

[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
Euro Shop, 43 Newhampton Road West, Whitmore Reans

Post town Wolverhampton

Post code (if known) WV6 0RY

Name of premises licence holder Soma Khalid Jasim
Number of premises licence or club premises certificate (if known) WN/15/00122/PRE

Part 2 - Applicant details

I am

Please tick ^byes

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) x

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

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

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

Surname

First names

Please tick ^byes

I am 18 years old or over

Current address

Post Town	Postcode
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Daytime

contact telephone number

E-mail address
(optional)

**(B) DETAILS
OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address: Elaine Moreton, Licensing Services (Licensing Act 2003 – Responsible Authority), Reception 14.
Telephone number (if any) 01902 555033
E-mail (optional) Elaine.moreton@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) the protection of children from harm | <input checked="" type="checkbox"/> |

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

On 17th July 2015 the Licensing Authority became aware of offences committed by Soma Khalid Jasim 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 West Midlands 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 Euro Shop, 43 Newhampton Road West, Whitmore Reans, Wolverhampton, WV6 0RY.

This review is brought on the grounds of the Prevention of Crime and Disorder and Protection of Children from Harm licensing objectives.

Euro Shop, 43 Newhampton Road West, Whitmore Reans, Wolverhampton WV6 0RY has had the benefit of a premises licence under the Licensing Act 2003 from 14 December 2007. Mr Arkani Muradi has been the premises licence holder and the designated premises supervisor from that date until the licence was transferred to his wife Soma Khalid Jasim on 14 January 2015. On 14 January 2015 she also became the designated premises supervisor at the premises.

On the 29 August 2014 after receiving complaints Trading Standards visited Euro Shop. 4920 cigarettes and 1.150 kg of illicit hand rolling tobacco were found in a concealed compartment under the counter operated by electro magnets. These products were a mixture of foreign, non-duty paid and counterfeit tobacco products.

On 28 November 2014 at approximately 12 noon, Euro Shop was visited as part of a multi-agency exercise. Mr Arkani Muradi was present during the visit and he 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. The Premises Licence Summary was not displayed on the premises as required by the Licensing Act 2003. Mr Muradi was advised about his legal responsibilities for preventing the sale of age restricted products.

On the 1 December 2014 Trading Standards received a further complaint against Euro Shop alleging the sale of counterfeit goods and the sale of alcohol and cigarettes to children.

On the 5 January 2015, Trading Standards wrote to Mr Muradi at Euro Shop, 43 Newhampton Road West, Wolverhampton, WV6 0RY asking him to attend a formal interview and explain why the contraband cigarettes were found at the premises. The letter was returned indicating the business had been sold and Mr Muradi was no longer there. Therefore on 13 January 2015, Trading Standards wrote to Mr Muradi at his home address. However he did not attend the interview arranged for 20 January 2015. On 20 February 2015 a further letter was sent by recorded delivery to Mr Muradi at his home address again requesting him to attend an interview. However the letter was returned unopened.

On the 26th March 2015, Trading Standards organised a covert underage sales operation during which child volunteers were able to buy a packet of 10 Royal cigarettes and a bottle of vodka alco-pop. They were not asked for any age identification and the sale was observed by an officer from Trading Standards. The seller, Mr Dishad Saeed, did not know where the refusals log was kept. There was minimal alcohol age of purchase signage despite previous advice to the premises in November 2014. Disappointingly, Mr Saeed did not know who or where the premises licence holder was. Mr Saeed was given a fixed penalty charge of £90 for the sale of the alcohol to the minor.

Continued on next page.

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

Continued...

On 2 April 2015 as part of a joint Council and Police enforcement exercise an entry warrant was executed at the premises. A small amount of illicit tobacco was found under the bottom shelf of the counter of the shop and was seized along with some illicit vodka on display. An illegal taser device was also discovered and seized by the police. As the inspection continued cigarettes and tobacco were found on the bathroom floor; in a back room and in a filing cabinet. In total, 57,707 cigarettes and 21.005 kg of hand rolling tobacco were seized together with 72 bottles of alcohol due to suspected irregularities in respect of non-payment of UK duty from 43 Newhampton Road West.

The total quantities of non-compliant goods seized in the course of the inspections 29 August 2014 until 2 April 2015 are as follows:

62, 627 cigarettes.
22.155 kilograms of hand rolling tobacco.
66 bottles of non-duty paid vodka and brandy.

The packaging for 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.

As part of the investigation both Mr Muradi and his wife Mrs Sonia Khalid Jasim attended formal interviews on 30 April 2015 in connection with offences under the Trade Marks Act 1994, Consumer Protection Act 1987, Licensing Act 2003 and Children and Young Persons Act 1933 (as amended). Investigations are continuing into these matters.

The above incidents show a lack of managerial control either by the past or present premises licence holder.

On 17 July 2015 as part of a joint Council and Police Enforcement exercise (Operation Riposte) a Trading Standards Officer entered Euro Shop. At approximately 0630 hours the undercover officer purchased two cans of Special Brew (lager) 9.0% Alc Vol.

This is a breach of the Premises Licence 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 Trading Standard Officer 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 £50,000. Also, 72 bottles of non-duty paid Vodka was also seized.

A copy of the relevant sections from the Licensing Act 2003 amended 182 guidance and witness statements from William Humphries and Paul Dosanjh, Trading Standards Officers, are attached at Appendices A, B and C to this application.

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

The Licensing Authority are requesting the Licensing Sub-Committee give serious consideration to the revocation of the Premises Licence for Euro Shop, 43 Newhampton Road West, Whitmore Reans, Wolverhampton WV6 0RY.

Please tick ^b 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 X
- I understand that if I do not comply with the above requirements my application will be rejected X

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)

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 5)	
Licensing Services Reception 14 First Floor Civic Centre	
Post town <u>Wolverhampton</u>	Post code <u>WV1 1DA</u>
Telephone number (if any) <u>01902 555033</u>	
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.

Please tick ^byes

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

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 of 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) William Robert Humphries
Age of witness (If over 18 enter over 18) Over 18
Occupation of witness Service Lead, Regulatory Services

This statement, (consisting of 1 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 22 day of July 2015

.....
Sig

I am employed by The City of Wolverhampton Council as a Service Lead within Regulatory Services, part of my responsibilities include Licensing Compliance.

On 17th July 2015 I was part of operation Riposte. At approximately 6.30am I entered Euro Shop, 43 Newhampton Road West. I was disguised as a tree surgeon. There was a woman behind the counter, she was white, medium to short height, slim to medium build with a roundish face shape, she had brown pulled back hair, she was not wearing glasses, she was wearing a grey top. I took two cans of Special Brew alcohol from the fridge and placed them on the counter along with a Twix chocolate. She placed them in a small black plastic bag and said £3.33 in what I thought was an Eastern European accent, I gave her a note and she gave me the change. I took the goods and left the shop at 6.33am.

.....
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)

Statement of (Full Name)	Paul Dosanjh
Age of witness (If over 18 enter over 18)	Over 18
Occupation of witness	Service Lead: 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 twenty first day July of 2015

.....
Signed

I am employed by the City of Wolverhampton Council as a Service Lead for Trading Standards. I have held the Diploma in Trading Standards which is statutory qualification to act as a Trading Standards Officer, since 1993. I am a full member of the Chartered Trading Standards Institute. On 17th July 2015 I took part in Operation Riposte which was a council operation set up to deal with problems around licensed premises including the supply of illicit tobacco and alcohol. At approximately 10:00 I entered the premises at 43 Newhampton Road West Whitmore Reans Wolverhampton known as Euro Shop. I dealt with a short white female shop assistant. My colleague and I carried out a quick inspection of the premises and determined that there were no other people present. I discovered illicit tobacco and cigarettes around the till area and they were seized. At approximately 10:30 my colleague Dianne Slack arrived and

.....
Sig

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

served an entry warrant on the shop assistant together with a notice of powers and rights. Shortly afterwards a tobacco detection dog along with its handler indicated where tobacco products may have been hidden. The inspection continued and illicit tobacco and cigarettes were found in the rooms concealed in various places. Finally we spoke to the shop assistant in order to complete the premises licence questionnaire which I produce as the exhibit labelled PD/EW/ES/1. During the discussion we asked the assistant to produce the refusals book or record. After about five minutes searching the shop assistant conceded that she could not find the book. I left a receipt for the 29 bags of seized goods which were a mixture of cigarettes, tobacco and spirits. At about 1:45 we left the premises and took the seized items and placed them into secure storage.

.....
Signed

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

SIGNED P. Jones

DATED 21st July 2015

RESPONSIBLE AUTHORITIES FORUM
Premises Licence Questionnaire

Premises Name/Address: EURO SHOP 43 Newhampton Road West - Whitton Reams -

Officer Name: Emma Wates

W-10A

Date of Visit: 17.7.15 Time: 1:38pm

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 above till
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.....
.....

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?

Name:

Date of Birth:

Address:
.....
.....

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

YES/NO (NO)

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: *yes*
.....
.....
.....

3. Do you have a proof of age policy?

YES/NO

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

Comments: *In draw*
.....
.....
.....

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

YES/NO

If YES, electronic/physical sign.

Comments: *Don't know*
.....
.....
.....

5. Do you have a refusals book?

YES/NO

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

Comments: *Can't find*
.....
.....
.....

6. Do you have CCTV at the premises?

YES/NO

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

Are staff trained to download footage?

Comments:
.....
.....
.....

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:
.....
.....
.....

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:
.....
.....
.....

Signed (by Officer) Date 17.7.15

P-02

