

1 November 2019

**CITY OF
WOLVERHAMPTON
COUNCIL**

Appendix 3

Responsible Authorities Forum



Dear Sirs,

Review Notice: 17/02344/PREDPS

Licensing Act 2003:

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 Super Mahan, 31 Thornley Street, City Centre, Wolverhampton.

This follows: -

- The seizure on the 5 July 2019, of 880 illegal cigarettes sticks (44 packets of 20), 200g of illicit hand rolling tobacco and 171 Subutex tablets, a pharmacy controlled Class C drug, discovered on the premises of Super Mahan, 31 Thornley Street, City Centre, Wolverhampton.
- The underage sale of a single can of Blackstorm Cider, at 7.5% ABV and 20 City MS Minsk (foreign and non-UK duty paid) cigarettes to a child under the age of 18 on the 5 July 2019 from super Mahan.
- The sales of a single bottle of Dragon Stout high strength alcohol to a person aged 18 from Super Mahan.
- The discovery of 40 NZ Gold foreign cigarettes on the 5 July 2019 and 80 NZ Gold foreign cigarettes and 60 Bahman foreign cigarettes discovered on the 27 September 2019 at 31 Thornley Street.
- Persistent breaches of licence conditions at Super Mahan despite written and oral warnings to the contrary.

Sensitivity: PROTECT

I have attached a copy of the Review Notice. 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.

Yours faithfully



Dianne Slack

Tobacco Control Officer – Trading Standards

Public Protection

Direct: 01902 556063

Email: Dianne.Slack@wolverhampton.gov.uk

**CITY OF
WOLVERHAMPTON
COUNCIL**

1 November 2019

Mr Mohammed Sokhanvar Mahani,
Premises Licence Holder and Designated Premises Supervisor
Super Mahan,
31 Thornley Street,
City Centre,
Wolverhampton.
WV1 1JP.



Dear Mr Mahani,

Review Notice: 17/02344/PREDPS

Licensing Act 2003:

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 Super Mahan.

This follows: -

- The seizure on the 5 July 2019, of 880 illegal cigarettes sticks (44 packets of 20), 200g of illicit hand rolling tobacco and 171 Subutex tablets, a pharmacy-controlled Class C drug, discovered on the premises of Super Mahan, 31 Thornley Street, City Centre, Wolverhampton.
- The underage sale of a single can of Blackstorm Cider, at 7.5% ABV and 20 City MS Minsk (foreign and non-UK duty paid) cigarettes to a child under the age of 18 on the 5 July 2019, from Super Mahan.
- The sales of a single bottle of Dragon Stout, high strength alcohol to a person aged 18 from Super Mahan.
- The discovery of 40 NZ Gold foreign cigarettes on the 5 July 2019 and 80 NZ Gold foreign cigarettes and 60 Bahman foreign Cigarettes discovered on the 27 September 2019 at 31 Thornley Street.

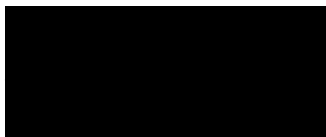
- Persistent breaches of licence conditions despite written and oral warnings to the contrary at Super Mahan.

I have attached a copy of the Review Notice. 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 553834.

Yours sincerely

A black rectangular box used to redact the signature of Dianne Slack.

Dianne Slack

Tobacco Control Officer – Trading Standards

Environmental Health and Trading Standards

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 Super Mahan 31 Thornley Street City Centre | |
| Post town Wolverhampton | Post code (if known) WV1 1JP |
| Name of premises licence holder or club holding club premises certificate (if known) Mohammed Sokhanvar Mahani | |
| Number of premises licence or club premises certificate (if known) 17/02344/PREDPS | |

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01 NOV 2019
LICENSING

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 | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

| | |
|--|-------------------------------------|
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
|--|-------------------------------------|

- 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 Tobacco Control Officer Trading Standards Service City of Wolverhampton Council Civic Centre St Peter's 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

| |
|-------------------------------------|
| <input checked="" type="checkbox"/> |
| <input type="checkbox"/> |
| <input type="checkbox"/> |
| <input checked="" 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 5 July 2019, Trading Standards was informed that following the execution of a drugs warrant on or around the 30 June 2019, West Midlands Police had seized 171 Subitex tablets, a controlled Class C drug, 880 illicit cigarettes and 200g of foreign labelled hand rolling tobacco from Super Mahan, 31 Thornley Street, Wolverhampton, a licenced premises in the City Centre. The cigarettes included 300 Gold NZ Compact cigarettes and 420 Minsk cigarettes.

On 5 July 2019, an underage test purchase of alcohol and tobacco was made at the premises. A single can of Blackstorm Cider, at 7.5%ABV and 20 Minsk cigarettes, that were not in plain packaging, bore only foreign warnings and were not UK duty paid, were sold to a female volunteer aged 15 years. The physical seller was later identified as [REDACTED]. The sale was captured on the CCTV belonging to the shop and recorded by the Police and also witnessed by an officer from Licensing Services.

A criminal offence was committed under Section 146(1) of the Licensing Act 2003 of selling alcohol to a person under 18. An offence was also committed under Section 7 of the Children and Young Persons Act 1933 (as amended), of selling a tobacco product to a person under 18 years. There was no attempt to ask the volunteer her age or ask for identification.

To sell a high strength single can of alcohol is a breach of condition 10. listed on the

Premises Licence for Super Mahan, under the licensing objective of 'PREVENTION OF CRIME AND DISORDER'.

Later that afternoon, on the 5 July 2019, Trading Standards visited 31 Thornley Street accompanied by Police Officers.

2 packs of Gold NZ Compact foreign cigarettes (40 cigarette sticks) were discovered under the counter top in a tin.

The cigarette gantry was open exposing tobacco products for sale, contrary to the Tobacco Advertising and Promotion (Display)(England) Regulations 2010.

There was no statutory tobacco notice on display contrary to the Children & Young Persons (Protection from Tobacco) Act 1991.

There was no refusals book available to inspect, contrary to condition 6., under the Licensing Objective, 'For the prevention of Crime and Disorder' and condition 3. of the Premises Licence for the licensing objective 'FOR THE PROTECTION OF CHILDREN FROM HARM.'

[REDACTED] was present and identified as the sales assistant who made the underage sale. Mohammed Sukhanvar Mahani, the proprietor, premises licence holder and designated premises supervisor was present at the time of the inspection. The tobacco products were suspected of being non duty paid and were subsequently seized.

A traders notice was left with Mr Mahani.

On the 9th July 2019, Mr Mohammed Sokhanvar Mahani was invited to and attended a voluntary recorded PACE interview in the presence of his solicitor and an interpreter.

On the 3rd September 2019, I was informed that a Licensing Apprentice aged 18 was able to purchase a single 284ml bottle of Dragon Stout contrary to Super Mahan's Conditions on the Premises Licence which states " No single sales of cans or bottles of beer, lager or cider, up to and including one litre, shall be sold from the premises if they have an (Alcohol By Volume) ABV above 6.5%". I was also informed that the apprentice was not asked for identification to prove his age, despite Super Mahan operating a Challenge 25 policy at Condition 2., PROTECTION OF CHILDREN FROM HARM.

On the 27 September 2019, Trading Standards was informed that a single bottle of high strength Dragon Stout was again sold to an 18 year old, contrary to Super Mahan's licence condition of not selling single cans and bottles of alcohol over 6.5%. However, identification was asked for on this occasion.

Later that evening officers from Trading Standards and West Midlands Police visited Super Mahan with a tobacco detection dog. Again the contents of the cigarette gantry were exposed for all the public to see. 4 packs of 20 Gold NZ cigarettes and 3 packs of 20 Bahman cigarettes were discovered in the stair well behind the shop area. These tobacco products were seized. All cans and bottles of beer, lager and cider over 6.5 % ABV were also seized due to the breaches of the licensing conditions.

The seized tobacco goods are known as ' foreign cheap whites', and includes brands such as Minsk, and NZ which are foreign brands brought into the UK illegally specifically to be sold on the black market. They display foreign warnings and labelling and were seized because they breached UK regulations and were non UK DUTY paid.

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. Super Mahan, has engaged in activities which have breached licensing objectives namely the 'prevention of crime and disorder' and 'protection of children from harm'. The Home Office publishes guidance under section 182 of the 2003 Act and at paragraph 11.27 the 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 to pocket money prices, 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

Have you made an application for review relating to this premises before ☐ **Please tick yes**

If yes please state the date of that application

Day Month Year

| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|
| | | | | | | | | | |
|--|--|--|--|--|--|--|--|--|--|

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

[Redacted Signature]

Date 1 November 2019

Capacity Tobacco Control 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.

