

NOTTINGHAM CITY COUNCIL
SPECIAL LICENSING PANEL

Date: Tuesday 7 January 2014

Time: 10.30am

Place: LB 31 at Loxley House, Station Street

Councillors are requested to attend the above meeting on the date and at the time and place stated to transact the following business.



Deputy Chief Executive/Corporate Director for Resources

Constitutional Services Officer: Mark Leavesley Direct dial - 8764302

A G E N D A

1 APOLOGIES FOR ABSENCE

2 DECLARATIONS OF INTERESTS

If you need any advice on declaring an interest in any item on the agenda, please contact the Constitutional Services Officer shown above, if possible before the day of the meeting

**3 APPLICATION FOR A REVIEW OF THE PREMISES LICENCE:
MONOLOWY MINIMARKET, 296 RADFORD ROAD, NG7 5GN
Report of Director of Community Protection**

Attached

**CITIZENS ATTENDING MEETINGS ARE ASKED TO ARRIVE AT
LEAST 15 MINUTES BEFORE THE START OF THE MEETING TO
BE ISSUED WITH VISITOR BADGES.**

Agenda, reports and minutes for all public meetings can be viewed online at:-
<http://open.nottinghamcity.gov.uk/comm/default.asp>

REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES

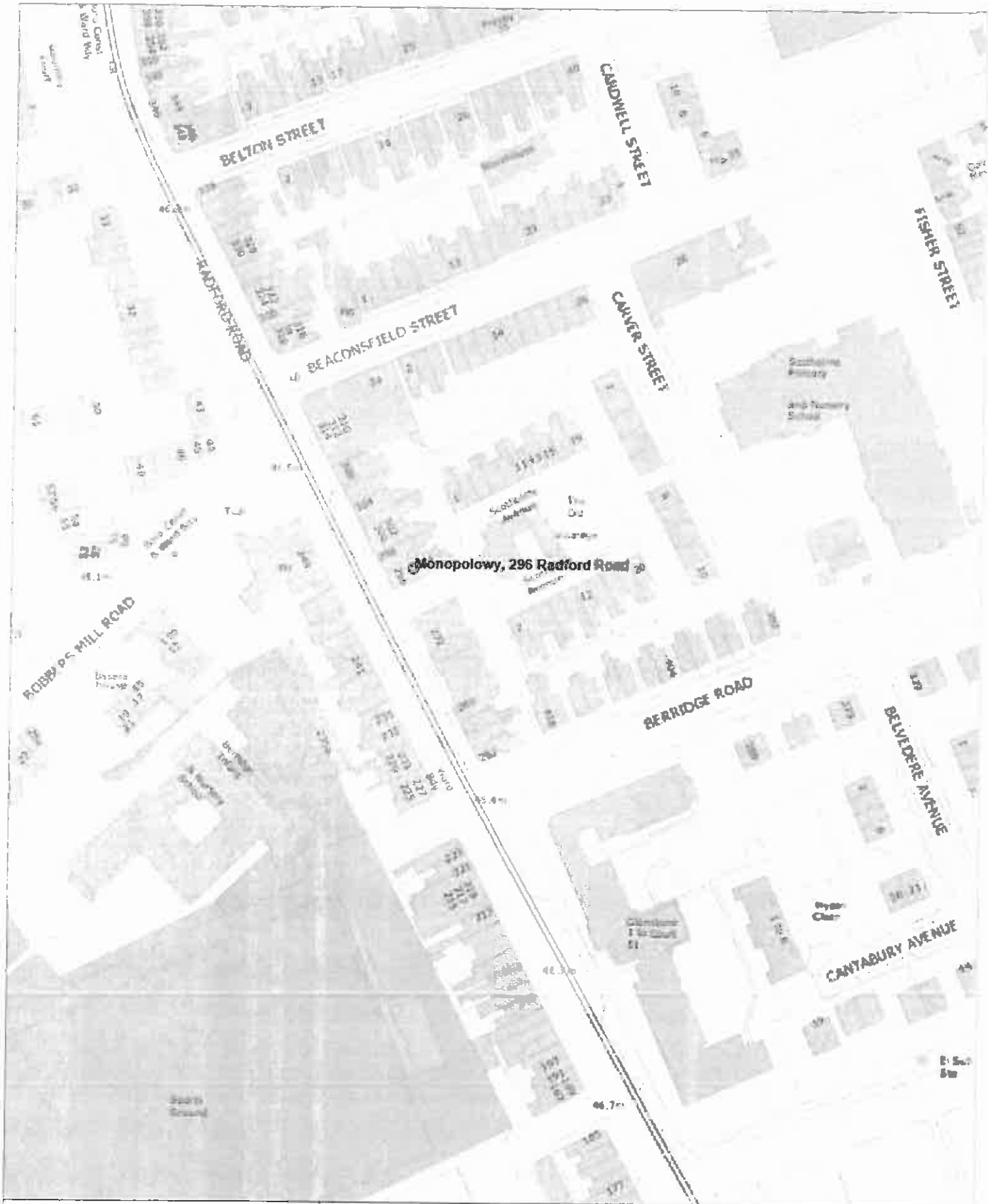
REVIEW OF PREMISES LICENCE

Premises concerned	Monopolowy Minimarket 296 Radford Road Nottingham NG7 5GN Please see attached Premises Licence
Premises licence holder	Hadi Rahman Mohammed
Party submitting review	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
Date application Received:	11 November 2013
Last date for representations:	9 December 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 November 2013 to 9 December 2013 inclusive.
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. <p><u>Matters for clarification by the Premises Licence Holder:</u></p> <ol style="list-style-type: none"> 3. Please clarify whether Mr Danasade, left in charge of the shop in April 2013, held a personal licence and which licensing authority it was issued by. 4. Please provide details of the names of the employees at Monopolowy Mini Market and any personal licences held by them including which licensing authority they were issued by.
Issues	
Issue 1	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.


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 (as amended) 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: Tel: 0115 8761756



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

 City Boundary

0 39.7 Meters



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Geoperspectives 2007

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

Printed at 10:21 02/11/2012



3



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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

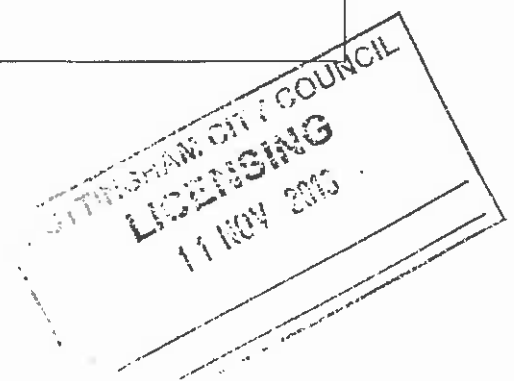
Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

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 Mini Market, 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) Hadi Rahman MOHAMMED	
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 | <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 30th September 2013 a warrant was executed and a search took place by Trading Standards Officers and Police Officers at Monopolowy Mini Market, 296 Radford Road, Nottingham. This warrant was executed as a result of intelligence received through Nottingham City Council, Nottinghamshire Police and Crimestoppers.

The warrant, which was executed with the assistance of a specially trained tobacco dog, revealed 554 packets of cigarettes (11,080 individual cigarettes) all of which are either illicit or counterfeit. 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.

From the 554 packets, samples of all the different brands were sent to the respective trade mark holders and were found to be counterfeit, which is an offence under Section 92 of the Trade Mark Act 1994.

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 may 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

The possession of counterfeit goods demonstrates a certain attitude towards committing criminal offences. Those who engage in such activities are less likely to adhere to other legislative requirements: for example, the requirement not to sell tobacco or alcohol to anyone under the age of 18. It is well evidenced that young people who take up smoking at an early age are more likely to become lifetime smokers. Young people who have access to alcohol can put themselves and others in risky or dangerous situations, as their judgement is impaired. It is the duty of the Trading Standards Service to protect all children from harm from the under age sales of both tobacco and alcohol.

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 follows:

In August 2012, following a series of intelligence reports received through Nottinghamshire Police, Nottingham City Council and Crimestoppers, Trading Standards and HMRC executed a warrant on Monopolowy Mini Market, 296 Radford Road, Nottingham. A large quantity of illicit and counterfeit tobacco products were found and seized. The concealment was sophisticated and hidden as part of the front counter unit.

From the total seized, 257 packets of cigarettes were found to be a mixture of counterfeit and illicit products and the 7 packets of hand rolling tobacco were found to be counterfeit.

At the time of the warrant, a Mr Faridon Ali SAEED was the Premises Licence Holder, Designated Premises Supervisor and shop owner. He denied all knowledge of the concealments and the counterfeit and illicit tobacco products. He stated that he had been away from 21st July to 9th August 2012, however these dates were unclear.

Due to the offences committed, along with Mr SAEEDs lack of knowledge regarding the ongoings in his shop, a decision was made to prosecute and to submit an application for review of his licence.

A Premises Licence review was submitted by Trading Standards on the 5th October 2012. However, during enquiries and investigations into the offences, the licence was transferred to a Mr Hadi Rahman MOHAMMED. Trading Standards had no evidence or intelligence to link Mr SAEED and Mr MOHAMMED together. At the review hearing, the panel decided that there could be no further action taken in relation to the licence review, but directed Trading Standards to send a letter of advice to the new Premises Licence Holder. This letter was sent on 23rd November 2012.

As far as is known, there were no objections to Mr MOHAMMED taking over the licence.

Following a successful prosecution, the previous owner and licence holder, Mr Faridon Ali SAEED was found guilty of the possession for sale counterfeit and illicit tobacco, and was fined £450 and costs of £745.

Over the following months a constant stream of information and intelligence reports were received by Trading Standards in relation to the ongoing sale of counterfeit and illicit tobacco products from the premises. On 30th September 2013 another warrant was obtained and executed under the Trade Marks Act 1994 and a search took place by Trading Standards Officers and Police Officers at Monopolowy Mini Market. A large quantity of cigarettes and tobacco were seized.

The concealment in which the tobacco products were stored was elaborate and sophisticated. It was only after a specially trained tobacco search dog indicated the concealment under several floor tiles that Officers revealed the concealment. Due to the type of concealment that this was, it is safe to assume that constructing it would have taken a considerable amount of time to make and a considerable amount of money to finance.

At the time of the warrant being executed, the Premises Licence Holder, Mr

MOHAMMED was not in the store.

In a PACE interview with Mr MOHAMMED on 7th October 2013 he stated that he was completely unaware of the concealment. He stated that the training he gives the staff covers the Challenge 21 campaign and he was aware of the conditions of the licence held.

However he also stated that he regularly left the shop for long periods of time throughout the day, leaving his staff to take charge of the shop. Additionally he stated that he was away from the premises for 28 days in April 2013, during which time he left his friend Dan DANASADE in charge in his absence. When Hadi MOHAMMED returned to the shop his friend, Mr DANASADE, subsequently left the shop and the country to return to Kurdistan, not to return to the UK. There is no trace on the Police, Council or immigration systems for Mr Dan DANASADE.

During the time Mr Mohammed was absent from the store, he did not let Nottingham City Council Licensing Department know about the change of circumstances. He also did not inform Trading Standards during the PACE interview of any training that he provided or organised for Mr DANASADE to take prior to taking over his responsibilities at the shop.

Mr MOHAMMED the Premises Licence Holder has held the licence since 31st October 2012 and has also been the Designated Premises Supervisor from the same date.

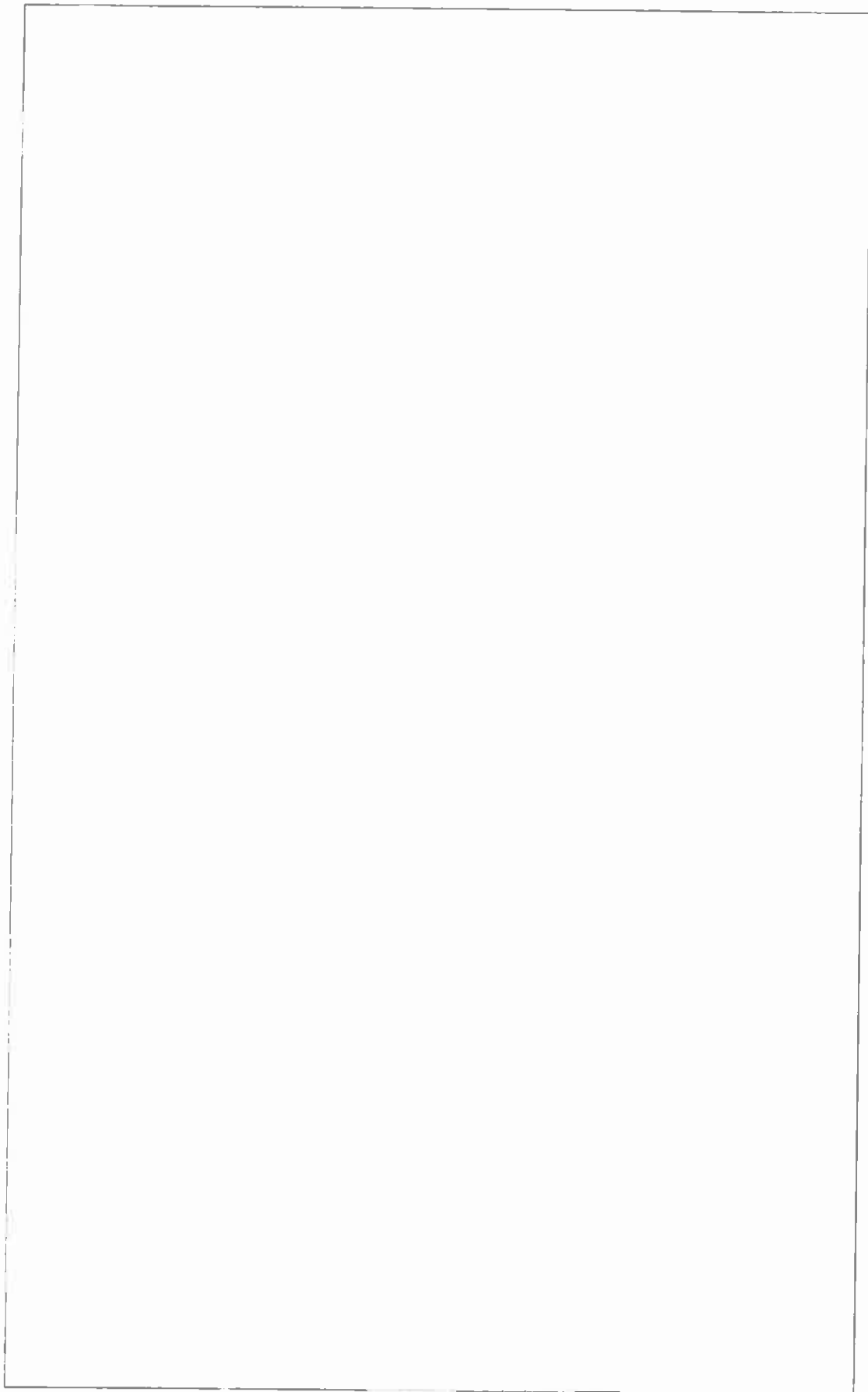
The training which is given to staff seems limited and cannot be evidenced. This does not guarantee that a responsible and properly trained person is serving in the shop at any one time. This breaches a mandatory condition that the DPS supervises every alcohol sale.

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 defendant appeared to be aware of tactics, due to his neighbouring businesses providing this information to him after they themselves had warrants executed at their premises.

During the interview Mr MOHAMMED stated that he had been the shop manager for approximately 1 year and employed two people. He stated that he was unaware of the concealment and stated that it had probably been constructed prior to him owning the store.

The explanation that "a friend" manages the store in the absence of the registered DPS, then leaves the UK indefinitely, seems to be a common tactic of other business owners/ licence holders who deal in counterfeit and illicit tobacco products. This tactic is a way for the owners and licence holders to deny involvement in the offences and to negate responsibility of managing the shop whilst construction of the concealment is manufactured.

We have since had further reports that Monopolowy are again trading in counterfeit and illicit tobacco products, and resumed the trade on the evening of the 30th September 2013 following the execution of the warrant. A combination of these factors shows a total disregard for the law around the sale of tobacco products, and a lack of responsibility by the Premises Licence Holder. It would therefore be safe to assume that, someone who demonstrates such a lack of consideration with regard to tobacco laws, would hold other laws in similar contempt.



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

0	5	1	0	2	0	1	2
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If you have made representations before relating to this premises please state what they were and when you made them

None, other than the review mentioned above.

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

Paul Bailey

Date

11th November 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 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
Telephone number			

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