

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

REVIEW OF PREMISES LICENCE

Premises concerned	<p>Monopolowy Minimarket 296 Radford Road Nottingham NG7 5GN</p> <p>Please see attached Premises Licence</p>
Premises licence holder	<p>At the time the Review proceedings were commenced the Licence Holder and DPS was Faridon Ali Saeed. However, the licence was transferred on 31 October 2012 to Hadi Rahman Mohammed who has also taken over responsibility as DPS. The Panel will be aware that only the Police are entitled to object to applications for transfers and changes to DPS and as no representations were received from the Police these applications had to be granted.</p>
Party submitting review	<p>Jane Bailey, for & on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH</p> <p>Please see attached application.</p>
Date application Received:	9 October 2012
Last date for representations:	6 November 2012
	<p>The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 10 October 2012 to 6 November 2012 inclusive.</p>
Relevant representations received	None
Matters which the Authority has asked the parties to clarify	<ol style="list-style-type: none"> 1. Identification of all issues (both factual legal) which are in dispute. 2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.
Issues	

Issue 1	Whether it is necessary and proportionate to take any one or more of the steps identified below in order to promote (1) the prevention of crime & disorder (2) public safety or whether no action is necessary to promote the licensing objectives.
Relevant Legislation	S51 – 53 Licensing Act 2003
Relevant Policy	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
Relevant Guidance	Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
Steps which the Licensing Authority may take	<ol style="list-style-type: none"> 1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or 2. To exclude a licensable activity from the scope of the licence permanently or for a temporary period of up to 3 months; and/or 3. To remove the designated premises supervisor; and/or 4. To suspend the whole premises licence for a period not exceeding 3 months; or 5. To revoke the licence.
Published documents referred to in compiling this report	Licensing Act 2003 Guidance issued under Section 182 of the Licensing Act 2003. Statement of Licensing Policy issued by Nottingham City Council.

Andrew Errington
Director of Community Protection
Central Police Station, North Church Street, Nottingham NG1 4BH

Contact Officer: Zoey Mayes, Licensing Officer 0115 876 1756



**Monopolowy Minimarket, 296
Radford Road, Nottingham NG7
5GN**

 City Boundary

0 39.7 Meters

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Geoperspectives, 2007

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**Nottingham
City Council**

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

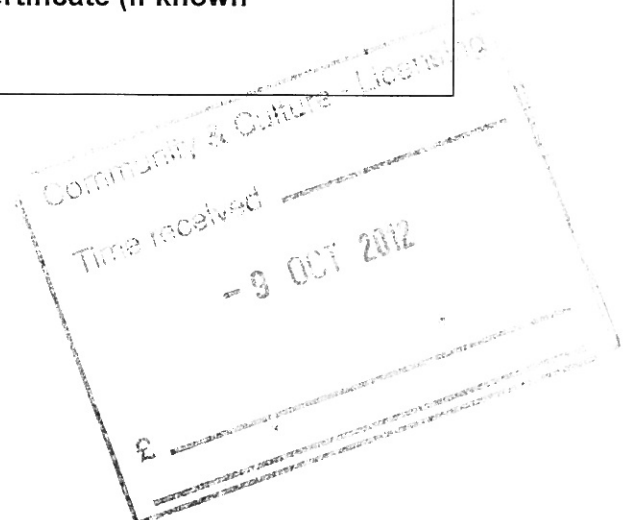
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

- I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a 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, if none, ordnance survey map reference or description MONOPOLOWY, 296 RADFORD ROAD	
Post town NOTTINGHAM	Post code (if known) NG7 5GN
Name of premises licence holder or club holding club premises certificate (if known) Faridon Ali SAEED	
Number of premises licence or club premises certificate (if known) 068334	



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 Nottingham City Council Trading Standards Service Central Police Station, North Church Street, Nottingham NG1 4BH
Telephone number (if any) 01158445018 or 101 ext 8015504
E-mail address (optional) jane.bailey@nottinghamcity.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

<p>Please state the ground(s) for review (please read guidance note 1)</p> <p>This application is made because the Licensing Objectives relating to (1) the Prevention of Crime & Disorder and (2) Public Safety have been seriously undermined in that:</p> <p>On 09/08/2012 a warrant was executed and a search took place by Trading Standards Officers and police officers of the Monopoloway Mini Market, 296, Radford Road, Nottingham. The warrant was executed as a result of intelligence received through Crimestoppers.</p> <p>During the search 264 packets of cigarettes and hand rolling tobacco were found that did not have the correct pictorial / written warnings which are in breach of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.</p> <p>Within the 264 packets of cigarettes and hand rolling tobacco were 3 x 50g pouches labelled as Golden Virginia hand rolling tobacco, 4 x 50g pouches labelled as Amber Leaf and 4 packets of 20 cigarettes labelled Palace. These have been identified by expert witnesses to be counterfeit and therefore in breach of the Trade Marks Act</p>
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1994.

The seizures directly impact on the Licensing objectives as follows:

(1) The PREVENTION of CRIME & DISORDER

The UK is currently seeing an increase in the illegal production of cigarettes and tobacco directly linked to organised crime gangs. These products are being sold to retailers and shops at substantially low prices compared to genuine recognised brands. The profits made are high for all parties and intelligence shows that this is funding serious and organised crime. Persons involved in the production are generally low paid foreign nationals, many being illegal immigrants. The production lines are unsafe and the ingredients used unstable.

There has also been an increase in the activity of smugglers, again with links to the funding of serious and organised crime.

The money made by both activities is laundered and no taxes are paid, which provides a substantial loss in revenue to the UK.

(2) PUBLIC SAFETY

The production of illegal cigarettes and tobacco takes place under conditions where there are no product quality controls. The ingredients used are generally substandard and dangerous which has the potential to cause harm to any member of the public who smokes these cigarettes or hand rolling tobacco.

The illegal factories are controlled by organised crime gangs where profit is the key. As a consequence, health & safety legislation is disregarded. This presents a clear and present danger not only to those working on the production lines but also to neighbouring properties and members of the public.

Summary

By reason of the matters aforesaid, it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

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

The circumstances leading to this application are as aforementioned in that:

On 09/08/2012 a warrant was executed and a search took place by Trading Standards Officers and police officers of the Monopolowy Mini Market, 296, Radford Road, Nottingham. This warrant was executed as a result of intelligence received through Crimestoppers.

During the warrant the following was seized:

- 257 Packets Cigarettes various brands
- 3 Packets Golden Virginia Hand Rolling Tobacco
- 4 Packets Amber Leaf Hand Rolling Tobacco

All of the above were on sale to the public. Some were found loose in a bag, approximately 100 packets were found enclosed within two bags and the rest were found in a secret cupboard made underneath the till counter.

Some of the 257 cigarettes were not recognised brands within the UK and the rest were recognisable brands but not intended for the UK market. These cigarette packets did not have the correct pictorial / written warnings which contravenes the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. This also indicates that they had been smuggled into the UK to avoid paying duty.

The 3 packets of Golden Virginia Hand Rolling Tobacco did not have the correct pictorial / written warnings which contravenes the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. Examination showed that the 3 packets of Golden Virginia Hand Rolling Tobacco were also counterfeit. This is not only misleading to the public but directly contravenes the Trade Marks Act 1994. Both these factors indicated that there is also a deliberate attempt to avoid paying duty on them.

The 4 packets of Amber Leaf Hand Rolling Tobacco did not have the correct pictorial/written warnings which contravenes the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. Examination showed that the 4 packets of Amber Leaf Hand Rolling Tobacco was counterfeit. This is not only misleading to the public but directly contravenes the Trade Marks Act 1994. Both these factors indicated that there is also a deliberate attempt to avoid paying duty on them.

The licence for the premises is held in the name of – Mr Faridon Ali SAEED.

On 16/09/2012 Mr Faridon Ali SAEED was formally interviewed. He stated that he was the licence holder for the Monopolowy store and he alone was responsible for buying the alcohol, cigarettes and tobacco stock. Mr SAEED's staff may advise him on the amount of stock and may pay for deliveries from money in the shop but he stated he ordered the stock. Mr SAEED stated that he did not know anything about the cigarettes that were found in either of the two bags nor that he knew anything of the secret cabinet that was found underneath the till counter. Mr SAEED had no explanation as to why they were there. He stated and provided documentation that he had been on holiday from 21/07/2012 to 08/08/2012. Mr SAEED stated that there had been two other males left in charge of the shop but they both had left during the time he was on holiday and he has no contact details for them.

From 11/01/2012 to date, Mr SAEED is the Premise Licence Holder and Designated

Premise Supervisor for Europa Delikatesy, 170, Normanton Road, Derby. During an inspection of Europa Delikatesy on 18/07/2012, Derby City Council Trading Standards Service found on the premises the following:

- 5 bottles of 70cl Dexters Whisky
- 5 bottles of 70cl High Commissioner Whisky
- 22 bottles of Prince Consort Whisky
- 5 bottles of 70cl Prince Consort Brandy

All of which were suspected of being either UK excise duty diverted, illicit or counterfeit.

In the weeks following the inspection Mr SAEED delivered ten invoices to Derby City Council Trading Standards Service for examination. None of those invoices appear in his name. The invoices are dated between 12/02/12 and 09/07/12 and are made out to either Europa Delikatesy or three other individuals named Lukman Hussein, Shamal Amin and Karzan Omar at the address of 170 Normanton Road, Derby.

A sample from the seized items was sent for analysis. The Public Analyst reported that the 70cl Dexters Whisky was found to contain 3.5% alcohol by volume in excess of the amount declared on the bottle 37.5%. The amount is outside the permitted tolerance set out in and therefore breaches the Food Labelling Regulations 1996.

Additionally, previous analysis of Dexters Whisky conducted by the Scottish Whisky Association has shown that it is not whisky in terms of the legal EU definition. It's analysis indicated that the maturation related congeners (substances produced during fermentation) suggested that they had not been aged for three years in wooden barrels of 700 litres capacity or less, which is part of the compositional standard of whisky. To supply a product which is described as Whisky when, in fact, it is not whisky by the legal definition is a breach of Section 2 of the Fraud Act 2006, Section 14 and/or Section 15 Food Safety Act and Regulation 5 of the Consumer Protection from Unfair Trading Regulations 2008.

The High Commissioner and Prince Consort samples have yet to be reported on by the trade mark owner.

On 11/09/2012, Mr SAEED surrendered his premises licence for Europa Delikatesy to Derby City Council's Licensing Team. The new applicant to take over is identified as Abdul Wahab Rasoul. Derby City Council's Trading Standards Service is concerned that this individual is another front for the business and are in the process of investigating the credibility of this individual with the assistance of Derbyshire Police.

For Derby City Council Trading Standards Service, the investigation into Mr SAEED is ongoing.

Summary

As aforementioned it is felt that it would be a necessary and proportionate response of the Nottingham City Council Trading Standards Service to make an application for a review of the premises licence.

Nottingham City Council Trading Standards Service recommends a revocation of the licence.

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

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)

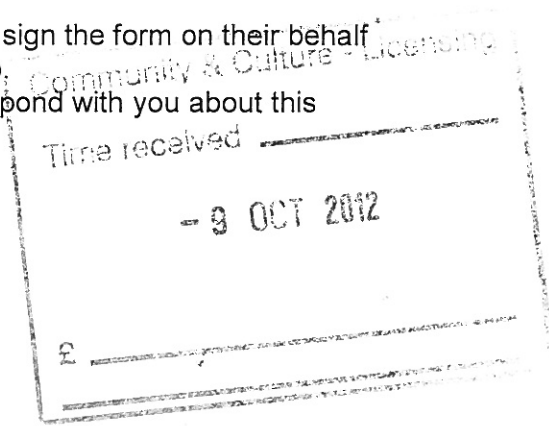
Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature Jane Bailey
Date 5th October 2012
Capacity Troding Standards Manager

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.



Licensing Act 2003

Communities

Licensing
Derwent Building
Eastcroft Depot
London Road
Nottingham
NG2 3AH
Tel: 0115 915 5555
Fax: 0115 876 1769

Premises Licence

Premises licence number 068334

Part 1 – Premises details

Postal address of premises, or if none, ordnance survey map reference or description

Monopolowy Minimarket
296 Radford Road

Post town	Nottingham	Post code	NG7 5GN
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Telephone number	
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

Sale by Retail of Alcohol;

The times the licence authorises the carrying out of licensable activities

Sale by Retail of Alcohol:

Monday	from 08.00 to 23.00 hours the following morning
Tuesday	from 08.00 to 23.00 hours the following morning
Wednesday	from 08.00 to 23.00 hours the following morning
Thursday	from 08.00 to 23.00 hours the following morning
Friday	from 08.00 to 23.00 hours the following morning
Saturday	from 08.00 to 23.00 hours the following morning
Sunday	from 08.00 to 23.00 hours the following morning

The opening hours of the premises

Monday	from 08.00 to 23.00 hours the following morning
Tuesday	from 08.00 to 23.00 hours the following morning
Wednesday	from 08.00 to 23.00 hours the following morning
Thursday	from 08.00 to 23.00 hours the following morning
Friday	from 08.00 to 23.00 hours the following morning
Saturday	from 08.00 to 23.00 hours the following morning
Sunday	from 08.00 to 23.00 hours the following morning

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Alcohol - Off the premises

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Hadi Rahman Mohammed, 4 Elizabeth Close, Crowle, North Lincolnshire, DN17 4DN

Telephone Number: 07544 446262

(Transferred: 31 October 2012)

Registered number of holder, for example company number, charity number (where applicable)

Not applicable

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Hadi Rahman Mohammed

(Varied: 31 October 2012)

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

NL/19275 issued by North Lincolnshire Council.

Signed: 
Licensing Officer

Dated: 24 November 2011

Annex 1 - Mandatory Conditions

S. 19 Licensing Act 2003

1. No supply of alcohol may be made under this licence
 - a. At a time when there is no designated premises supervisor in respect of it or,
 - b. At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions Consistent with the Operating Schedule

1. CCTV system shall be installed and maintained. All images shall be retained for a minimum of 28 days and made available for downloading and copying immediately upon request by an officer of a responsible authority.
2. All spirits shall be displayed behind the counter with beer and any wine displays in view of the counter and monitored by staff.
3. A Challenge 21 scheme shall operate at the premises. Any person who appears to be under 21 years of age shall not be served alcohol unless they produce an acceptable form of identification (passport or photo driving licence or PASS accredited card).
4. Challenge 21 notices will be displayed in prominent positions throughout the premises and identifying the proxy sale offence.
5. A refusals book shall be kept at the premises to record all instances where service is refused. Details to show:
 - the basis for the refusal;
 - the person making the decision to refuse; and
 - the date and time of the refusalSuch record to be retained at the premises for at least 12 months, and shall be made available for inspection and copying by the Police, or other officer of a Responsible Authority, immediately upon request.
6. A training book shall be kept to record staff training. This book is to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately on request and all such books to be retained at the premises for at least 12 months.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. Signage shall be placed in a prominent position within the shop to the effect that people must not congregate outside the shop.
2. No beer and cider of a strength of 5.5% ABV or above shall be sold from the premises.
3. Signage shall be placed in a prominent position within the shop requesting customers to respect neighbours privacy when leaving the premises.
4. All individual vessels containing alcohol shall be marked with a unique code:- 'mon.296' such marking shall be made in indelible ink placed directly on to the vessel (subject to this code not already being in existence, in the event that it is then a similar code to be put in its place).
5. A personal licence holder shall be on the premises during the hours the premises are open for the sale of alcohol.

Annex 4 – Plans

Plan received with the application on 6 October 2011
Plan applicable from the date of issue of the licence

24 November 2011