

**REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES**

**REVIEW OF PREMISES LICENCE**

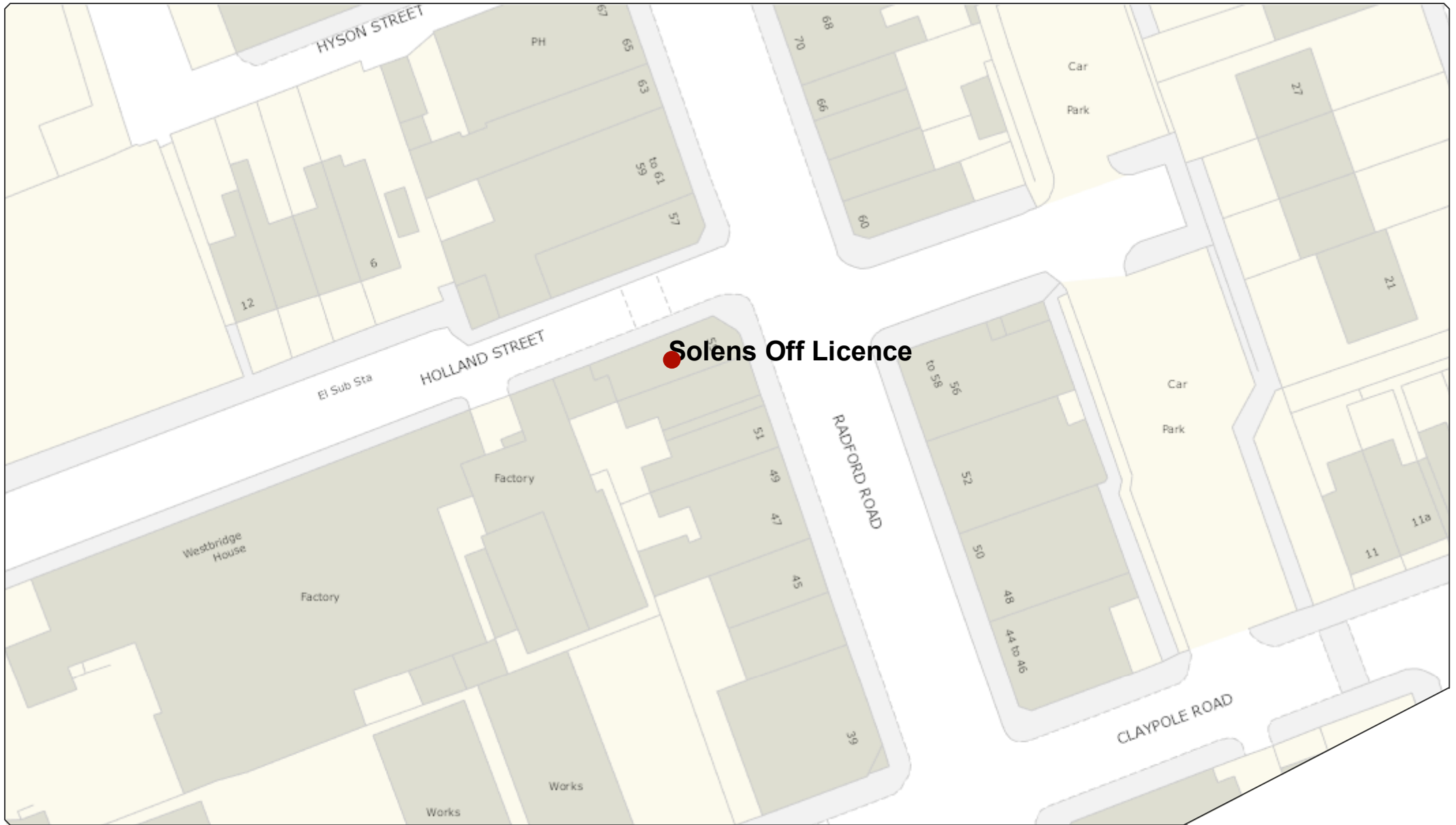
<b>Premises concerned</b>	Solens Off Licence 55 Radford Road Hyson Green Nottingham NG7 5DR  Please see attached Premises Licence
<b>Premises licence holder</b>	Marewah Hussain Karim
<b>Party submitting review</b>	Jane Bailey, for & on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH  Please see attached application
<b>Date application Received:</b>	11 September 2013
<b>Last date for representations:</b>	9 October 2013  The Licensing Officer displayed a public notice of this application in accordance with the Licensing Act 2003 (Premises Licence) Regulations 2005 (as amended) from 12 September 2013 to 9 October 2013 inclusive.
<b>Relevant representations received</b>	None
<b>Matters which the Authority has asked the parties to clarify</b>	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.
<b>Issues</b>	
<b>Issue 1</b>	Whether it is appropriate and proportionate to take 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>	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

	<p>licence permanently or for a temporary period of up to 3 months; and/or</p> <p>3. To remove the designated premises supervisor; and/or</p> <p>4. To suspend the whole premises licence for a period not exceeding 3 months; or</p> <p>5. To revoke the licence.</p>
<p><b>Published documents referred to in compiling this report</b></p>	<p>Licensing Act 2003 (as amended) Guidance issued under Section 182 of the Licensing Act 2003. 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: Tel: 0115 8761756

# Solens Off Licence



## Key

 City Boundary

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## Description

55 Radford Road, Hyson Green,  
Nottingham NG7 5DR





**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.

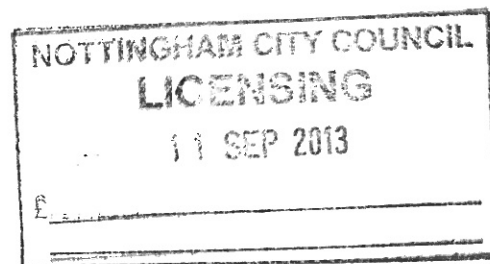
- I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Solens Off Licence, 55 Radford Road	
<b>Post town</b> Nottingham	<b>Post code (if known)</b> NG7 5DR

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Marewan Hussain KARIM
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<b>Number of premises licence or club premises certificate (if known)</b> 040194
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

**Please tick**

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

**Surname**

**First names**

I am 18 years old or over

**Please tick yes**

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

<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) 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 | <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 (3) the Prevention of Children from Harm have been seriously undermined in that:

On 14<sup>th</sup> August 2013 a warrant was executed at Solens General Grocers, 55 Radford Road, Nottingham, following reports that illicit and counterfeit tobacco were being sold from the premises. The intelligence was received through Nottingham City Council, Nottinghamshire Police and Crimestoppers.

There has been evidence that this store have been supplying smuggled tobacco and cigarettes as part of their business for some time.

Following the execution of the warrant, a search was carried out.

During the search, a sizable quantity of cigarettes and tobacco was discovered by a specially trained tobacco search dog under the flooring tiles in a back storage room. 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.

Within the discovered tobacco concealment, 24 packets of 50gram pouches were labelled as Amber Leaf hand rolling tobacco. These products have been identified by expert witnesses to be counterfeit and therefore in breach of the Trade Marks Act 1994.

During a subsequent interview with Mr M KARIM, he stated that he knew nothing about the concealment and he had been away from the store for approximately 3 months. In his absence Mr M KARIM left his "friend" Mr Pishtiwani KARIM in charge of the shop.

The seizures 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 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.

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.

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

Mr M KARIM is the Premises Licence Holder and Designated Premises Supervisor and was out of the country for approximately five months, failing to inform the local authority of the change in circumstances. Mr M KARIM also stated that he has no details for Mr Pishtiwani KARIM, therefore we have been unable to make checks to see whether Mr Pishtiwani KARIM held a Personal Licence. In any event, even if Mr P KARIM did hold a Personal Licence, Mr M KARIM failed to make the

appropriate amendments with the Licensing Authority. This shows a disregard by Mr M KARIM for the responsibilities he has as a Licence Holder. Additionally Mr M KARIM apparently left his store in charge of someone he knew very little about.

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

If alcohol is sold to a person under the age of 18, it is likely that they will become easily intoxicated, which may lead to damage being caused to their health and may lead them to placing themselves in a vulnerable situation.

### **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:

Following a series of intelligence reports regarding the sale and distribution of illicit and counterfeit tobacco products, a search warrant was obtained and executed on 17<sup>th</sup> July 2012 at Solens Mini Market, Radford Road, Nottingham. The above defendant is the owner/ manager as well as the Premises Licence Holder and the Designated Premises Supervisor for the business.

During this warrant no illicit or counterfeit tobacco products were found and all the alcoholic products appeared to be in order. The above licence holder Mr Marewan KARIM was present and stated he was the Manager. As nothing was found, no further action was taken.

Over the following months a constant stream of intelligence came through regarding the sale and distribution of illicit and counterfeit tobacco products from Solens and other businesses in the area. Trading Standards gathered further information and monitored the situation, doing occasional inspections which again revealed nothing.

Following further intelligence Trading Standards received relating to the continued sale and distribution of illegal cigarettes and tobacco products, a search warrant under the Trade Marks Act 1994 was authorised, obtained and executed on the 14<sup>th</sup> August 2013.

During the search a sizable quantity of cigarettes and tobacco was discovered, hidden underneath floor tiles in a back storage room. This included the following:

- 3220 PECT Cigarettes
- 1260 Palace Cigarettes
- 100 L&M Cigarettes
- 53x 50gram Packets of Amber Leaf Hand Rolling Tobacco
- 1060 Mayfair Cigarettes
- 1420 Marlboro Cigarettes
- 10x 50gram Packets of Golden Virginia
- 4x 50gram Packets of Gold Leaf Hand Rolling Tobacco
- 1 Packet Marlboro Cigarettes
- 1 Packet Golden Virginia Hand 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.

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

- 24 x 50g Amber Leaf 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.

These products were stored underneath several floor tiles in a specially manufactured hydraulic container. The concealment was ONLY revealed after the dog indicated the area.

Intelligence suggests that the concealment was manufactured due to the defendant being aware of the tactics that Trading Standards and the Police use to locate hidden items. The respondent appeared to be aware of tactics due to his neighbouring businesses providing this information after they themselves had warrants executed at their premises.

At the time of the search the Mr M KARIM denied all knowledge of the concealment despite working at the shop for at least 1.5 years.

Of the products which were seized by Trading Standards, one sleeve of Amber Leaf Hand Rolling tobacco could be dated; the manufacture date being May 2013. This was provided by a trade mark representative of JTI on 3<sup>rd</sup> September 2013.

Mr M KARIM was invited to interview under PACE at Loxley House, Nottingham on the 4<sup>th</sup> September 2013. During the interview Mr KARIM stated that he had been the shop manager for approximately 1.5 years and employed several people. He stated that he was unaware of the concealment and stated that it had probably been constructed prior to him owning the store. When questioned regarding the Amber Leaf Hand Rolling tobacco dated May 2013, Mr KARIM stated that he had been away from the business on holiday for approximately 3 months from May 2013 visiting his sick mother in Kurdistan, his country of birth. In his absence KARIM stated that he had left his friend Pishtiwan KARIM (no further details known except an approximate age of 29-30 years), attributing the construction of the concealment to Pishtiwan in his absence. KARIM stated that following his return to the UK, he resumed his position as manager in the shop and Mr Pishtiwan KARIM left to return to Kurdistan, not to return to the UK.

Mr M KARIM also stated that in his absence he did not make the Licensing department of Nottingham City Council aware that he would be absent from the country and did not provide a suitable replacement.

Furthermore at the interview, Mr M KARIM stated that the recruitment process for his staff is basic and the training he gives them is limited. Although, after being prompted, he stated he knew about the refusals book process and made his staff aware of serving people under age, this cannot be judged as he does not keep training records for his staff. Mr M KARIM stated "if they're ok they stay".

### **Summary**

Mr M KARIM'S overall attitude to the ongoing investigation can be described as jovial, appearing late to interview, despite having been written to prior to the date.

Throughout the warrant and interview he appeared relaxed and confident knowing what to say in order to avoid responsibility. I find it difficult to believe that Mr M KARIM is unaware of the concealment and the name he gave of Pishtiwan KARIM is likely to be fictitious. We have since had further reports that Solens General Grocers are again trading in counterfeit and illicit tobacco products, and resumed the trade on the evening of the 14<sup>th</sup> August 2013 following the executed warrant.

A combination of these factors shows a total disregard for the law around the sale of tobacco products and a lack of responsibility from a premises licence holder.

During the interview Mr M KARIM displayed a very relaxed attitude to his

responsibilities as a Premises Licence Holder and Designated Premise 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 M KARIM 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 M KARIMS 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.

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 Solens was clearly smuggled tobacco. Even if Mr M KARIM 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.

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  No

If yes please state the date of that application

Day Month Year

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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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

*Jon Bailey*

Date

*10th September 2013*

Capacity

*Trading 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

Derwent Building  
Eastcroft Depot  
London Road  
Nottingham  
NG2 3AH  
Tel: 0115 915 5555  
Fax: 0115 915 2118

### Premises Licence

**Premises licence number:** 040194

#### Part 1 – Premises details

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
Solens Off Licence 55 Radford Road Hyson Green			
<b>Post town</b>	Nottingham	<b>Post code</b>	NG7 5DR
<b>Telephone number</b>	0115 9782759		

<b>Where the licence is time limited the dates</b>
Not applicable

<b>Licensable activities authorised by the licence</b>
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 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

**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**

Marewah Hussain Karim, 38 Tissington Road, Forest Fields, Nottingham NG7 6PY

(Transferred: 31 May 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**

Marewah Hussain Karim

(Varied: 31 May 2012)

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

070523 - issued by Nottingham City Council

Signed: ..........  
Licensing Officer

Dated: 6 February 2007



## **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 cameras shall be installed and maintained in the premises in accordance with Police Licensing Officers' recommendations and images shall be retained for 28 days and made available to the Police and other authorised persons.
2. A proof of age policy shall be operated at all times in relation to relevant licensable activities.

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

Not applicable.

## **Annex 4 – Plans**

Plan received with the application on 8 January 2007  
Plan applicable from the date of issue of the licence

6 February 2007