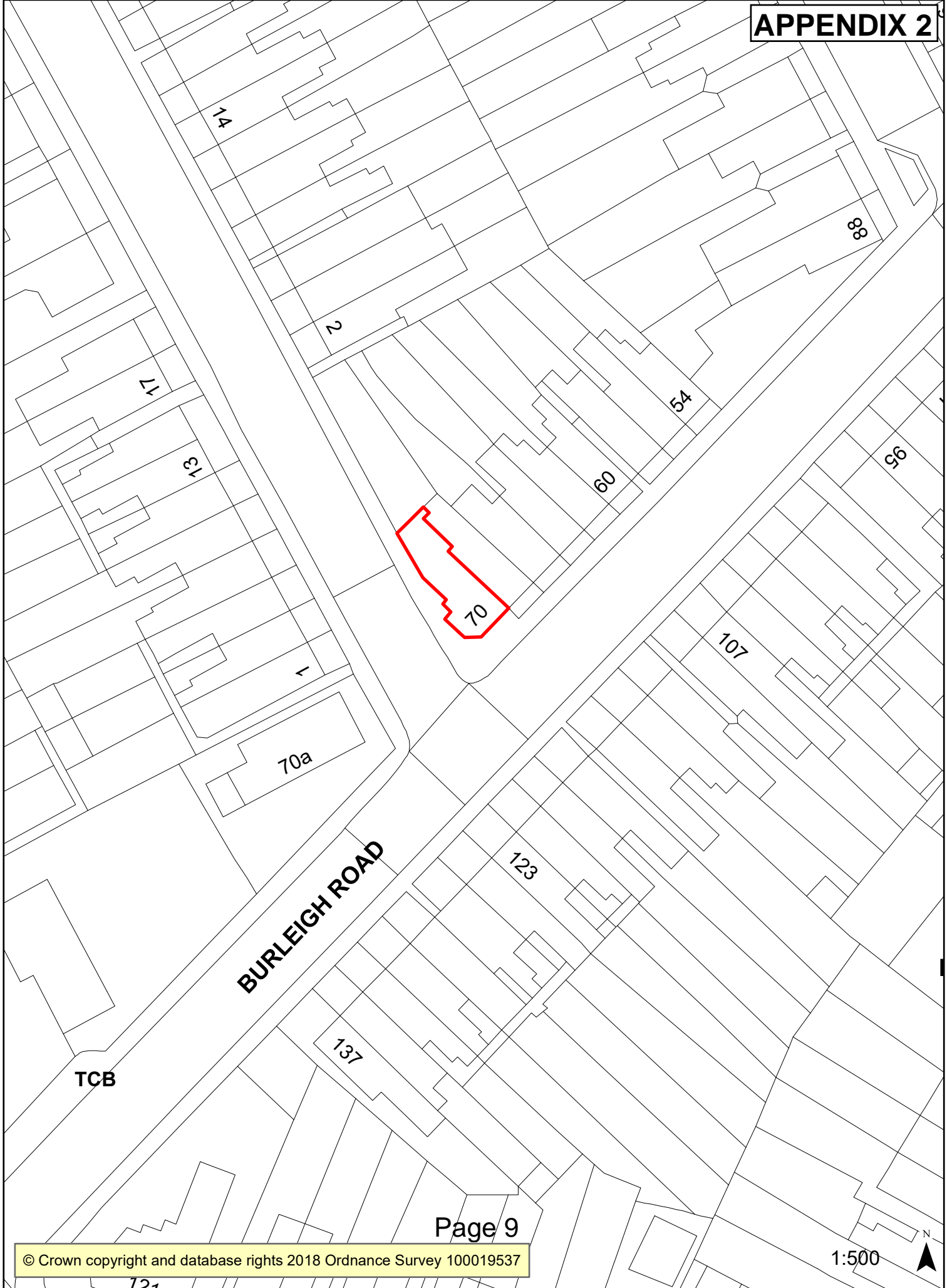
## **Conditions Consistent with the Operating Schedule**

The embedded conditions under Section 60, 63 & 86 of the Licensing Act 1964 carry over from the Justices Off-Licence as converted under the Licensing Act 2003.

### **Plans**

As submitted with application dated 5 May 2005 and retained by Wolverhampton City Council.







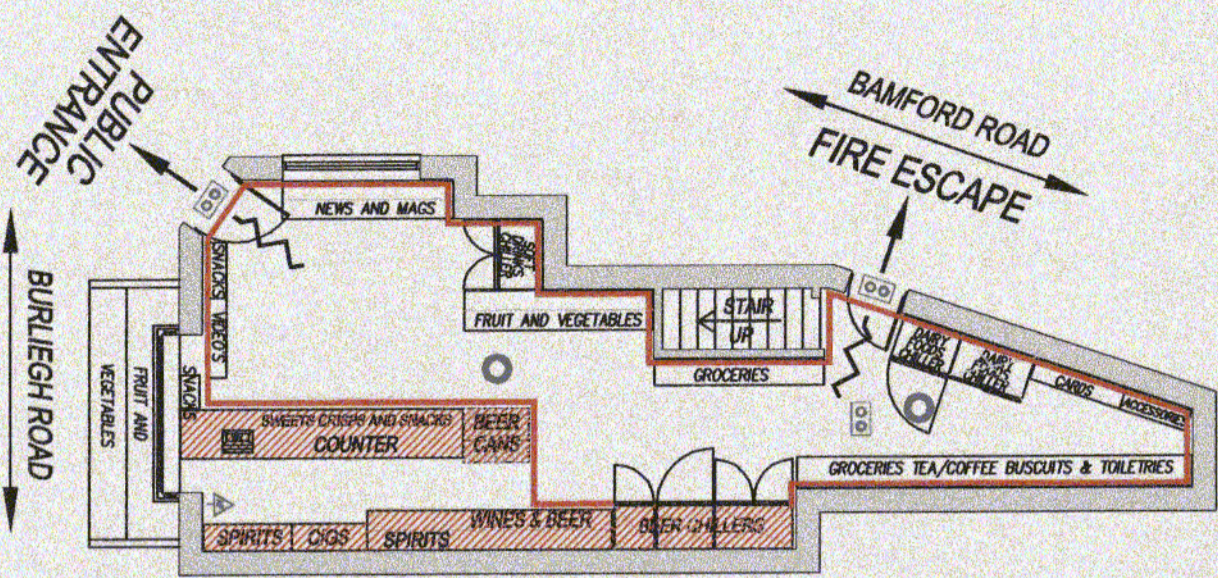
**FIRE REGULATION SYMBOLS**

- ▲ AFFF extinguisher
- ⊙ Smoke detector
- ☐ Illuminated emergency exit direction sign 3hr N/M
- Non-maintained emergency lighting 3hr N/M

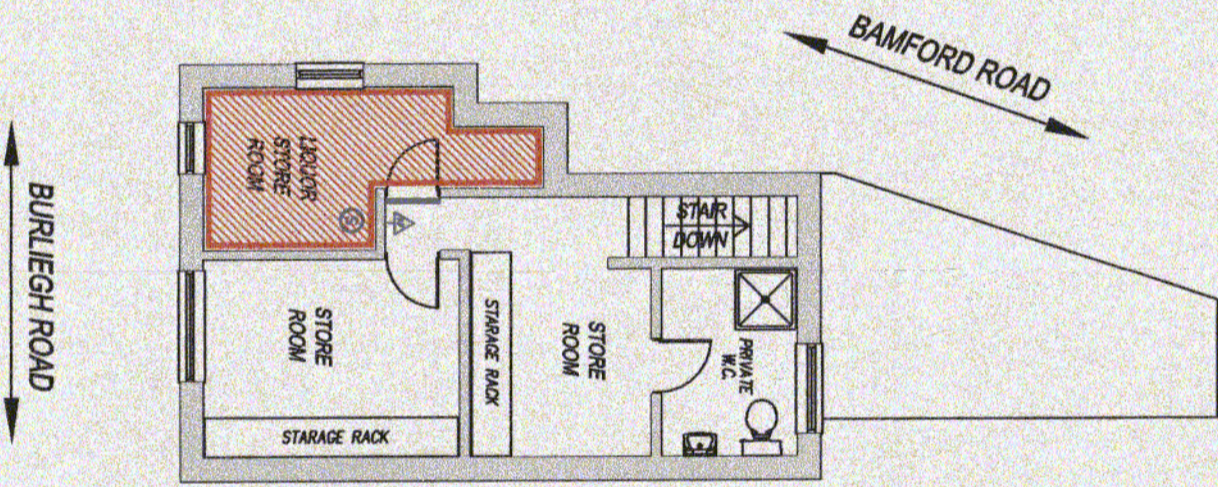
Liquor Store to be sealed and the door (marked Blue) to be half hour fire resistant in accordance with BS476, 1972 as amended.

The emergency lighting installation is to comply with BS5266, Part 1, 2002 and the attention of the design/installing engineer drawn to paragraph 3.1 (construction and records) of BS5266, Part 1, 1998, which requires consultation with the Fire Authority. Firefighting equipment is to confirm with BS EN3.

Fire Safety related signs and notices are to conform to BS5499, Part 1, 1990 (incorporating 'running man' symbol on fire exits) and other pictograms as required. Illuminated 'EXIT' signs are to conform to BS2560.



**EXISTING GROUND FLOOR PLAN LAYOUT**



**EXISTING FIRST FLOOR PLAN LAYOUT**

**For Licensed Trade Legal Services**

Application Location

NEW JUSTICES' LIQUOR OFF - LICENCE APPLICATION  
 News & Booze  
 70, Burleigh Road,  
 Penn Fields  
 Wolverhampton,  
 West Midlands  
 WV3 OHN

By	J.S. Uppal	Sig.	[Signature]	Date	16.03.05	Rev.	-
Metric	Scale	1:100 @ A3		Drwg No.	NEWS&BOOZE-01		



21 August 2018

Tangarasa Yogarasa  
Burleigh Mini Market t/a LESS GO  
70 Burleigh Road  
Penn Fields  
Wolverhampton  
WV3 0HN

Dear Tangarasa Yogarasa

**Licensing Act 2003**

**Review Notice: Burleigh Mini Market t/a LESS GO; 70 Burleigh Road, Penn Fields, Wolverhampton. WV3 0HN**

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Burleigh Mini Market t/a LESS GO

This follows: -

- The seizure on the 21 May 2018, of 2111 illegal cigarettes sticks and 150g of illicit hand rolling tobacco for which UK duty had not been paid and were not in the correct packaging and 380 g of foreign labelled and prohibited oral tobacco from inside the shop and a bedroom upstairs.

I have attached a copy of the Review Notice and appendices 1 – 15. This notice outlines the reasons why this Service is asking for a review. The Review Notice will also be served on the Licensing Authority, as well as the other responsible authorities.

The review of the Premises Licence will be referred to a hearing of the Licensing Sub-Committee for their consideration following a 28-day representation period. The purpose of the review is to ask the Sub-Committee to either attach certain conditions to the Premise Licence or consider the suspension or revocation of the said licence. You will be contacted in due course regarding the date and time of any such hearing and your attendance.

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Paul Dosanjh. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on 01902 550106.

Yours sincerely



**Dianne Slack**  
**District Officer – Trading Standards**  
Direct: 01902 556063  
Email: [Dianne.Slack@wolverhampton.gov.uk](mailto:Dianne.Slack@wolverhampton.gov.uk)

Enc:  
Review Notice Application  
Appendices 1 – 15 = seizure log and 15 photographs.

c.c. Responsible Authorities Forum.

**Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I DIANNE SLACK

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> BURLEIGH MINI MARKET, trading as LESS GO, 70 Burleigh Road Penn Fields	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV3 0HN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> TANGARASA YOGARASA
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<b>Number of premises licence or club premises certificate (if known)</b> 16/04010/PRE
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A)  below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Dianne Slack District Officer Trading Standards Service City of Wolverhampton Council Civic Centre St Peters Square Wolverhampton WV1 1RP
Telephone number (if any) 01902 556063
E-mail address (optional) dianne.slack@wolverhampton.gov.uk

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

**Please state the ground(s) for review (please read guidance note 1)**

The local weights and measures authority has "responsible authority" status under the Licensing Act 2003 by virtue of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

On the 07 February 2018, City of Wolverhampton Council Trading Standards received information that illicit cigarettes and tobacco were being sold from Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton.

On the 21 May 2018, officers from Trading Standards visited 70 Burleigh Road with a Tobacco search dog and a trade mark representative from Imperial Tobacco. On this occasion 2111 cigarette sticks, 150g of hand rolling tobacco and 19 x 20g packets of foreign labelled spit tobacco (prohibited oral tobacco) were discovered behind the counter and in upstairs accomodation above the shop. The tobacco products were suspected of being counterfeit or non duty paid and were subsequently seized.

A traders notice was left with the manger of the store Mr Mohammad Reza Khodaei who was present during the inspection. He was advised during the inspection that it was a criminal offence to possess, supply or sell counterfeit products or illicit tobacco products where those goods are marked as duty free or where UK duty has not been paid on those goods.

The seized goods included a number of cigarettes known as ' foreign cheap whites', e.g.Minsk, and FEST which are foreign brands brought into the UK illegally specifically to be sold on the black market. English branded tobacco products that bore foreign warnings and labelling were also seized as well as known English brands.

It was subsequently confirmed that amongst the seized products from Burleigh Mini Market t/a LESS GO, cigarettes branded as Richmond, and pouch tobacco labelled Amber Leaf were counterfeit. Their possession custody or control give rise to criminal offences under section 92 of the Trade Marks Act 1994.

It was also confirmed cigarettes bearing the brands Benson & Hedges Option, Kent Dunhill and Rothmans were only intended for other European Domestic Markets not the United Kingdom. The value of the goods if legitimate and purchased in the UK would have a value of approximately £952.

To knowingly keep or allow to be kept on relevant premises, goods such as cigarettes, which have been imported without payment of duty or which had otherwise been unlawfully imported is a criminal offence as per section 144 (1) and (3) of the Licensing Act 2003.

Trading Standards has "responsible authority" status under the Licensing Act 2003. Burleigh Mini Market aka Less Go of 70 Burleigh Road, Wolverhampton has engaged in activities which have breached a licensing objective namely the prevention of crime and disorder. The Home Office publishes guidance under section 182 of the 2003 Act and at 11.27 that guidance advises that the sale of contraband or counterfeit tobacco is activity that should be considered "particularly seriously." The guidance goes on to state that:

"Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that suspension or revocation of the licence – even in the first instance should be seriously considered."

Additionally the sale of illicit tobacco:

- contributes to the shadow economy
- undermines the City's public health activity which aims to deter residents from smoking especially young people
- drives down the cost of tobacco thereby counteracting Central Government's attempts to use price as a disincentive.



**Please provide as much information as possible to support the application**  
(please read guidance note 2)

N/A

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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**If you have made representations before relating to this premises please state what they were and when you made them**

N/A

**Please tick yes**

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  .....

Date 21 August 2018 .....

Capacity District Officer: Trading Standards .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

<b>Post town</b>	<b>Post Code</b>
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<b>Telephone number (if any)</b>
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<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>
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**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

**WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET**

<b>Defendant:</b> Less Go 70 Burleigh Road Penn Fields Wolverhampton WV3 0HN  Mohammad Reza Khodaei – Manager, lives on premises. Hamid Khodaei – owner and brother PLH is Tangarasa Yogarasa	<b>Officer in Charge of Case:</b>  Dianne Slack	<b>Type of Evidence:</b>  Cigarettes, hand rolling tobacco,  Oral tobacco
<b>Date Seized:</b> 21 May 2018	<b>Date into Storage:</b> 21 May 2018	
<b>Case Reference:</b>  RS/18/08	<b>Number of Bags/Boxes:</b>  5	

Columns to be completed when items logged into storage and initially examined

Original Seal	Bag Ref	Item/Description	Location Found	Quantity	Duty not paid	Markings	New Seal	Date Out	Destination	Date In	New Seal	Other
0018354	DSL/1	Fest Red Dunhill Richmond x2 Marlbro Gold x2	Box in Bedroom	260 280 40 40 <b>620</b>		Foreign F BAT, 1 pkt taken for sample Eng, 1 pkt taken for sample, Eng, new package. 1 pkt taken for sample						
	DSL/L2	Amber Leaf 3 x 50g Original Panchhi Tobacco – Spit tobacco with lime – 19 x 20g 1 10 p piece Open pack of RAW Classic papers. Fest Red 20 x 7 Mrlboro Gold x 3 Benson & Hedges Option 2 x20 +11 in open box.	Under counter	150g  380g  140 60  51	UK Duty paid	F. 1 pkt taken for sample Eng. Incorrect warnings  Foreign Eng. New packaging, all with same code0EF AJC 4RC JCC PC94701918 Foreign						

1

**WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET**

Original Seal	Bag Ref	Item/Description	Location Found	Quantity	Duty not paid	Markings	New Seal	Date Out	Destination	Date In	New Seal	Other
		Dunhill 3 x 20, Rothmans 20 x 13 Richmond 20 x 8 Kent Core 20 x 9 Kent 8, 20 x 12		60 260 160 180 240 1151		Foreign - 63238B86. Foreign UK Foreign - 20 12 17 34.50rpm 72237M740047 x 4, 72237M740046 x 3 72237M521217 x 3 72237M521216 x 2 1 sample of each taken						
0018394	DS/L/3	Miriboro Gold x 4  Black notebook	Gantry  Under counter	80  1	UK Duty paid	Eng. New packaging, all with same code 0EF AJC 4RC JCC PC94701918						
	DS/L/4	Fest	Under counter	200		Foreign						
0018398	DS/L/5	Kent Navy Blue 20 x 3	Under counter	60		Eng writing, foreign writing. 13.12.17 34.00rpm 72237M521217 x 1 72237M521216 x 2						

**TOTAL SEIZURES**

Foreign, Counterfeit, non duty cigarettes = 2111 sticks or 105.55 packets.  
 Retail value at £9 per packet = £952.20  
 Street value a £4 per packet = £438.70  
 Foreign, Counterfeit, non duty HRT = 150g.  
 Spit tobacco 380g  
 Duty evaded = £677.98.











(OUT TO SAVORING) SAN UN CELEBRATED  
 SAVORING (CIGARETTES)  
 THE TASTE OF THE AMBER LEAF  
 BECAUSE YOU'RE A MAN OF COURAGE  
 BECAUSE YOU'RE A MAN OF COURAGE  
 BECAUSE YOU'RE A MAN OF COURAGE  
 BECAUSE YOU'RE A MAN OF COURAGE  
 BECAUSE YOU'RE A MAN OF COURAGE  
 BECAUSE YOU'RE A MAN OF COURAGE

**Panchhi**  
 Tobacco  
 100% TOBACCO  
 100% TOBACCO



**AMBER LEAF**  
 THE TASTE OF THE AMBER LEAF  
 BECAUSE YOU'RE A MAN OF COURAGE

toridades sanitarias advierte

ar perjudica gravemente su salud

**AYS**

RRP

21.05.2018

Al 7.5% vol Ex 150cl





12 cans for \$7.99

**STELLA**



**ARTOIS**

Тютюнопаленето  
увеличува риска  
от импотентност

Smoking seriously harms you and others around you.

Smoking seriously harms you and others around you.

**Куріння  
вбиває**

**Куріння  
вбиває**

Smoking seriously harms you and others around you.

Куріння серйозно шкодить здоров'ю та навколишнім людям

21.05.2018





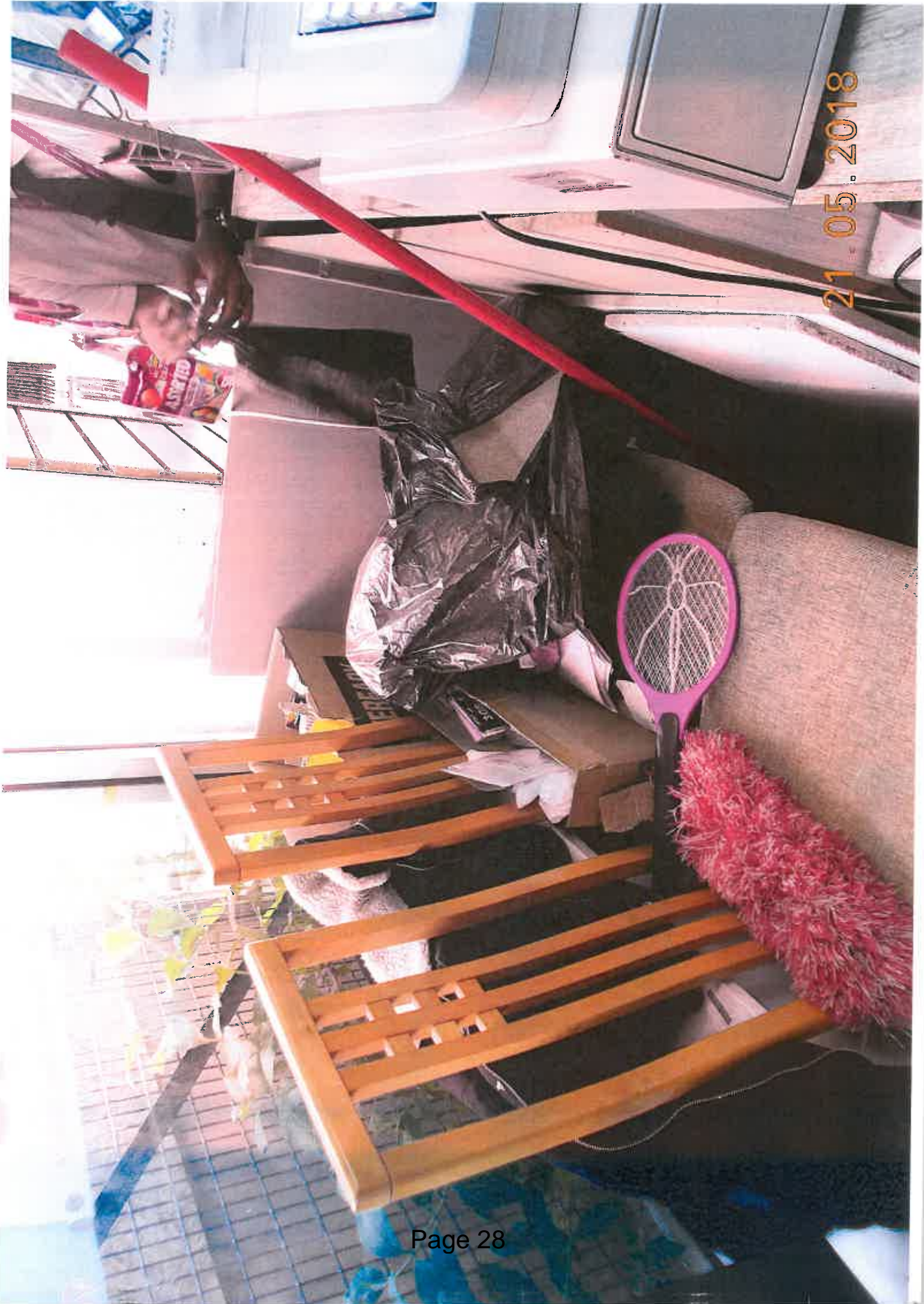




21.05.2018



21-05-2018







21.05.2018



21.05.2018

Hi, Dear customers  
shop will be closed for  
15 minutes, between  
11.11.15 to 15.00. we  
do apologies for any  
inconveniences that may  
have caused our dear  
customers.  
Thank you







21.05.2018



21 05 2018

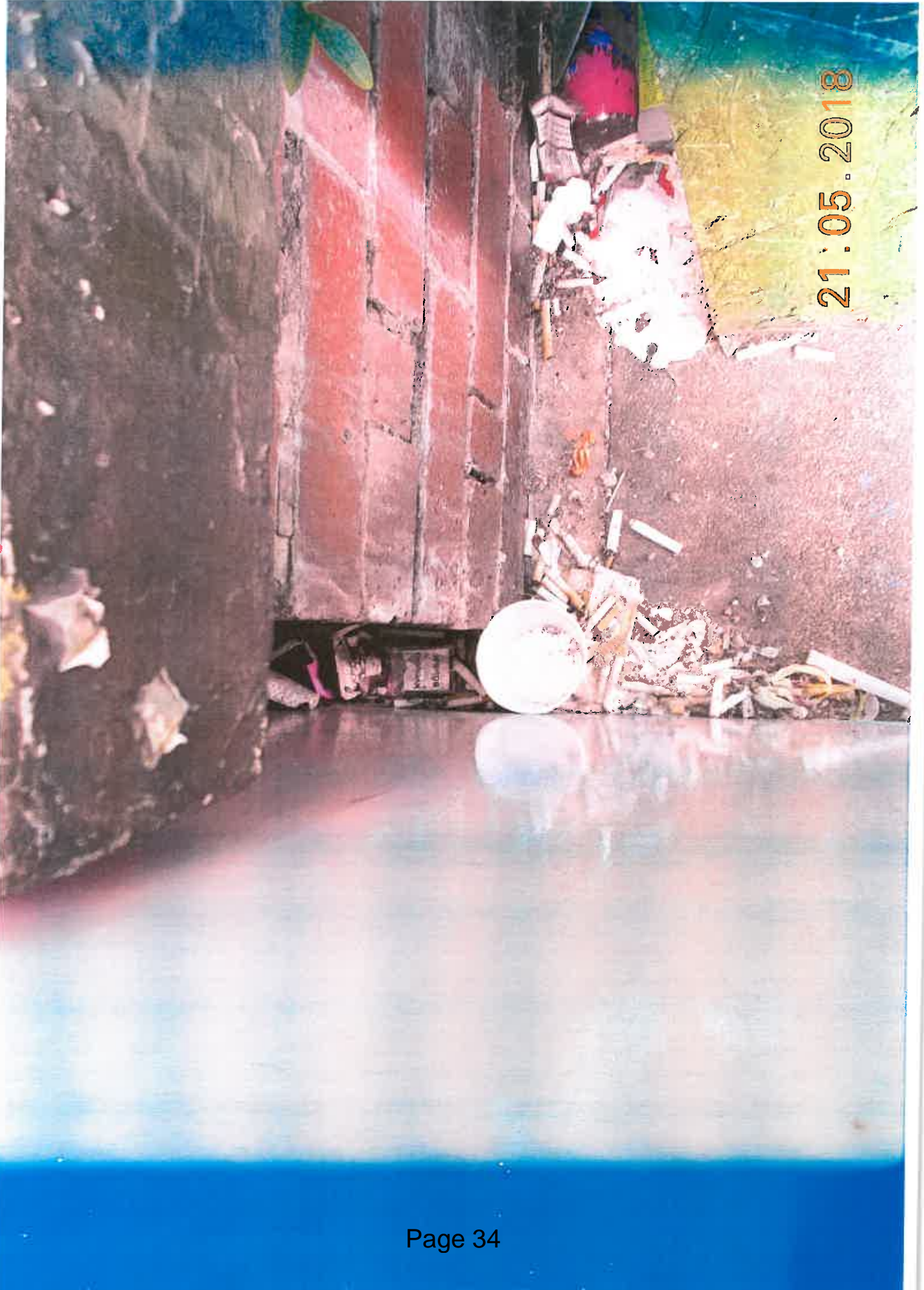








4/



21:05.2018





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**From:**WV Licensing  
**Sent:**23 Aug 2018 16:17:14 +0100  
**To:**Jonathan Lloyd  
**Subject:**RE: PRE38 - Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN - REVIEW

I would support this review application made by Trading Standards.

The reason being is under the licensing objectives of Prevention of crime and Disorder and Public Safety.

Both these objectives are being undermined by stocking and selling these tobacco products

Steph Reynolds

PS 6222

Licensing

Partnerships Team

WV NPU

External Tel 01902 649 085

Internal Tel 871 3196

**From:** Jonathan Lloyd [mailto:Jonathan.Lloyd@wolverhampton.gov.uk]  
**Sent:** 22 August 2018 09:11  
**To:** Ann Wedge; Dawn Williams (Head Of Safeguarding); Elaine Moreton; Environmental Health (Responsible Authority); Home Office; Huw Allen; Hyacinth Flash; Joanne Till; Licensing; Parpinder Singh; Paul Cooper; Paul Dosanjh; R & T Building Control; Public Health; Planning; Stefan Polatajko; Trading Standards; Webmaster; WV Licensing; West Midlands Fire Service  
**Cc:** Webmaster  
**Subject:** PRE38 - Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton, WV3 0HN -

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**CITY OF  
WOLVERHAMPTON  
COUNCIL**

Mr Chris Howell  
Licensing Services  
City of Wolverhampton Council  
St Peter's Square  
Wolverhampton  
WV1 1SH

17 September 2018

Dear Mr Howell,

**Application for a review of a premises licence under Licensing Act 2003**  
**Burleigh Mini Market T/A Lessgo, 70 Burleigh Road, Penn Fields, Wolverhampton,**  
**WV3 0HN**

I write on behalf of the Licensing Authority as a Responsible Authority. I write in support of the above review application made by Trading Standards Service. Representations are made against Crime and Disorder and Public Safety licensing objectives the failure of the current management of the premises to promote these objectives.

The premises licence holder, Tangarasa Yogarasa and the management of the premises have not demonstrated they are operating in accordance with the premises licence and therefore are not promoting the licensing objectives of Crime and Disorder and Public Safety.

The issues raised by trading standards relate to the possession, custody and control of illegal cigarettes and tobacco for sale at the premises. The illegal cigarettes and tobacco were discovered behind the counter and also within Mr Yogarasa's living accommodation above the shop. This shows blatant disregard to the licensing objectives by the premises licence holder and the management of the premises.

If Councillors are satisfied that illegal activities have taken place at the premises and are in breach of promoting the licensing objectives, the licensing authority would request the Licensing Sub-Committee ensure these issues are addressed by considering modification of the current premises licence in accordance with section 52 of the Licensing Act 2003 the guidance issued by the secretary of state under 182 of the Act together with City of Wolverhampton Councils Statement of Licensing Policy.

Paragraph 11.27 of the guidance under section 182 of the Licensing Act 2003 states: -  
*"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously." This includes "for the sale or storage of smuggled tobacco and alcohol."*

Paragraph 11.28 of the guidance states: -

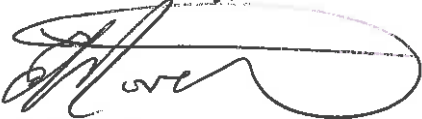
*“It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.”*

Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objectives of Crime and Disorder and Public Safety that modification of the premises licence or suspension of the licence to ensure the current management of the premises fully understands their roles and responsibilities is not a suitable option and that there is no alternative but to revoke the licence.

The Licensing Authority fully supports the review application brought by Trading Standards Service and concludes the above issues should be resolved in order to promote the licensing objectives of Crime and Disorder and Public Safety.

I shall be in attendance at the hearing should councillors have any questions or require any further assistance.

Yours sincerely,



**E. Moreton**  
Section Leader  
On behalf of the Licensing Authority

Direct: 01902 552772

Email: [licensing@wolverhampton.gov.uk](mailto:licensing@wolverhampton.gov.uk)

CC: Mr Tangarasa Yogarasa (Premises Licence Holder)



Jonathan Lloyd  
Senior Licensing Officer  
City of Wolverhampton Council

19 September 2018

Dear Jonathan,

**Burleigh Mini Market – review of premises licence**

Thank-you for your email dated 22/08/2018 in reference to the request made by Trading Standards to review the premises licence for Burleigh Mini Market.

I have reviewed the documentation put forward by Trading Standards and would support the request to review the premises licence under the licensing objective of:

- The prevention of crime and disorder

Public Health have very serious concerns regarding the significant amount of illicit tobacco seized on 21 May 2018. As a Responsible Authority we would expect any business licensed to sell alcohol to act responsibly at all times and promote the key objectives of the Licensing Act 2003. Public Health is not reassured that the business is operating in adherence to the Licensing Act and therefore supports Trading Standards request to the review the current licence.

I, or a suitable representative from Public Health, will be available to attend the hearing and provide further information as required.

Yours sincerely



**Parpinder Singh**  
Senior Public Health Specialist

Direct: 01902 555475

Email: [parpinder.singh@wolverhampton.gov.uk](mailto:parpinder.singh@wolverhampton.gov.uk)

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