

CITY OF  
WOLVERHAMPTON  
COUNCIL

20 November 2019

Appendix 3

Responsible Authorities Forum



Dear Sirs,

**Review Notice: 18/21716/PRE - Premises Licence Application**

**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 Batas Supermarket, 130 Lime Street, Wolverhampton.

This follows: -

- Breaches of licence conditions at Batas Supermarket.
- Sale of 1 bottle of Stella Artois lager to a 15 year old girl on the 3 July 2019.
- The sale of 2 single cigarettes on the 3 July 2019.
- The sale of 20 Counterfeit Richmond cigarettes on the 4 September 2019.
- Sale of Smirnoff to a 15 year old girl and non UK duty paid cigarettes to a 16 year old boy on the 26 September 2019.
- The sale of a single high strength can of lager and counterfeit cigarettes on the 26 September 2019.
- The seizure of 7,800 illicit cigarettes and 300g of illicit hand rolling tobacco discovered behind the counter of Batas Supermarket on the 27 September 2019.

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

City of Wolverhampton Council  
Civic Centre, St Peter's Square, Wolverhampton, WV1 1RP

- [wolverhampton.gov.uk](http://wolverhampton.gov.uk)
- @WolvesCouncil
- WolverhamptonToday



**Dianne Slack**

**Tobacco Control Officer – Trading Standards**

**Public Protection**

**Direct: 01902 556063**

**Email: [Dianne.Slack@wolverhampton.gov.uk](mailto: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.

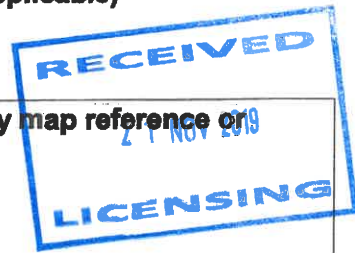
I **DIANNE SLACK**

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Batas Supermarket 130 Lime Street Penn Fields	
<b>Post town</b> Wolverhampton	<b>Post code (if known)</b> WV3 0EX



<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Ghazi Rashid Majeed
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<b>Number of premises licence or club premises certificate (if known)</b> 18/21716/PRE - Premises Licence Application
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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**

<b>Name and address</b> Dianne Slack Tobacco Control Officer Trading Standards Service City of Wolverhampton Council Civic Centre St Peter's Square Wolverhampton WV1 1RP
<b>Telephone number (if any)</b> 01902 556063
<b>E-mail address (optional)</b> 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 checked="" type="checkbox"/> |
| 4) the protection of children from harm | <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.

Following anonymous complaints about BATAS SUPERMARKET, on the 3 July 2019, Trading Standards conducted an underage test purchase at Batas. A 15 year old girl was able to purchase 1 bottle of Stella Artois lager.

An officer from Licensing on the same day was able to purchase two single cigarettes, contrary to The Standardised Packaging of Tobacco Products Regulations 2015, Part 2; Reg 4 (8).

On the 4 September 2019, Trading Standards attempted a test purchase of illicit tobacco at the premises. An eighteen year old apprentice was able to purchase 20 Richmond cigarettes that were not in plain packaging, for £3.50. These were subsequently confirmed as counterfeit.

On the 24 September, Trading Standards received more intelligence that counterfeit, foreign or non-UK duty paid tobacco was available for sale from BATAS after 4:00 pm

On the 26 September 2019, a 15 year old volunteer was able to purchase a large bottle of Sminoff from BATAS. A 16 year old boy was served with illicit cheap white cigarettes and an 18 year old boy was able to purchase a single can of Kestral lager at 9% ABV and a packet of counterfeit Richmond cigarettes for £3.50.

On the 27 September 2019, Trading Standards exercised an entry warrant at Batas Supermarket. A holdall and a green shopping bag were discovered containing 7,800 illicit cigarettes and 300g of illicit hand rolling tobacco behind the counter.

Criminal offences were committed under Section 146(1) of the Licensing Act 2003 of selling alcohol to a person under 18; and 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 volunteers their age or ask for identification. These sales were contrary to mandatory licensing conditions under the Licensing Act 2003 of operating an age identification system; an additional condition that a Challenge 25 policy will be operated and enforced on the premises of Batas Supermarket, which goes against the licensing objective of 'PROTECTING CHILDREN FROM HARM'.

To sell a high strength single can of alcohol above 6.5% ABV is a breach of the condition listed on the Premises Licence for Batas Supermarket under the licensing objective of 'PREVENTION OF PUBLIC NUISANCE'. It is also a banned practice number 9 under the Consumer Protection from Unfair Trading Regulations 2008 Regs. 3 (4)(a) and 5(3)(b) Stating or otherwise creating the impression that a product can legally be sold when it cannot.

There was no refusals book available to inspect, contrary to the Licensing Objective condition on the licence, 'FOR THE PROTECTION OF CHILDREN FROM HARM.'

Under PREVENTION OF CRIME AND DISORDER, there is a condition on the premises licence that states all alcohol and tobacco products sold on the premises will have the relevant UK duty paid. Foreign tobacco, which does not comply with the relevant UK legislation will not be stored or sold at the premises. This has been breached by the discovery of the 7,800 cigarettes and 300g of tobacco on the 27 September 2019.

Mr [REDACTED] were present on the premises during the entry warrant. Ghai Rashid Majeed, the proprietor, premises licence holder and designated premises supervisor was not present at the time of the inspection. The tobacco products were suspected of being non duty paid and were subsequently seized in addition to all cans and bottles of beer, lager and cider with an ABV above 6.5%.

The seized tobacco goods are known as 'foreign cheap whites', and includes brands such as Minsk, Fest 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. Batas Supermarket, has engaged in activities which have breached licensing objectives namely the 'prevention of crime and disorder', prevention of public nuisance 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

states:

There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:  
... for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;

and

... for the sale or storage of smuggled tobacco and alcohol.

11.28 Says, 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.

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

**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

[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.

20 November 2019

Mr Ghazi Rashid Majeed,  
Premises Licence Holder and Designated Premises Supervisor  
Batas Supermarket,  
130 Lime Street,  
Wolverhampton.  
WV3 0EX.

Dear Mr Majeed,

**Review Notice: 18/21716/PRE – Premises Licence Application**

**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 Batas Supermarket.



This follows: -

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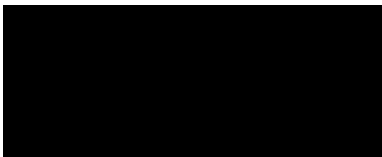
Sensitivity: PROTECT

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.

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



**D Slack**  
**Tobacco Control Officer – Trading Standards**  
Environmental Health and Trading Standards  
Direct: 01902 556063  
Email: [Dianne.Slack@wolverhampton.gov.uk](mailto:Dianne.Slack@wolverhampton.gov.uk)