

[Insert name and address of relevant licensing authority and its reference number (optional)]

**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 *Elaine Moreton* on behalf of the Licensing Authority apply for the review of a  
(Insert name of applicant)  
**premises licence under section 51 of the Licensing Act 2003 for the premises  
described in Part 1 below**

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

Postal address of premises or club premises, or if none, ordnance survey map reference or description
International Mini Market known as Sam Euro Style, 373 Newhampton Road West, Whitmore Reans

Post town Wolverhampton

Post code (if known) WV6 0RX

Name of premises licence holder Zemnako Azad Salih
Number of premises licence or club premises certificate (if known) WN/14/01909/PRE

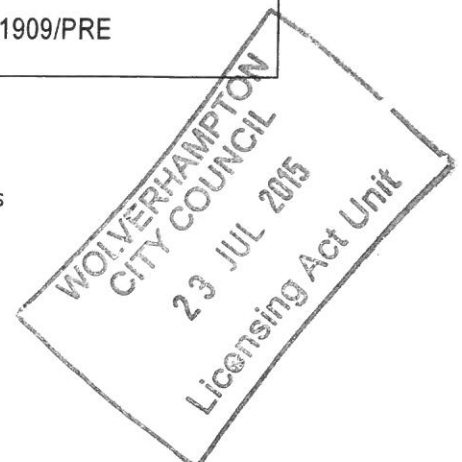
**Part 2 - Applicant details**

I am

Please tick <sup>b</sup>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





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

Name and address: <b>Elaine Moreton, Licensing Services (Licensing Act 2003 – Responsible Authority), Reception 14.</b>
Telephone number (if any) <b>01902 555033</b>
E-mail (optional) <b>Elaine.moreton@wolverhampton.gov.uk</b>

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

Please tick one or more boxes

1) the prevention of crime and disorder

X

**Please state the ground(s) for review (please read guidance note1)**

On 17<sup>th</sup> July 2015 the Licensing Authority became aware of several potential offences committed by Mr Zemnako Azad Salih under section 8 (h) of the Tobacco Products Duties Act 1979.

These potential offences were identified by officers from the Licensing Authority, Trading Standards and the Police following Operation Riposte on 17 July 2015.

In accordance with sections 51 and 52 of the Licensing Act 2003 and the Secretary of States Guidance issued under Section 182 of the Licensing Act 2003, Sections 11.27 and 11.28, the Licensing Authority (as a Responsible Authority under the Licensing Act 2003) is making an application for a review of the premises licence for International Mini-Market known as Sam Euro Style, 373 Newhampton Road West, Whitmore Reans, Wolverhampton, WV6 0RX.

This review is brought on the grounds of the prevention of crime and disorder licensing objective.

Licence records indicate that Mr Zemnako Azad Salih has held the Premises Licence and is the Designated Premises Supervisor under the Licensing Act 2003 from 03 July 2014 for International Mini-Market known as Sam Euro Style.

On 29 August 2014 and after receiving complaints Trading Standards visited the International Mini-Market known as Sam Euro Style, 373 Newhampton Road West, Wolverhampton. 11540 cigarettes and 0.850 kg of illicit hand rolling tobacco were found in a concealed compartment under the counter and in a box behind the counter. The products were a mixture of foreign, non-duty paid tobacco products and counterfeit tobacco products.

On 28 November 2014 during a routine inspection, International Mini-market known as Sam Euro Style was visited as part of a multi-agency exercise. Mr Salih eventually turned up but was unable to produce his underage refusals log despite it being a condition of his premises licence. He was given a new refusals book with a 'NO ID NO SALE' pack to help him comply with his licence. Mr Salih was advised about his legal responsibilities for preventing the sale of age restricted products. A small amount of foreign tobacco called Wolverine was discovered for sale and evidence of splitting up multipacks of cigarettes was also seen.

On 11 February 2015, Mr Salih attended a PACE interview in connection with offences under the Trade Marks Act 1994 and Consumer Protection Act 1987. Investigations are continuing into these matters.

On 23 April 2015 as part of a joint Council and Police enforcement exercise 21176 illicit cigarettes were discovered in addition to 700 grams of hand rolling tobacco hidden within a purpose built new counter and display wall.

11 bottles of Glen's vodka were seized on suspicion of being counterfeit. 5000 cigarettes were seized from the gantry because they were on display contrary to the Health Act 2009.

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

The total quantities of non-compliant goods seized in the course of the inspections 29 August 2014 until 23 April 2015 are as follows:

- 32,176 cigarettes.
- 1.550 kilograms of hand rolling tobacco.
- 11 bottles of non-duty paid vodka.

The packaging of these products was clearly non-compliant and as such the possession and supply of these products are not mistakes but a deliberate and conscious act to gain financial advantage by breaking the law.

On 17 July 2015 as part of a joint Council and Police Enforcement exercise (Operation Riposte) a Trading Standards Officer entered International Mini-Market known as Sam Euro Style at approximately 0625 hours. The officer witnessed two Asian males being served two cans of beer before the undercover officer purchased two cans of Perla (lager).

This is a breach of the Premises Licence conditions and an offence under Section 136 of the Licensing Act 2003 as the trading hours for the sale and supply of alcohol off the premises are Monday to Sunday 0800 to 2300 hours.

On the same day at approximately 1000 hours as part of the same operation a District Officer, Trading Standards seized a large amount of non-duty and counterfeit tobacco from the premises. The exact quantity unknown as not yet calculated. However, the estimated value is to be at least £100,000. Also, 18 bottles of non-duty paid flavored Vodka was seized.

A copy of the relevant sections from the Licensing Act 2003 amended 182 guidance and witness statements from Stefan Polatajko, Trading Standards Officer and Dianne Slack, District Officer, Trading Standards, are attached at Appendices A, B and C to this application.

As part of Operation Riposte on 17 July 2015, a Wolverhampton City Council Compliance Officer completed a Licensing Inspection of International Mini-Market known as Sam Euro Style. Several non-compliant issues were apparent, contrary to Premises Licence conditions. A copy of Lucy Kendall's' witness statement is attached as Appendix D to this application.

The premises licence holder has shown a disregard to the law and has continually failed to adhere to his licence conditions.

The Licensing Authority is requesting the Licensing Sub-Committee give serious consideration to the revocation of the Premises Licence for International Mini-Market known as Sam Euro Style, 373 Newhampton Road West, Whitmore Reans, Wolverhampton WV6 0RX.



Please tick <sup>b</sup> 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** (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date.....**23/07/2015**.....

Capacity **Section Leader (Licensing Services)**

<b>Contact name (where not previously given) and address for correspondence associated with this application</b> (please read guidance note 5)	
Licensing Services Reception 14 First Floor Civic Centre	
<b>Post town</b> Wolverhampton	<b>Post code</b> WV1 1DA
<b>Telephone number (if any)</b> 01902 555033	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

Please tick <sup>b</sup> 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**



**LICENSING ACT 2003****AMENDED GUIDANCE ISSUED UNDER SECTION 182****MARCH 2015**

11.27 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 sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- For the sale and distribution of illegal firearms;
- For the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- For prostitution or the sale of unlawful pornography;
- By organised groups of paedophiles to groom children;
- As the base for the organisation of criminal activity, particularly by gangs;
- For the organisation or racist activity or the promotion of racist attacks;
- For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
- For unlawful gambling; and
- For the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police 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.



**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of (Full Name) Stefan Polatajko

Age of witness (If over 18 enter over 18) **Over 18**

Occupation of witness Senior Officer

This statement, (consisting of 2 pages signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 22<sup>nd</sup> July 2015

.....  
Signed

I am employed as a Senior Officer in Regulatory Services at Wolverhampton City Council. As such I am an authorised officer for a number of pieces of legislation including the Trade Marks Act 1994, the Consumer Protection from Unfair Trading Regulations 2008, the Fraud Act 2006 and the Licensing Act 2003. At approximately 6.25 a.m. on the morning of 17<sup>th</sup> July 2015, as part of Operation Riposte, I entered Sam's Euro Style shop at 373 Newhampton Road West in an attempt to test purchase alcohol outside of the shop's licensing hours. I am aware that Sam Euro Style is the trading name of International Mini Market. I took a swiss roll from the back of the shop and then 2 cans of Perla beer from the fridge which is located near the front of the shop and waited to be served. Whilst waiting in the queue I saw 2 asian men in front of me buying 2 cans of beer. A blonde lady aged about 30 was serving. I was next to be served, tendered £3 for the swiss roll and 2 cans of beer and was given 23

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Signed

NOTE : If statements are typed double spacing should be used.  
One side only of the paper should be used.



**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation Sheet No. 1

pence in change. The lady said thank you and put the items that I bought into a black carrier bag. I left the shop.

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Signed

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NOTE : If statements are typed double spacing should be used.  
One side only of the paper should be used.



STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of (Full Name)	Dianne SLACK
Age of witness (If over 18 enter over 18)	Over 18
Occupation of witness	District Officer – Trading Standards

This statement, (consisting of 2 page(s) signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 22nd day of July, 2015.

.....  
Signed

I am employed as a District Officer for the City of Wolverhampton Council's Regulatory Services (Trading Standards). I am a Chartered Trading Standards Practitioner. On the 17 July 2015, as part of 'Operation Riposte', (a multi-agency operation involving West Midlands Police, Licensing Authority and Trading Standards); I executed an entry warrant to allow a full inspection of the entire premises at 373 Newhampton Road West, Whitmore Reans, Wolverhampton, WV6 0RX. The City of Wolverhampton Council had received intelligence that illicit tobacco was stored on both floors of the building.

Accompanied by colleagues from Regulatory Services and police officers, we discovered a large amount of illicit cigarettes and hand rolling tobacco hidden within several areas of the licensed retail section of the building, International Mini Market, known as Sam Euro Style. On the first floor of 373 Newhampton 

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Signed

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One side only of the paper should be used.





**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation Sheet No. 1

*JS*

Road West, I found a locked room. We broke through the reinforced door and discovered a store room containing several boxes and bags of illicit cigarettes and hand rolling tobacco. Sleeves of cigarettes were piled up against the walls. I seized in total 49 bags and boxes of all the illicit cigarettes and tobacco discovered on the premises. I also seized 18 bottles of vodka that were on display in the retail area of Sam Euro Style, because they were not bearing UK duty stamps.

Signed

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One side only of the paper should be used.



STATEMENT OF WITNESS

(Criminal Procedure Rules, r 27.2;  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Statement of.....**Lucy Kendall**.....  
(Full Name)

Age of witness.....**Over 18**.....  
(If over 18 enter over 18)

Occupation of witness.....**Compliance Officer**.....

This statement, (consisting of 03 page(s) signed by me), is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **23<sup>rd</sup>** day of **July 2015**

.....  
Signed

I am the above named person and I am currently employed by City of Wolverhampton Council as a Compliance Officer and I am based in Environmental Health (Commercial), Civic Centre, St Peters Square, Wolverhampton and I am responsible for investigating various environmental crimes, licensing issues, Private Hire and Hackney Carriage enforcement. On the morning of 17th July 2015 as part of 'Operation Riposte' (a multi-agency operation involving West Midlands Police, Licensing Services and Trading Standards); I inspected Sam Euro Style, 373 Newhampton Road West, Wolverhampton, WV6 0RX to check the licensing conditions were adhered to. At 11.13 I spoke with the only member of staff present in the premises Julija Martianova of 34 Fairview Crescent, Wolverhampton, WV11 1BU date of birth 20.08.1993. I completed the 'Responsible Authorities Forum Premises Licence Questionnaire' by asking Ms Martianova the questions on the questionnaire. I

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Signed

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**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.1(2);  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation Sheet No. 1

produce the completed questionnaire as exhibit LK/1. I asked Ms Martianova if the Designated Premises Supervisor, Zemanko Azad Salih, was present Ms Martianova said he wasn't and she didn't know when he would be at the premises. I asked Ms Martianova if she had been authorised by Mr Salih to sell alcohol in his absence. She said she wasn't sure. I asked if she had something in writing from Mr Salih to say she could sell alcohol, she said she hadn't. I asked if she had had any training regarding selling alcohol and the legal age to purchase alcohol. She said when she started she was told customers you have to be 18 to buy alcohol and to ask if she thinks they look young. I asked if there were any documents or records of this training. She said there was nothing written down. I asked if the premises have a Challenge 21 or Challenge 25 policy. She didn't know what these policies were and when I explained she said they don't have anything like that. I asked if she refuses to sell alcohol to a customer does she write it down. She said no, she doesn't record it anywhere. I asked Ms Martianova if there was a book under the counter to record refusals in. She couldn't see one and didn't know if there was one. She didn't know she had to record refusals. The premises had CCTV, there was a screen showing images of both the internal and external of the premises which were visible to staff standing behind the counter. I asked Ms Martianova to show me footage from 30 or 31 days ago. Ms Martianova said she couldn't work the CCTV so couldn't show me anything other than what was currently being shown on the

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Signec

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**STATEMENT OF WITNESS**

(Criminal Procedure Rules, r 27.1(2);  
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

Continuation Sheet No. 2

screen. I explained to Ms Martianova that a condition of the Premises Licence was that CCTV footage should be kept for 31 days. I asked Ms Martianova if she could transfer any footage to a CD or USB if requested. Ms Martianova said that she couldn't work the CCTV at all and she didn't know who could. I asked Ms Martianova if there was any fire fighting equipment on the premises. She picked up a fire extinguisher from behind the counter to show me but wasn't sure if there were any others on the premises. I asked if there was a record of the maintenance. Ms Martianova didn't know about any records.

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Signed

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**RESPONSIBLE AUTHORITIES FORUM**  
**Premises Licence Questionnaire**

Premises Name/Address: Sams 373 Newhampton Road West  
Officer Name: Lucy Kendall  
Date of Visit: 17.7.15 Time: 11.3

**NOTE:** Survey the premises prior to speaking to any members of staff. Are there signs notifying customers that underage sales are illegal? (Particularly are there such signs at the entrances, where alcohol is sold and at the tills?)

Comments: Sign about tobacco/cigarettes but not one for alcohol.

Approach the till operator and identify yourself.

**1. Is the Designated Premises Supervisor at the premises?**

YES/NO  NO

If YES ensure all further questions are asked to the DPS

If NO, who is the responsible person at the premises? - only member of staff

Name: Julija Martianova  
Date of Birth: 20.8.1993  
Address: 34 Fairview Crescent  
WV11 1BU

Does the responsible person and/or the till operator have permission to sell alcohol from the DPS?

YES/NO - not sure she doesn't remember if she was told this by mr Salih.

Is this in writing (if so inspect if available)

YES/NO  NO

**2. Can I see your Premises Licence Summary? (This should be on display at the premises)**

Comments: The premises licence summary wasn't displayed but a copy of the original premises licence was displayed on the side of a shelving unit by the counter/bill.

**3. Do you have a proof of age policy?**

YES/NO

If YES, what policy (Challenge 21, Challenge 25, etc.)

Comments: Julija knew to ask if someone looked under 18. She said she always asks if they look under 18 (ie not clearly in their 40s with grey hair). The owner had told her to do this. - They don't have a "Challenge" policy.

**4. Do you have a till prompt? (There is on in the pack)**

YES/NO

If YES, electronic/physical sign.

Comments: Prices have to be typed in so no prompt and nothing by the till to prompt.

**5. Do you have a refusals book?**

YES/NO

If YES, inspect the book, is it up to date?

Comments: Julija was unaware of one and wasn't aware to document any refusals. Asked if there was a book under the counter - she couldn't see one.

## 6. Do you have CCTV at the premises?

YES/ NO - both internal & external.

If YES, how many/where are the cameras? What quality are recordings?

Are staff trained to download footage?

Comments: Julija was unaware of how to use the CCTV and couldn't show me footage from 31 days ago when I asked. She couldn't get the footage off the CCTV.

## 7. Have you/your staff received training regarding underage sales?

YES/ NO

If YES, when was last training? Is there any written record of this available?

Comments: Yes when she started but nothing was written down. There were no documents showing training records that could be produced.

## 8. Does the premises also sell tobacco?

YES/ NO

If YES, is there a notice at the premises that states: 'it is illegal to sell tobacco products to anyone under the age of 18'?

YES/ NO

## 9. Underage sales advice and guidance pack given to premises?

YES/ NO

Any Other Comments: One fire extinguisher behind the till but Julija unable to provide maintenance contract and unaware if other equipment on the premises.

Signed (by Officer) ..

Date 17.7.15

