



**NOTTINGHAM CITY COUNCIL**  
**SPECIAL LICENSING PANEL**

**Date:** Tuesday, 19 May 2015

**Time:** 10.30 am

**Place:** Dining Room - at the Council House

**Councillors are requested to attend the above meeting to transact the following business**

**Acting Corporate Director for Resources**

**Governance Officer:** Tanith Davis **Direct Dial:** 0115 876 5036

**AGENDA**

**Pages**

- |          |  |        |
|----------|--|--------|
| <b>1</b> | <b>APOLOGIES FOR ABSENCE</b>   |        |
| <b>2</b> | <b>DECLARATIONS OF INTERESTS</b><br>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 |        |
| <b>3</b> | <b>SUPER SAM'S, 66 GREGORY BOULEVARD, NOTTINGHAM, NG7 5JD - PREMISES REVIEW</b><br>Report of Corporate Director of Communities   | 3 - 16 |

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

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Wards affected: Arboretum

LICENSING PANEL DATE: 19 May 2015

**REPORT OF CORPORATE DIRECTOR FOR COMMUNITIES**  
**REVIEW OF LICENCE/ CLUB PREMISES CERTIFICATE**

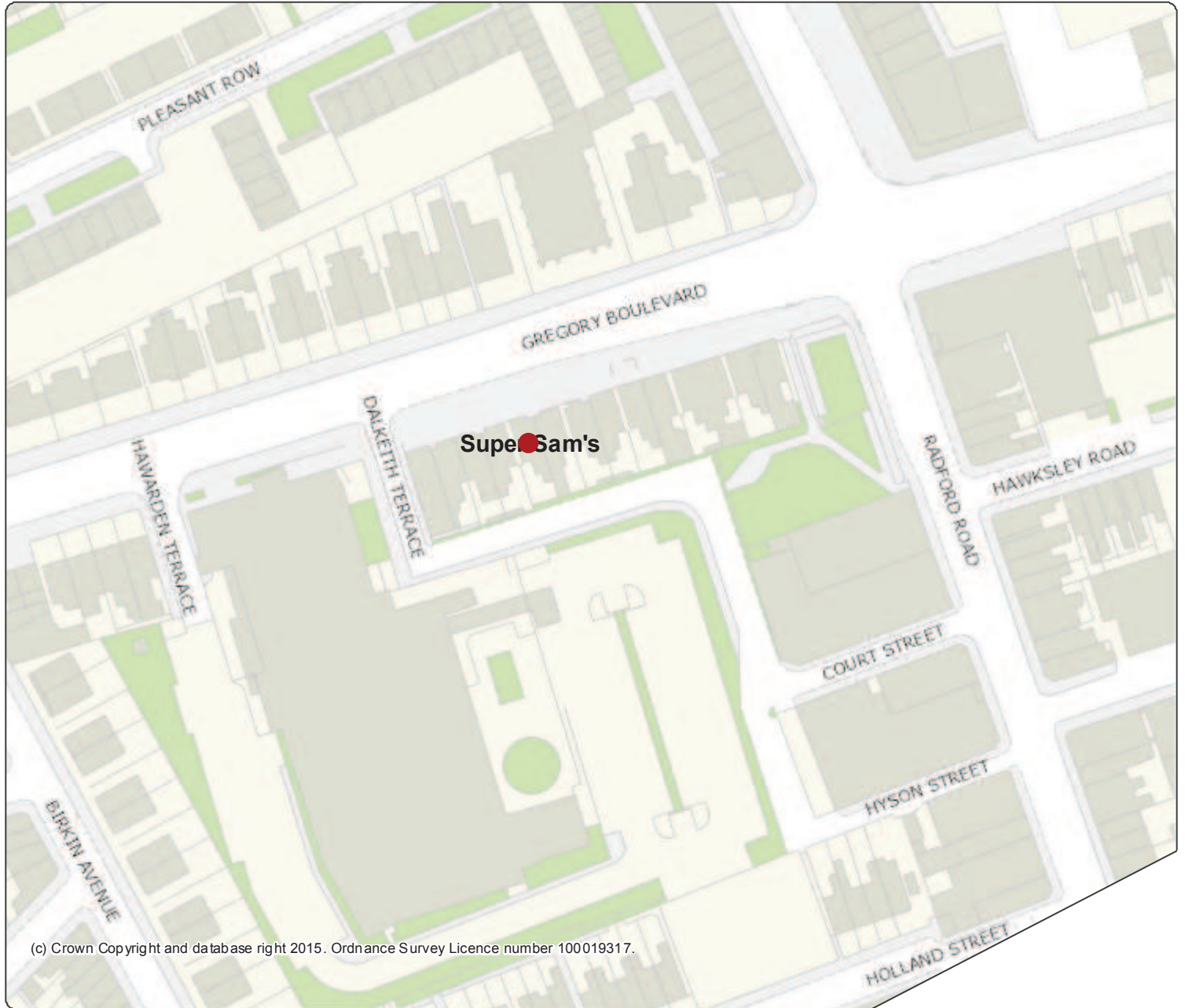
<b>Premises concerned</b>	Super Sam's 66 Gregory Boulevard Nottingham NG7 5JD  Please see attached Premises Licence
<b>Licence holder</b>	Yosuf Ali Barawari
<b>Applicant for review</b>	Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service Central Police Station North Church Street Nottingham NG1 4BH  Please see attached application.
<b>Date application Received:</b>	26 March 2015
<b>Last date for representations:</b>	23 April 2015  The Licensing Officer displayed public notice of this application in accordance with Regulation 38 of the Licensing Act 2003 (Premises Licence) Regulations 2005 (as amended) from 27 March to 23 April 2015 inclusive.
<b>Relevant representations received</b>	Representation on behalf of Mr Barawari  Please see the attached
<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. What action they would wish the Licensing authority to take in respect of the Licence</li> </ol>
<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 (3) protection of children from harm licensing objectives 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 6.56 and 6.57 of the Statement of Licensing Policy (effective from 7 <sup>th</sup> January 2014).
<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/Club Premises Certificate and/or</li> <li>2. To exclude a licensable activity from the scope of the Licence/Club Premises Certificate and/or</li> <li>3. To remove the designated premises supervisor and/or</li> <li>4. To suspend the Licence/Club Premises Certificate for a period not exceeding 3 months</li> <li>5. To revoke the Licence/Club Premises Certificate</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**

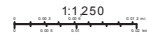
**Contact Officer:** Philip Lawson: Tel: 0115 8761750

# 66 Gregory Boulevard, Nottingham, NG7 5JD



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Nomad web map printed by babbot at 14:47, 26/03/2015



## Key



City Boundary

## Description

No map description



**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.

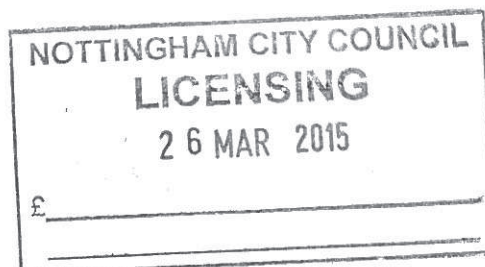
I Jane Bailey, for and on behalf of Nottingham City Council Trading Standards Service is applying for the review of a premises licence under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
SUPER SAM'S, 66 GREGORY BOULEVARD	
<b>Post town</b> NOTTINGHAM	<b>Post code (if known)</b> NG7 5JD

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> YOSUF BARAWARI
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<b>Number of premises licence or club premises certificate (if known)</b>
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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**

<b>Name and address</b>  Nottingham City Council Trading Standards Service Central Police Station, North Church Street, Nottingham NG1 4BH
Telephone number (if any) 0115 8445018
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 Protection of Children from Harm have been seriously undermined in that:

On 06<sup>th</sup> January 2015 a warrant was executed and a search took place by Nottingham City Council Trading Standards Officers and Nottinghamshire Police Officers at Super Sam's, 66 Gregory Boulevard, Nottingham. This warrant was executed as a result of intelligence received through Nottingham City Council and Crimestoppers.

The warrant, which was executed with the assistance of a specially trained tobacco dog, revealed 399 packets of Cigarettes (7,980 individual cigarettes) all of which are either illicit or counterfeit, 2 pouches of 50g Golden Virginia and four pouches of 50g Amber Leaf Tobacco. These products were found in a hidden concealment behind a shelving unit at the rear of the shop. The concealment was ONLY revealed after the dog indicated the area.



The tobacco has been examined the trademark holder, and has been found to be counterfeit, which is an offence under Section 92 of the Trade Marks Act 1994.

Also found at the time of the warrant were 8 bottles of Arctic Ice Vodka and 3 bottles of Blossom Hill Wine which were suspected as being counterfeit.

The Blossom Hill Wine has been examined by the Trade Mark Holder and has now been confirmed as counterfeit, and the Arctic Ice Vodka was sent to the public analyst for testing and was found to contain industrial grade solvent which renders the vodka so contaminated that it is unfit for human consumption and unsafe to drink.

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, tobacco, wines and spirits 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 chemicals used unstable. This has perviously resulted in explosions and deaths.

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 results in a substantial loss in revenue to the UK.

### **(2) PUBLIC SAFETY**

The production of illegal cigarettes, tobacco, wines and spirits takes place under conditions where there are no product quality controls. The ingredients used are generally substandard. Sprits have been found to contain high levels of t-Butanol which is normally found in industrial grade solvents and Methanol, these have the potential to cause harm to any member of the public who consumes it. In some extreme cases people have complained of blindness. In the case of the Arctic Ice Vodka, the Public Analyst has deemed the product to be so contaminated that it is unfit for human consumption, and is unsafe to drink.

The illegal distilleries and factories are controlled by Organised Crime Gangs where profit is the key. As a consequence, Health & Safety legislation is disregarded and as aforementioned the chemicals used are unstable. 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.

### **(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 sales of both tobacco and alcohol.

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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:

After receiving intelligence that Super Sam's, 66 Gregory Boulevard, Nottingham were selling illicit and counterfeit cigarettes and tobacco, Nottingham City Council Trading Standards executed a warrant at the premises. A large quantity of foreign labelled cigarettes and tobacco was found concealed at the back of the shop. The concealment was sophisticated and disguised as a shelving unit and was only discovered with the use of a specially trained tobacco dog.

From the total seized, 399 packets of cigarettes were found to be a mixture of counterfeit and illicit and 6 pouches of hand rolling tobacco were found to be counterfeit.

At the time of the warrant Mr Yosuf BARAWARI was the Premises License Holder, Designated Premises Supervisor and shop owner. He admitted to the concealment stating that it was originally put in place so money from shop takings could be put there for safe keeping.

During the PACE interview on 13<sup>th</sup> January 2015 with BARAWARI, he stated that he does sell illegal cigarettes because he has to in order to keep up with the other shops in the area. If he didn't sell these, customers would go and buy elsewhere and when customers come in to buy 'cheap cigarettes' they are more likely to buy other items at the same time.

Also found and seized at the time of the warrant were 8 bottles of Arctic Ice Vodka and 3 bottles of Blossom Hill Wine.

All were on shelves in the shop and on sale to members of the public.

The wine showed some discrepancies on the bottles including poor quality, misplaced labels and so were seized as it was suspected they were counterfeit. These bottles were sent to the brand holder and a statement has been received confirming that they are counterfeit.

The Arctic Ice Vodka was sent for forensic examination and showed that the alcohol content of the Arctic Ice was 54.6% proof, substantially over the strength showed on the bottle. This is not only misleading to the public but directly contravenes the Food Labelling Regulations 1996.

The sample also contained t-Butanol which is not normally found in vodka but found in industrial grade solvents. The sample did not consist of genuine vodka.

The vodka was found to be so contaminated that it rendered the drink unfit for human consumption and unsafe to drink, contrary to the requirements of Article 14 of EC Regulation No 178/202, the enforcement and execution of which is provided for by the Food Safety & Hygiene Regulations 2013.

BARAWARI stated that he had bought the vodka from an English gentleman who came into his shop and offered them for sale. He did not know this male and did not know he was doing anything wrong by buying from an unknown source. He did obtain a hand written receipt from this male, but as yet has been unable to produce it. BARAWARI maintains that the wine was purchased from a legitimate cash and carry but again is unable to provide proof of this.

**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.

**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 Jon Bailey  
Date 25th March 2015  
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

Tamar Building  
Eastcroft Depot  
London Road  
Nottingham  
NG2 3AH

Tel: 0115 915 5555  
Fax: 0115 876 1769

### Premises Licence

**Premises licence number:** 036661

#### Part 1 – Premises details

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

Wines & Spirits  
66 Gregory Boulevard

<b>Post town</b>	Nottingham	<b>Post code</b>	NG7 5JD
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<b>Telephone number</b>	0115 9785580
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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**

**Alcohol Sales**

Monday	from 08.00 hrs to 23.00 hrs
Tuesday	from 08.00 hrs to 23.00 hrs
Wednesday	from 08.00 hrs to 23.00 hrs
Thursday	from 08.00 hrs to 23.00 hrs
Friday	from 08.00 hrs to 23.00 hrs
Saturday	from 08.00 hrs to 23.00 hrs
Sunday	from 10.00 hrs to 22.30 hrs
Good Friday	from 08.00 hrs to 22.30 hrs
Christmas Day	from 12.00 hrs to 15.00 hrs and 19.00 hrs to 22.30 hrs

**The opening hours of the premises**

At the licensee's discretion, but licensable activities are only to be provided as outlined above.

**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**

Yusuf Ali Badwari, 34 Ackland Close, Lenton, Nottingham, NG7 3DX  
(Transferred 28 October 2014)

**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**

Yusaf Ali Badwari,  
(varied 23 October 2014)

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

081265 – Nottingham City Council

Signed:  .....  
Licensing Officer

Dated: 1 October 2005



## 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.

### The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.  
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
  - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
    - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
    - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
  - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective; .
  - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective; .
  - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
  - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.  
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.  
(3) 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 either—
  - (a) a holographic mark, or .
  - (b) an ultraviolet feature.
4. The responsible person must ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance

- ready for sale or supply in a securely closed container) it is available to customers in the following measures— .
- (i) beer or cider: ½ pint; .
  - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and .
  - (iii) still wine in a glass: 125 ml; .
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and .
  - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

#### S19(4) of the Licensing Act 2003

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1—
  - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6); .
  - (b) “permitted price” is the price found by applying the formula—  

$$P = D + (D \times V)$$
 where—
    - (i) P is the permitted price,
    - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
    - (ii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
  - (a) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
    - (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
  - (b) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
  - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax.

#### **Annex 2 - Conditions consistent with the Operating Schedule**

##### Embedded Restrictions

##### Section 60, 63, 86 Licensing Act 1964 – Off Licence Permitted Hours

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m.
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) the taking of the alcohol from the premises, (unless the alcohol is supplied or taken in an open vessel,) during the first twenty minutes after the above hours;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

#### Section 164 Licensing Act 1964

Alcohol shall not be sold in an open container or be consumed in, the licensed premises.

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

Not applicable

#### **Annex 4 – Plans**

Drawing submitted with the application dated 2 August 2005.

Dated 1 October 2005

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