

**REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES**

**REVIEW OF PREMISES LICENCE**

<b>Premises concerned</b>	Ezee Shop 204 Ilkeston Road Nottingham NG7 3HG  Please see attached Premises Licence
<b>Premises licence holder</b>	Anwar Abbas
<b>Party submitting review</b>	Jane Bailey, for & on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH  Please see attached application.
<b>Date application Received:</b>  <b>Last date for representations:</b>	21 November 2012  19 December 2012  The Licensing Officer displayed public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 from 22 November 2012 to 19 December 2012 inclusive.
<b>Relevant representations received</b>	None
<b>Matters which the Authority has asked the parties to clarify</b>	<ol style="list-style-type: none"> <li>1. Identification of all issues (both factual legal) which are in dispute.</li> <li>2. Identification of all areas of law, Guidance and Policy upon which they intend to rely.</li> <li>3. Clarification of the following matters:           <ol style="list-style-type: none"> <li>(a) Confirmation as to whether the ingredients of the cigarettes / tobacco found at the premises were sub-standard and dangerous and, if so, details of the potential harm that could be caused by smoking them.</li> <li>(b) Details of the health and safety legislation considered to be breached at the illegal factories</li> </ol> </li> </ol>

	<p>(c) Details of the specific dangers to those working on the production line at the illegal factories and to neighbouring properties and members of the public</p> <p>(d) Copies of interview transcripts / summaries relating to Mr Abbas and Mr Sarzali's interviews.</p>
<b>Issues</b>	
<b>Issue 1</b>	Whether it is appropriate to take any one or more of the steps identified below in order to promote (1) the prevention of crime & disorder (2) public safety and (3) the protection of children from harm or whether no action is necessary to promote the licensing objectives.
<b>Relevant Legislation</b>	S51 – 53 Licensing Act 2003
<b>Relevant Policy</b>	Paragraphs 6.44 and 6.45 of the Statement of Licensing Policy.
<b>Relevant Guidance</b>	Chapter 11 of the guidance issued under section 182 of the Licensing Act 2003.
<b>Steps which the Licensing Authority may take</b>	<ol style="list-style-type: none"> <li>1. To modify the conditions of the licence permanently or for a temporary period of up to 3 months; and/or</li> <li>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</li> <li>3. To remove the designated premises supervisor; and/or</li> <li>4. To suspend the whole premises licence for a period not exceeding 3 months; or</li> <li>5. To revoke the licence.</li> </ol>
<b>Published documents referred to in compiling this report</b>	<p>Licensing Act 2003</p> <p>Guidance issued under Section 182 of the Licensing Act 2003.</p> <p>Statement of Licensing Policy issued by Nottingham City Council.</p>

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


**Contact Officer:** Zoey Mayes, Licensing Officer 0115 876 1756



**Ezee Shop, 204 Ilkeston Road,  
Nottingham NG7 3HG**

 City Boundary

0 39.7 Meters



© Crown Copyright and database right 2012. Ordnance Survey  
Licence number 100019317. Aerial Photography Copyright:  
Geoperspectives, 2007

This map is a user generated static output from NOMAD  
mapping site and is for reference only.



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

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

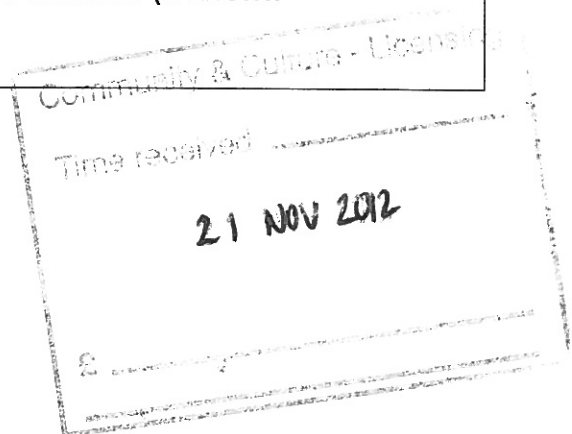
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  Ezee Shop, 204 Ilkeston Road	
<b>Post town</b> Nottingham	<b>Post code (if known)</b> NG7 3HG
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Anwar ABBAS	
<b>Number of premises licence or club premises certificate (if known)</b> 055990	



**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**

**Please tick yes**

I am 18 years old or over

**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**

<b>Name and address</b>
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) 0115 8445018 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 | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance    | <input 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)

This application is made because the Licensing Objectives relating to (1) the Prevention of Crime & Disorder, (2) Public Safety and (4) the Protection of Children from Harm have been seriously undermined in that:

On 9<sup>th</sup> August 2012 a warrant was executed at the Ezee Shop, 204 Ilkeston Road, Nottingham, following reports that illicit and counterfeit tobacco were being sold from the premises. Following the execution of the warrant, a search was carried out.

During the search a sizeable quantity of cigarettes and tobacco was discovered by a tobacco dog behind metal shelving under the till. None of these items had the correct pictorial / written warnings as required under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, being an offence under Section 12 of the Consumer Protection Act 1987.

Further to the seizure, the items seized were examined by the trademark holders and the majority of the items were found to be counterfeit, thus breaching the Trade Marks Act 1994.

The Premises Licence Holder and Designated Premises Supervisor, a Mr Anwar Abbas, was abroad at the time the warrant was executed. He was interviewed following his return to the United Kingdom in relation to the above offences. During the interview he advised that he had left the United Kingdom on 15<sup>th</sup> March 2012 and had not returned until 5<sup>th</sup> September 2012. Mr Abbas advised that he had left a Mr Ali in charge of this store, who he had only met a couple of times. Mr Abbas advised that he had not made any checks in relation to Mr Ali's previous employment.

The seizure and the absence of Mr Abbas for such a length of time directly impact on the Licensing Objectives as follows:

#### **(1) The Prevention of Crime and 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 and the ingredients used can be unsafe.

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 have 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.

Further, if a store is willing to sell illegal cigarettes and tobacco, this may make it more likely that the store look for other, cheap and quick ways to make money, such as selling counterfeit alcohol which, if consumed can result in serious health effects.

#### **(4) Protection of Children from Harm**

The Premises Licence Holder and Designated Premises Supervisor (Mr Abbas) was out of the country for approximately five and a half months, leaving a person in charge of his store who he had only met a couple of times. Mr Abbas has advised that he has no details for Mr Ali, therefore we have been unable to make checks to see whether Mr Ali held a Personal Licence. In any event, even if Mr Ali did hold a Personal Licence, Mr Abbas failed to make the appropriate amendments with the Licensing Authority, this shows a disregard by Mr Abbas for the responsibilities he has as a Licence Holder.

Further Mr Abbas was willing to leave his store in charge of someone he knew very little about and who by Mr Abbas own admissions had received only received a couple of days training on the running of the store.

Leaving someone who had very little training on selling age restricted products, including tobacco, increases the likelihood of sales to underage persons taking place.

**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. Nottingham City Council Trading Standards Service recommends a revocation of the 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 follows:

On 9<sup>th</sup> August 2012 a warrant was executed by Officers from Nottinghamshire Police and Nottingham City Trading Standards Service at the Ezee Shop, 204 Ilkeston Road, Nottingham, following reports that illicit and counterfeit tobacco were being sold from the premises. Following the execution of the warrant, a search was carried out with the assistance of a search dog.

During the search a sizeable quantity of cigarettes and tobacco was discovered, hidden behind a metal shelving unit under the till. This included the following:

- 13 Pack of Marlboro Original Cigarettes
- 33 Packets of 50g Amber Leaf Rolling Tobacco
- 33 Packets of Palace Cigarettes
- 8 Packets of 50g Golden Virginia Rolling Tobacco

None of the above items had the correct pictorial / written warnings as required under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002, being an offence under Section 12 of the Consumer Protection Act 1987.

Further to the seizure, the items seized were examined by the trademark holders and the following were found to be counterfeit, thus breaching the Trade Marks Act 1994:

- 33 x 50g Amber leaf Rolling Tobacco
- 33 packets of Palace Cigarettes
- 8 x 50g Golden Virginia Rolling Tobacco

This is not only misleading to the public but directly contravenes the Trade Marks Act 1994. Both these factors indicate that there is also a deliberate attempt to avoid paying duty on them.

When the warrant was executed, a Mr Sarzali identified himself as the person in charge, he advised that currently the owner, a Mr Abbas, was away on holiday. When asked what he was doing with the cigarettes he replied that '*we are selling it*'. Mr Sarzali was subsequently arrested in relation to the above offences and interviewed. During the interview Mr Sarzali advised that he had only been working at the store for approximately two weeks and that he had been selling the tobacco and cigarettes to people that came into the store. Mr Sarzali did not hold a personal licence to sell alcohol.

Mr Sarzali was unsure as to when Mr Abbas was due to return. At the time of the interview this Service was under the impression that Mr Abbas had only been away for two weeks. Mr Sarzali was cautioned in relation to his role in the above matter.

Mr Abbas returned to the United Kingdom on 5<sup>th</sup> September 2012 and was interviewed on 14<sup>th</sup> September 2012. Mr Abbas then advised that he had been away from the store since March 2012. Mr Abbas advised that he had left a Mr Ali in charge of his store, he explained that Mr Ali had been recommended to him by members of the business community and that he had only met him a couple of times. Mr Abbas had not obtained any references for Mr Ali and advised that he had only given him a couple of days training in the store prior to his departure.

Mr Abbas informed Trading Standards Officers during his interview, that initially he expected to only be away for one month, however he discovered when he arrived abroad that his mother was ill and he extended his trip, eventually returning in

September 2012. Mr Abbas provided a ferry ticket, with his return date on the ticket and he was also picked up on a camera in Kent on 5<sup>th</sup> September 2012, which supports Mr Abbas's account of arriving back into the UK on the above date.

Mr Abbas advised that he received a phone call from Mr Ali at the end of August 2012, during that phone call Mr Ali advised him that he was leaving the store. Mr Abbas therefore arranged for Mr Sarzali to manage the store. Mr Sarzali had not previously worked at the store and had therefore not received any training.

Mr Abbas advised that prior to his departure, he had instructed Mr Ali to purchase tobacco and cigarettes from legitimate sources, such as Hyperama and Bookers and that it had come as a complete surprise to him that the illicit and counterfeit tobacco had been found on his shop premises. Mr Abbas advised that he believed that Mr Ali had brought the tobacco and cigarettes onto the premises.

### **Summary**

During the interview Mr Abbas displayed a very relaxed attitude to his responsibilities as a Licence Holder and Designated Premises Supervisor, he did not seem to think that it was concerning that he left someone in charge of his store for a considerable amount of time, who he knew very little about and who had received little training.

As the Premises Licence Holder and the Designated Premises Supervisor for the store, Mr Abbas should have made arrangements for an appropriate person to manage the store whilst he was away for a considerable length of time. Given that a considerable amount of alcohol is displayed for sale in the shop, it is clearly a core part of the business. Any sales of alcohol made during Mr Abbas's absence may have breached Section 19 of the Licensing Act 2003.

The lack of control and lack of a staffing structure at the store, is concerning, given that the store is selling a number of age restricted products. During the course of the interview Mr Abbas stated that he may have to leave the shop in the future to be with his mother. This Service is concerned, given the history, that the shop will be left with someone who is not appropriately trained or does not hold the relevant licenses, this may lead to increase in age restricted sales to underage persons.

In addition to the concerns regarding the store selling alcohol, the amended guidance issued under Section 182 of the Licensing Act 2003; at paragraph 11.29 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 licensed premises for various activities, including; for the sale of smuggled tobacco and alcohol'*. The tobacco that was found at Ezee was clearly smuggled tobacco. Even if Mr Abbas knew nothing about the illicit and counterfeit tobacco being sold from his premises, he has left his store open to such abuse by not taking the actions any responsible retailer would be expected to take.

There has been evidence that this store has been supplying smuggled tobacco and cigarettes as part of their business for sometime. Prior to Mr Abbas' ownership in November 2010 and in March 2011 a seizure of illicit and counterfeit tobacco and cigarettes were made from the store. Whilst Mr Abbas was not the owner at this time, he was present at the store at the time the seizure took place in March 2011.

As Mr Abbas has shown he was out of the Country, this Service has decided to issue him with a warning in relation to this matter; however 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

--	--	--	--	--	--	--	--

**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 Jon Bailey

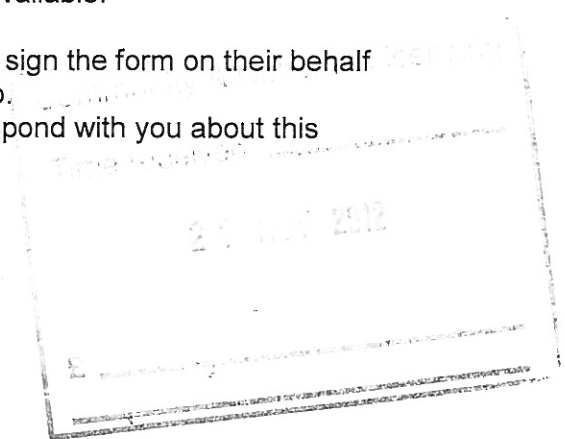
Date 19th November 2012

Capacity Trading Standards Manager

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (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

## Community & Culture

Lawrence House  
Talbot Street  
Nottingham  
NG1 5NT  
Tel: 0115 915 5555  
Fax: 0115 915 6145

### Premises Licence

**Premises licence number** 055990

#### Part 1 – Premises details

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

Ezee Shop  
204 Ilkeston Road

<b>Post town</b>	Nottingham	<b>Post code</b>	NG7 3HG
------------------	------------	------------------	---------

<b>Telephone number</b>	
-------------------------	--

**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 09.00 hrs to 22.00 hrs
Tuesday	from 09.00 hrs to 22.00 hrs
Wednesday	from 09.00 hrs to 22.00 hrs
Thursday	from 09.00 hrs to 22.00 hrs
Friday	from 09.00 hrs to 22.00 hrs
Saturday	from 09.00 hrs to 22.00 hrs
Sunday	from 09.00 hrs to 22.00 hrs

**The opening hours of the premises**

Monday	from 08.00 hrs to 24.00 hrs
Tuesday	from 08.00 hrs to 24.00 hrs
Wednesday	from 08.00 hrs to 24.00 hrs
Thursday	from 08.00 hrs to 24.00 hrs
Friday	from 08.00 hrs to 24.00 hrs
Saturday	from 08.00 hrs to 24.00 hrs
Sunday	from 08.00 hrs to 24.00 hrs

**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**

Anwar Abbas, 80 Dryden Street, Nottingham NG1 4EY

(Transferred: 6 December 2011)

**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**

Anwar Abbas

(Varied: 6 December 2011)

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

056510 - issued by Nottingham City Council

Signed:.....  
Licensing Officer

Dated: 9 December 2009



## **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. Alcohol that is directly accessible by the public must not be displayed within 5 metres of the entrance / exit to the premises.
2. All vessels containing alcohol must be indelibly marked '204IR' prior to sale.
3. There will be no sales of cider/beer/lager with an ABV 5.5% or more.
4. 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 driving licence or PASS accredited card.)
5. Challenge 21 notices will be displayed in prominent positions throughout the premises.
6. A bound and sequentially paginated refusals book shall be kept at the premises to record all instances where admission or 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 refusal.

Such 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.

7. A bound and sequentially paginated incident/accident book shall be kept to record all instances of disorder, damage to property and personal injury at the premises. This book to be made available for inspection and copying by the Police and other officers of Responsible Authorities immediately upon request, and all such books to be retained at the premises for at least 12 months.
8. A CCTV system with recording equipment shall be maintained at the premises and operated with cameras in positions agreed with the Police. All recordings used in conjunction with CCTV shall:
  - Be of evidential quality
  - Indicate the time and date
  - Be retained for a period of 31 days

Sufficient staff must be trained to use the system, as the recorded images must be made available for inspection and downloading immediately upon request to officers of Responsible Authorities.

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

Not applicable

#### **Annex 4 – Plans**

Plan received with an application on 10 November 2009  
Plan applicable from the date of issue of the licence.

9 December 2009