

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

Membership

Chair Cllr Alan Bolshaw (Lab)

Labour Cllr Rita Potter **Conservative** Cllr Patricia Patten

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
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
Email 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	Apologies for absence
2	Declarations of interest
3	Licensing Act 2003 - Application for a Review of a Premises Licence in respect of Lime Street Continental, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX (Pages 3 - 44)

CITY OF
WOLVERHAMPTON
COUNCIL

Licensing Sub-Committee

7 March 2018

Report title	Licensing Act 2003 – Application for a Review of a Premises Licence in respect of Lime Street Continental, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX	
Wards affected	Graiseley	
Accountable director	Kevin O’Keefe - Governance	
Originating service	Licensing	
Accountable employee(s)	Jo Till Tel Email	Section Leader - Licensing 01902 550189 Joanne.Till@wolverhampton.gov.uk

Recommendation(s) for decision:

The Licensing Sub-Committee is requested to consider an 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.

3.0 Review Application

- 3.1 An application was received from Trading Standard on 25 January 2018 for a review of the premises licence in respect of Lime Street Continental, 130 Lime Street, Pennfields, Wolverhampton, WV3 0EX. The premises are situated in Graiseley ward and a location plan is attached at Appendix 2.

- 3.2 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.

- 3.3 Representations have been received from the following:

- West Midlands Police
- Licensing Authority
- Public Health

These representations can be found at Appendices 4-6.

- 3.4 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.

- 3.5 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 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. [SR/26022018/L]

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 Wolverhampton City Council’s Licensing Policy Statement. [JB/26022018/U]

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.

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Premises Licence

Issued in accordance with The Licensing Act 2003

Name of Premises: Lime Street Continental

Address of Premises: 130 Lime Street
Wolverhampton
West Midlands
WV3 0EX

Premises Licence Number: 17/03586/PRE

Date of Licence Granted: 3rd May 2017

1. Opening hours of the premises

Normal Hours	Monday to Sunday 08:00 to 22:30 hrs
Seasonal Variations:	None
Non Standard Hours:	None

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

Period	Times
Monday to Sunday	08:00 - 22:30 hrs
Non Standard Timing	None

Opening Hours

Period	Times
Monday to Sunday	08:00 - 22:30 hrs
Non Standard Timing	None

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

Alan Surche as of 3rd May 2017
Personal Licence Number - PER3095
Issued by – City of Wolverhampton 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

Mr Alan Surche
130 Lime Street
Wolverhampton
West Midlands
WV3 0EX

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**General Licensing Objectives**

Nothing beyond existing health & safety / fire safety etc requirements.

Prevention of Crime & Disorder

See above, the premises will have their own internal and external CCTV. The CCTV will be installed and fully operational to the specifications and recommendations of local police.

The CCTV images, will be retained for thirty-one days and downloadable on request.

CCTV will also be recording 24 hours every day.

CCTV times and dates, are to be visible and accurate. The premises will also be fully alarmed and has existing security shutters.

The designated premises supervisor will ensure that any staff involved in the sale of alcohol will have fully recorded and documented training, including three monthly refresher courses. This includes any changes of legislation and also similar training in the usage and chronicled storage of CCTV.

All training records will be retained and available on site for inspection at any time.

Purchase invoices (or copies) for all alcoholic goods and cigarettes, will be kept at the shop and made available to officers from trading standards, police, or HMRC upon request.

No alcoholic goods will ever be purchased from sellers calling to the shop.

Public Safety

See above, also, internal and external CCTV etc.

Premises will have a fire alarm and the firefighting equipment, will be covered by a maintenance contract. Both emergency lighting and smoke detectors are already installed.

Prevention of Public Nuisance

See above, internal and external CCTV in particular, is a proven deterrent in terms of any anti - social activities and potential proxy sales.

No sales of single cans or bottles of beer, lager or cider with an abv above 6.5% are to be permitted from the premises.

The designated premises supervisor and his staff, will at all times be vigilant in relation to any litter issues within the immediate vicinity of the premises.

Protection of Children from harm

Layout of shop gives consideration to the prevention of children's access to alcohol and any alcohol displayed will not be obstructed from the view of the sales assistants.

Premises will operate a proof of age scheme via acceptable forms of identification and incorporating the challenge 25 policy.

All staff will be fully trained in its use before being allowed to sell alcohol.

A sales refusal and incident book will be fully maintained and available for inspection at any time.

It will also be signed off weekly by the designated premises supervisor.

A written record of all persons authorised to sell alcohol shall be kept at the premises and be made immediately available for inspection if requested by any of the responsible authorities. non-alcoholic / soft drinks, crisps and confectionery will be situated away from the alcohol display area.

Plans

As submitted with application dated 04.04.2017 and retained by City of Wolverhampton Council.

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CITY OF
WOLVERHAMPTON
COUNCIL

130 Lime Street
Pennfields

Wolverhampton City Council
Asset Management
Civic Centre
St Peters Square
Wolverhampton
WV1 1RL

Plan Produced
22.2.2018
Scale 1:1,250

IMAGINE - Powered by



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25 January 2018

Mr Alan Surche
Lime Street Continental
Aka Zinar Supermarket Ltd
130 Lime Street
Penn Fields
Wolverhampton
WV3 0EX

Dear Mr Surche

Licensing Act 2003

**Review Notice: Lime Street Continental,
130 Lime Street, Penn Fields, Wolverhampton. WV3 0EX**

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 Lime Street Continental also known as Zinar Supermarket Ltd.

This follows:-

- The seizure on the 06 October 2017, of 1020 illegal cigarettes sticks and 650g of illicit hand rolling tobacco found inside the flat above the shop. The seizure follows the discovery of a chute or hatch from the accommodation to underneath the counter in the shop premises. Also 20 illegal cigarettes discovered under the counter in the shop premises.

I have attached a copy of the Review Notice and appendices 1 - 5. 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 consider a suspension or revocation of the Premise Licence with the aim of preventing such activity in the future. 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
Public Protection
Direct: 01902 556063
Email: Dianne.Slack@wolverhampton.gov.uk

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

Postal address of premises or, if none, ordnance survey map reference or description LIME STREET CONTINENTAL aka Zinar Supermarket Ltd. 130 Lime Street Penn Fields	
Post town Wolverhampton	Post code (if known) WV3 0EX

Name of premises licence holder or club holding club premises certificate (if known) Mr ALAN SURCHE

Number of premises licence or club premises certificate (if known) 17/03586/PRE

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 5th October 2017, City of Wolverhampton Council Trading Standards received information that illicit cigarettes and tobacco were being sold from the premises on the corner of Lime Street and Ashland Street, Penn Fields, Wolverhampton. It was claimed that a chute (a sloping channel or slide for conveying things to a lower level), or hatch, had been made from the flat above the shop to underneath the counter within the shop. If a customer wished to purchase illegal cigarettes or tobacco, the order was radioed to someone in the flat above. This person then either came down to the shop or the tobacco product was lowered down this chute landing on a shelf underneath the counter. This premises was later identified as Lime Street Continental, previously known as Zinars Off Licence and Convenience Store or Zina's Supermarket, 130 Lime Street, Penn Fields, Wolverhampton WV3 0EX. rmarket.

On the 6th October 2017, officers from Trading Standards visited the premises with a tobacco search dog. One packet of 20 foreign labelled Benson & Hedges cigarettes were found on the counter in the shop. The exit opening of the chute was discovered under the counter. Officers and the police went to the back of the premises and a man later identified as Barakat KHALID was seen trying to jump out of an upstairs window with a bag. he then went back into the flat. Officers knocked on the side door that led to the flat. There was no answer. Upon looking through the letter box, boxes of shop stock could be seen in the hallway behind the door. Eventually this door was opened by an occupant of the flat. The tobacco search dog subsequently discovered

a bag of 1020 illegal cigarettes (sticks) of various brands and 650 g hand rolling tobacco in the living room. The products had a mixture of English and foreign health warnings in old style packaging that had been prohibited since May 2017.

English Mayfair and Marlboro Gold cigarettes marked as duty free only, were discovered. The tobacco products were suspected of being counterfeit, in breach of the Consumer Protection Act 1987 or non duty paid and were subsequently seized.

A traders notice was left with the owner and premises licence holder of the store Mr Alan SURCHE who turned up at the premises during the inspection. The sales assistant in the shop was eventually identified as Barakat Sirwan KHALID. Mr SURCHE said Mr KHALID was training to do the job only. Mr KHALID lived above the shop with other tenants. Mr SURCHE and Mr KHALID were 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 cigarette brands known as 'foreign cheap whites', e.g. NZ Gold and Minsk which are foreign brands brought into the UK illegally, specifically to be sold on the black market.

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. Lime Street Continental, 130 Lime Street, 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)

A copy of the seizure log is enclosed - Appendix 3
2 photographs taken of the bin liner containing cigarettes - Appendices 4 and 5

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

0	1	1	2	2	0	1	6
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If you have made representations before relating to this premises please state what they were and when you made them

See attached Review Notice dated 30 November 2016 - Appendix 1,
and
the subsequent decision dated 21 February 2017 - Appendix 2.

The above was in respect of illicit tobacco being found on the premises on 2 separate occasions.

Legal proceedings are currently being held in respect of the above.

The Premises Licence was revoked on the 21 February 2017.

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 25 January 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)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.

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

Postal address of premises or, if none, ordnance survey map reference or description ZINAR OFF LICENCE & CONVENIENCE STORE aka ZINA'S Supermarket 130 Lime Street Penn Fields	
Post town Wolverhampton	Post code (if known) WV3 0EX

Name of premises licence holder or club holding club premises certificate (if known) Mr NAJI SADEQ
--

Number of premises licence or club premises certificate (if known) WN/14/02176/PRE
--

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 12 February 2016, City of Wolverhampton Council Trading Standards received information that illicit cigarettes and tobacco were being sold from the premises on the corner of Lime Street and Ashland Street, Penn Fields, Wolverhampton. This premises was later identified as Zinars Off Licence and Convenience Store, 130 Lime Street, Penn Fields, Wolverhampton WV3 0EX. The Premises Licence refers to the premises as Zina's Supermarket.

On the 25 February 2016, officers from Trading Standards visited the premises with a Tobacco search dog and a trade mark representative from Imperial Tobacco. On this occasion 8193 cigarette sticks, 1.65 kilogrammes of hand rolling tobacco and 132 packets of foreign labeled blunts (a cigarette/cigar paper made of tobacco and intended to be filled with loose tobacco) were discovered behind the counter and in the hallway leading to upstairs accommodation 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 owner and premises licence holder of the store Mr Naji Sadeq who was present during the inspection. He was accompanied by another man who identified himself as Akram Barkat, both men lived above the shop. Mr Sadeq and Mr Barkat were 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, NZ and Jin Ling 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 Zinars, cigarettes branded as Richmond, Regal and Mayfair 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 Silver and Benson & Hedges Silver Slide were only intended for the Slovakian Domestic Market not the United Kingdom. The value of the goods if legitimate and purchased in the UK would have a value of approximately £4,555.81p.

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.

On 12 September 2016, a follow up visit was made to Zinars Off- Licence and Convenience Store by officers from Trading Standards, a trade mark representative and a tobacco search dog. The loan sales assistant present gave his name as Ali Ismail but he was recognised as Akram Barkat from the visit on the 25 February 2016. The tobacco dog discovered tobacco and cigarettes hidden in a concealed area in the wall behind the counter. More cigarettes and handrolling tobacco were discovered hidden inside a light fitting in the ceiling of the toilet.

3164 cigarette sticks; 0.750 grammes of handrolling tobacco and 33 packets of tobacco blunts were seized. A traders notice was given to Mr Ismail to pass to Mr Sadeq.

Upon examination the products were identified as a mixture of English known brands and "foreign cheap whites". The trade mark representative indicated that seized Richmond and Mayfair cigarettes were counterfeit.

Seized Marlboro Gold cigarettes were confirmed by Codentify as a mixture of genuine products intended for the Polish market and counterfeit products. Codentify is a coding system which the tobacco industry has developed as a way to verify the authenticity of a packet of cigarettes and whether they are genuine product or counterfeit. The value of the tobacco products if legitimately purchased in the UK would be valued at £1781.40.

Trading Standards has "responsible authority" status under the Licensing Act 2003. Zinar Off Licence and Convenience Store aka Zina's Supermarket of 130 Lime Street, 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 30/11/16 DS

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)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

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.

CITY OF
WOLVERHAMPTON
COUNCIL

LICENSING SUB-COMMITTEE

21 FEBRUARY 2017

DECISION NOTICE – APPLICATION FOR A REVIEW OF A PREMISES LICENCE

Date: 21 February 2017

An application was made by the City of Wolverhampton Council Trading Standards on 1 December 2016 for a review of the Premises Licence in respect of Zina Supermarket, 130 Lime Street, Pennfields, Wolverhampton WV3 0EX on the grounds of the prevention of the crime and disorder licensing objective. Representations were also received from the Licensing Authority.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) at the time of the application was Mr Naji Sadeq, who had been in position since 7 August 2014. Both the PLH and DPS roles were transferred to Mr Rajeev Kumar Sharma, the owner of the supermarket, on 22 December 2016. Mr Sharma had previously been the DPS for the premises in 2012.

The review was originally scheduled to be heard on 18 January 2017 but was adjourned to 21 February 2017 as Mr Sharma would be unable to attend as he would be abroad on that date. Mr Sharma was advised of the rescheduled date via email, as he had requested, on 19 January 2017, by post on 26 January 2017 following his return to the country, then again on 7 February 2017 both by post and by email. Upon opening the Hearing the Sub-Committee resolved to adjourn to allow the Democratic Services Officer to call Mr Sharma to enquire as to whether or not he would be attending. The call was not answered so an answerphone message was left. The Sub-Committee then resolved to consider the application in Mr Sharma's absence.

In accordance with the revised guidance dated March 2015, specifically at 11.27 and 11.28, under s182 of the Licensing Act 2003, premises that have been used for the criminal activity of sale or storage of smuggled tobacco should be treated particularly seriously, and where reviews arise and it is determined that the prevention of crime and disorder licensing objective is being undermined through the premises being used to further crimes, it is expected that revocation of the premises licence should be seriously considered, even in the first instance.

The Licensing Sub-Committee listened very carefully to all written representations made and verbal representations made by Trading Standards at the Hearing. It considered all the evidence presented and found the following facts:

- Following an unannounced visit on 25 February 2016, Trading Standards Officers accompanied by a trade mark representative from Imperial Tobacco and a tobacco search dog, discovered 8193 single cigarette sticks, 1.65kg of

hand rolling tobacco and 132 packets of foreign labelled blunts behind the counter, in the hallway leading to upstairs accommodation above the shop and in a storage room;

- These included counterfeit and non duty paid goods;
- Present on the premises were Mr Najji Sadeq, then Premises Licence Holder and Designated Premises Supervisor, and Mr Akram Barkat. Following discussions in relation to the goods found, a trade notice was given to Mr Sadeq;
- On 12 September 2016, a follow-up visit made by Trading Standards Officers accompanied by a trade mark representative and a tobacco search dog, found cigarettes hidden in a concealed area in the wall behind the counter and more cigarettes and hand-rolling tobacco hidden inside a light fitting in the ceiling of the toilet. In all, 3164 cigarette sticks, 0.750g of handrolling tobacco and 33 packets of tobacco blunts were seized;
- Products were identified as a mixture of genuine and counterfeit English known brands and non duty paid goods;
- Mr Barkat only was present during this visit. A trade notice was left for him to provide Mr Sadeq;
- Despite the PLH and DPS having been transferred from Mr Sadeq to Mr Sharma, both individuals have been and are still heavily involved in the running of the premises

The aforementioned show a gross mismanagement of the premises, a blatant disregard for the premises licence conditions and undermining of the prevention of crime and disorder objective.

Based on the above and having regard to the application and relevant representations made, the Sub-Committee have decided to REVOKE the Licence.

This action is considered appropriate and proportionate action for the promotion of the prevention of crime and disorder licensing objective.

An appeal may be made to the Magistrates' Court against the decision by the holder of the Premises Licence or any other person who made a relevant representation, within 21 days from the date of receipt of written notice of this decision.

WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

Appendix (3)

Defendant: Zinar Supermarket ltd Aka Lime St. Continental 130 Lime Street, Wolverhampton WV3 0EX Alan Surche	Officer in Charge of Case: Dianne Slack	Type of Evidence: Cigarettes, Hand rolling tobacco
Date Seized: 06 October 2017	Date into Storage: 06 October 2017	
Case Reference: RS/17/36	Number of Bags/Boxes: 3	

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
0018976	DS/ZS/1	50g Amber Leaf x 8 Golden Virginia, 50 g x4	Area A In bin liner in room over shop where there was a shute.	400g 200g		Foreign Foreign	18869 0018247 DS					
		NZ Gold(20) Mayfair (20s) x 8 Richmond (20) x7 Marlboro Gold (20) x 5 Chunghwa (20) x2		200 160 140 100 40	Duty Free Duty Free	Foreign English health warnings English, Suspect Counterfeit. English English -Shanghai Cigarette Factory Foreign						
		Benson & Hedges Option (20s) x 3 Minsk City (20s) x 5 Minsk Capital (20s) x 4 Minsk Capital QS (20s) x 3		60 100 80 60		Foreign Foreign Foreign Foreign						
		Rothmans (20) x1 Winston Blue (20s) x 1 Queen Menthol (20s) x 1 L & M (20s) x2		20 20 20 40		Foreign Foreign Foreign Foreign						
0018975	DS/ZS/2 Area B	Golden Virginia 1 x 50	In bin liner in room over shop where there was a shute.	50g		Foreign	18869 0018247 DS					
0018973	DS/ZS/4	Benson & Hedges (20)	Found on counter of shop	20		Foreign health	18869 0018247 DS.					

WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

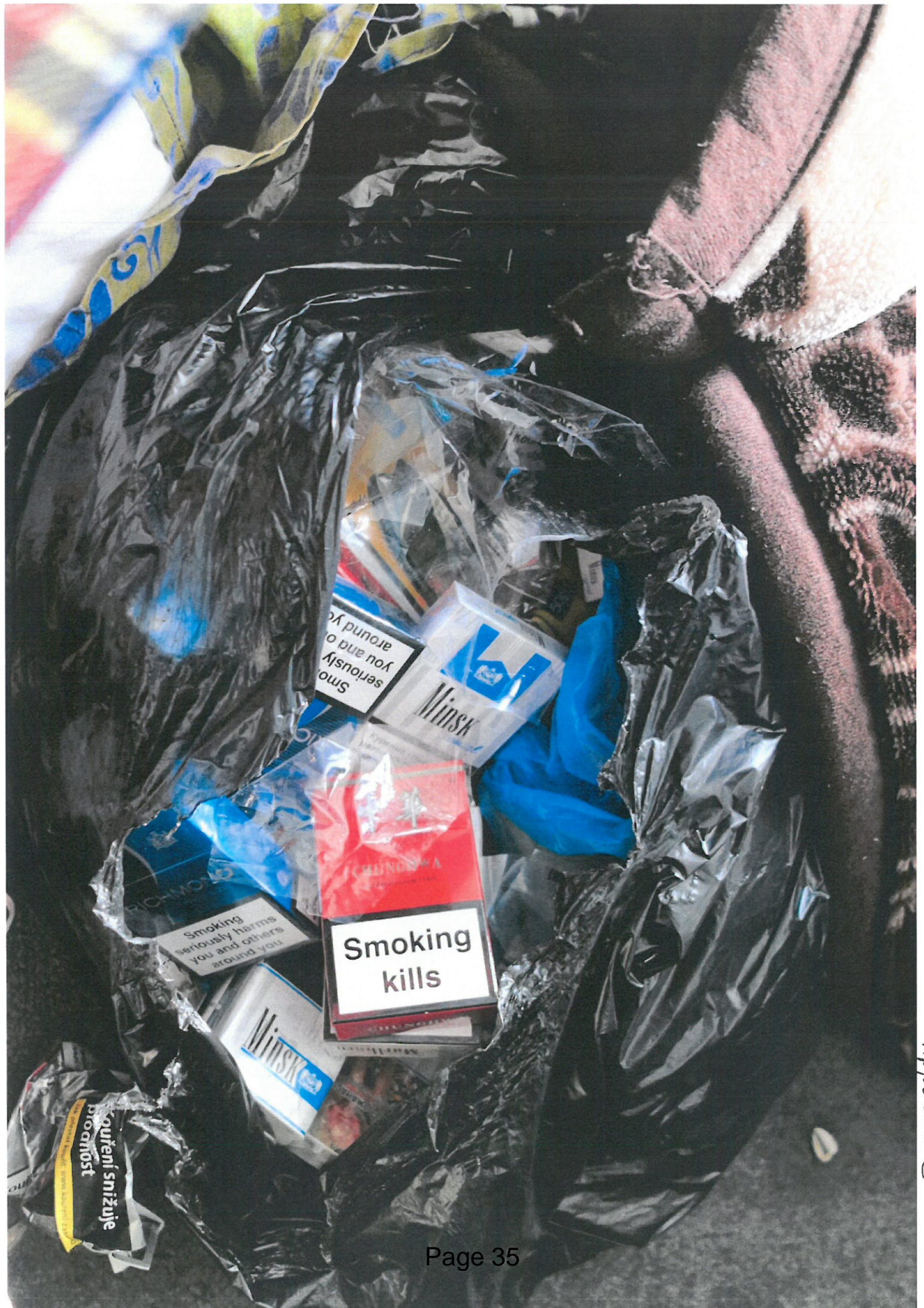
Original Seal	Bag Ref	Item/Description	Location Found	Quantity	Duty not paid	Markings	New Seal	Date Out	Destination	Date In	New Seal	Other
0018972	DS/ZS/3	Richmond (20)	Taken from black plastic bag and put down shute by DS into shop below	20		English health warning and old packaging. Suspected as Counterfeit.	18809 15247 DS.					

TOTAL SEIZURES

Cigarettes = 1040 sticks
Hand Rolling Tobacco = 650g



AREA A



11/20/2011

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From: WV Licensing [mailto:wv_licensing@west-midlands.pnn.police.uk]
Sent: 21 February 2018 14:18
To: Joanne Till <Joanne.Till@wolverhampton.gov.uk>; WV Licensing <wv_licensing@west-midlands.pnn.police.uk>
Cc: Stephanie Reynolds <s.a.reynolds@west-midlands.pnn.police.uk>
Subject: RE: PRE1328 Lime Street Continental, 130 LIME STREET, PENN FIELDS, WOLVERHAMPTON - REVIEW APPLICATION [PROTECT]

Jo

West Midlands Police fully support the review application and assisted Trading Standards on the day of the discovery of illegal cigarettes. This is not the first time that this practice has been identified at this premises and it therefore has a total disregard for the law. Not only it is blatant disregard of crime and disorder, the selling of cheap illegal cigarettes poses a risk to public safety.

Kind regards

Lee

T/Inspector 4344 Davies
Wolverhampton Partnership Team
Bilston Street Police Station
West Midlands Police
Internal extension: 871 3299
Davies_4344@west-midlands.pnn.police.uk



@wvpartnerships



Wolverhampton Police



TheNetwork

Proud to be an LGBT Ally – [Sign up to be an ally](#)

True vision – an ACPO online reporting initiative aimed at increasing reports of hate crime www.report-it.org.uk



From: Shelley Humphries
Sent: 25 January 2018 10:34
To: Ann Wedge <Ann.Wedge@wolverhampton.gov.uk>; Dawn Williams (Head Of Safeguarding) <Dawn.Williams@wolverhampton.gov.uk>; Elaine Moreton <Elaine.Moreton@wolverhampton.gov.uk>; Environmental Health (Responsible Authority) <EnvironmentalHealth_ResponsibleAuthority@wolverhampton.gov.uk>; Home Office <alcohol@homeoffice.gsi.gov.uk>; Joanne Till <Joanne.Till@wolverhampton.gov.uk>; Licensing <Licensing@wolverhampton.gov.uk>; Parpinder Singh <Parpinder.Singh@wolverhampton.gov.uk>; Paul Cooper <Paul.Cooper@wolverhampton.gov.uk>; Paul Dosanjh <Paul.Dosanjh@wolverhampton.gov.uk>; R & T Building Control <Building.Control@wolverhampton.gov.uk>; Public Health <PublicHealth@wolverhampton.gov.uk>; Planning <planning@wolverhampton.gov.uk>; Stefan Polatajko <Stefan.Polatajko@wolverhampton.gov.uk>; Trading Standards <Trading.Standards@wolverhampton.gov.uk>; West Midland Police Licensing <wv_licensing@west-midlands.pnn.police.uk>; West Midlands Fire Service <firesafety.admin@wmfs.net>
Cc: Joanne Till <Joanne.Till@wolverhampton.gov.uk>
Subject: PRE1328 Lime Street Continental, 130 LIME STREET, PENN FIELDS, WOLVERHAMPTON - REVIEW APPLICATON [PROTECT]

PROTECT

Dear All,

Apologies; it has been brought to my attention that the premises at this address is now known as Lime Street Continental and Zinar's Supermarket is its former name.

Regards,

Shelley Humphries
 Licensing Officer
 Tel. Office: 01902 554350

[E-mail: Shelley.Humphries@wolverhampton.gov.uk](mailto:Shelley.Humphries@wolverhampton.gov.uk)
 City of Wolverhampton Council

From: Shelley Humphries
Sent: 25 January 2018 10:10
To: Ann Wedge <Ann.Wedge@wolverhampton.gov.uk>; Dawn Williams (Head Of Safeguarding) <Dawn.Williams@wolverhampton.gov.uk>; Elaine Moreton <Elaine.Moreton@wolverhampton.gov.uk>; 'Environmental Health' <environmentalhealth_responsibleauthority@wolverhampton.gov.uk>; 'Home Office' <alcohol@homeoffice.gsi.gov.uk>; Joanne Till <Joanne.Till@wolverhampton.gov.uk>; 'Licensing' <Licensing@wolverhampton.gov.uk>; 'Parpinder Singh - Public Health' <Parpinder.Singh@wolverhampton.gov.uk>; Paul Cooper <Paul.Cooper@wolverhampton.gov.uk>; 'Paul Dosanjh' <Paul.Dosanjh@wolverhampton.gov.uk>; 'Planning'

<building.control@wolverhampton.gov.uk>; 'Public Health' <publichealth@wolverhampton.gov.uk>;
'R & T Planning Enforcement' <Planning.Enforcement@wolverhampton.gov.uk>; Stefan Polatajko
<Stefan.Polatajko@wolverhampton.gov.uk>; 'Trading Standards'
<Trading.standards@wolverhampton.gov.uk>; 'West Midland Police Licensing' <wv_licensing@west-midlands.pnn.police.uk>; 'West Midlands Fire Service' <firesafety.admin@wmfs.net>
Cc: Joanne Till (Joanne.Till@wolverhampton.gov.uk) <Joanne.Till@wolverhampton.gov.uk>
Subject: PRE1035 ZINAR'S SUPERMARKET, 130 LIME STREET, PENN FIELDS, WOLVERHAMPTON -
REVIEW APPLICATON [PROTECT]

PROTECT

Dear All,

Please see the attached documents with regard to a review on the above named premises.

Please let me have any comments you may have on this by 21 February 2018.

Regards,

Shelley Humphries
Licensing Officer
Tel. Office: 01902 554350

E-mail: Shelley.Humphries@wolverhampton.gov.uk
City of Wolverhampton Council



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Miss J Till
Licensing Services
City of Wolverhampton Council
St Peter's Square
Wolverhampton
WV1 1DA

21 February 2018

PRE1328

Dear Miss Till

**Application for a Review of a Premises Licence under Licensing Act 2003
Lime Street Continental, 130 Lime Street, Penn Fields, Wolverhampton WV3 0EX - PRE 1328
Formerly Zina's Supermarket**

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 the Crime and Disorder licensing objective the failure of the current management of the premises to promote this licensing objective.

The premises licence holder, Alan Surche and the management of the premises have not demonstrated they are operating in accordance with their premises licence and therefore are not promoting the licensing objective of Crime and Disorder.

The issues raised by Trading Standards relate to the possession, custody and control of illegal cigarettes and tobacco for sale at the premises. This shows a blatant disregard to the licensing objective 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 and guidance issued by the Secretary of State under 182 of the Act together with City of Wolverhampton Council's Statement of Licensing Policy.

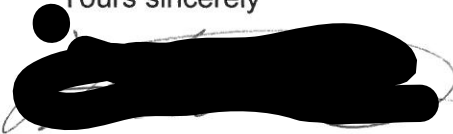
Councillors may conclude from the evidence given within the review application and at the hearing in order to promote the licensing objective of Crime and Disorder that modification of the premises licence or suspension of the licence to ensure the current management of the premises fully understands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

Continued/.....

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 objective of Crime and Disorder.

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

Yours sincerely

A large black redaction mark covers the signature area, obscuring the name and any handwritten notes.

E Moreton
Section Leader Licensing
On behalf of the Licensing Authority

Direct: 01902 551253
Email: licensing@wolverhampton.gov.uk

Copy: Premises Licence Holder

From: Parpinder Singh
Sent: 20 February 2018 14:03
To: Shelley Humphries <Shelley.Humphries@wolverhampton.gov.uk>
Cc: Licensing <Licensing@wolverhampton.gov.uk>; Dianne Slack <Dianne.Slack@wolverhampton.gov.uk>; WV Licensing - Police <WV_Licensing@west-midlands.pnn.police.uk>
Subject: RE: PRE1328 Lime Street Continental, 130 LIME STREET, PENN FIELDS, WOLVERHAMPTON - REVIEW APPLICATON [PROTECT]

PROTECT

Hi Shelley

Having reviewed the evidence put forward by trading standards, Public Health supports the request to review the premises. The premises is located within an area which is cause for concern when viewing alcohol related harm. The area has concerning levels of individuals in treatment for alcohol dependence, high levels of alcohol related hospital admissions and concerning levels of alcohol related violence.

Whilst the review request has come as a result of the applicant dealing in illicit tobacco, not alcohol, as a Responsible Authority we are of the view a licence holder within an area suffering this level of alcohol related harm should be exemplar in their management and execution of licensable activities.

I would be grateful to be kept informed of the hearing date/time. Thank-you

Parpinder Singh
Public Health & Wellbeing
City of Wolverhampton Council
(01902) 555475

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