

MINUTES OF LICENSING SUB-COMMITTEE (Alcohol and Regulated Entertainment)

1 MARCH 2017

PRESENT:

Councillors Miss Lawrence (Chairman), Cranham and Mrs Garcia

1. DECLARATIONS OF INTEREST

There were no declarations of interest.

2. APPLICATION TO VARY A PREMISES LICENCE UNDER THE LICENSING ACT 2003 – WISLA POLSKI SKLEP, 8 NORTH STREET, RUGBY, CV21 2AB

The Sub-Committee considered a report (Part 1 – agenda item 2) concerning an application to vary a premises licence for Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB.

RESOLVED THAT— the application referred to in the report of the Head of Environment and Public Realm be determined as set out in Annex 1 to these minutes.

CHAIRMAN

RUGBY BOROUGH COUNCIL RECORD OF HEARING

1. **APPLICANT**

Name	Establishment
Mr Hasan Azizi	Wisla Polski Sklep, 8 North Street, Rugby

2. **RESPONSIBLE AUTHORITIES**

Name	Service
Sgt Stuart Powell	Warwickshire Police

3. **COMMITTEE PANEL**

Councillors Miss Lawrence, Mrs Garcia and Canham

Chaired by: Councillor Miss Lawrence

4. **HEARING CLERK**

Marian Allen – Senior Legal Officer

5. **NATURE OF THE APPLICATION**

Application for the grant of a Variation of a premises Licence to specify an individual as designated premises supervisor in accordance with Section 37 of the Licensing Act 2003

6. **Outline of Applicants Case**

Mr Azizi is running the shop, organising the sale of alcohol and cigarettes. He took over the shop in September.

7. **Summary of Questions to Applicant**

Mr Aziz owns the shop
Holds the Premises Licence
Previous Designated Premises Supervisor in place until visit by Officers in January 2017.

Clarification by Licensing Officer that the Designated Premises Supervisor (DPS) does not have to be on the premises at all times provided staff have received instruction and training.

8. **Outline of Responsible Authorities' Case**

The Police are of the opinion that there are exceptional circumstances which make Mr Azizi not suitable to be DPS. A DPS is responsible for authorising sale of alcohol. In September 2016 the premises were flagged by Trading Standards possibly selling illicit tobacco. Trading Standards Officers visited the premises on 14 September 2016 and spoke to Mr Azizi and advised him in relation to underage sales and the health risks associated with counterfeit and illicit tobacco.

On 8 December 2016 acting on intelligence reports officers from Trading Standards and the Police accompanied by a tobacco sniffer dog inspected the premises where they found a very sophisticated concealed cupboard with 20640 cigarettes now confirmed to be illicit, either brought in or produced illegally and believed to being sold by Mr Azizi.

On 18 January 2017 Trading Standards received a complaint that sale of tobacco believed to be illegal and to underage children.

Sgt Powell and officers from the Council attended the premises on 25 January 2017 where they spoke to Mr Azizi regarding the discovery of Trading Standards and to ensure he was operating within the Licence. On that occasion they discovered:

- that there was no DPS in place, Mr Azizi advised that the previous DPS Mr Hassan had not been involved in the business since September.
- There was no external CCTV
- no training records at the time of the inspection and there was another staff member on the premises.
- Alcohol and non alcohol was found mixed together for sale on the shelves (photos), this included children's party bottles featuring "Disney" characters. There is a bus stop next to the premises so school children may go into the shop and be confused between the products
- No record of refusals – Mr Azizi advised there had been refusals

Since Mr Azizi has been responsible for the premises there has been criminal activity in the sale of illicit cigarettes and failure to abide by the Licence Conditions.

9. **Summary of Questions**

Mr Azizi stated:

- he had not taken over the premises at the time of the visit in September 2016, Mr Hassan was still running the shop
- he was not aware of the illicit place behind the wall – it took officers 2 hours to find it
- Mr Hassan stayed for two months
- Sylvia has worked for Mr Hassan as well and was trained by him in the sale of alcohol
- DPS was available but not in the shop
- CCTV was available
- As he had only just taken over the premises had no money available to sort out the mix of alcohol and non alcohol being displayed together, did not have chance to sort
- Documentation was available but had been sent to his accountant by mistake, available any time (*not brought to the hearing*)
- He was only at the premises on 8 September to see how the shop was run prior to deciding to buy it
- Money was exchanged on 16 September between the owner and Mr Azizi's accountant
- *Sgt Powell stated Mr Azizi identified himself as the owner on the visit in September 2016*
- Mr Azizi told Trading Standards he was taking over in September 2016
- He was not aware of the Licensing Conditions at that time but is now and would ask of identification

Transfer of Premises Licence made on 12 September 2016 and issued on 20 September 2016 with no changes to the Licensing Conditions.

- Staff are trained, document recorded and signed by staff
- No idea illicit concealed drugs – 4 previous owners
- Any sales of alcohol would have to go through the till but accepts alcohol not behind the counter
- Does not have the “key fob” referred to by Trading Standards
- Trading Standards had to cut the power to access the concealed cigarettes
- Previous owner lives in Leicester he visits
- Mr Azizi paid business rates on the premises identified at Norwich, he only ran the shop for two months
- He does not have a contract/lease for North Street only agreement is through his accountant

Shona Tate a designated Support Worker who works with young people arriving in the UK has worked with Mr Azizi since 2012 when he came from Iran until last year when he came of age.

He has always engaged well and done everything he had been asked to do.

10. **Summing Up**

Mr Azizi asked for a chance to run the shop he had only taken over 4 months ago. Mr Hassan is still around he is a friend

Police – he clearly took over the premises in September and told the Police in January that Mr Hassan had nothing to do with the business

Decision

The Sub-Committee were satisfied that refusal of the application is necessary to promote the crime prevention licensing objective.

Reason

In coming to this decision the Sub-Committee gave regard to the representations of both the applicant and the Police.

In September 2016 whilst the applicant was present, Trading Standards conducted a visit following intelligence that illicit tobacco was being sold at the premises. Advice on underage sale and the health risk associated with counterfeit and illicit tobacco was given to the Applicant

On 8 December 2016 Trading Standards and the Police inspected the premises and found a concealment of 20640 cigarettes, concealed in a sophisticated way with items placed to misdirect the tobacco detection dog.

On 18 January 2017 Trading Standards received a complaint of sale of tobacco to underage children

The applicant failed to provide the passcode for the CCTV unit

On 25 January 2017 there was no external CCTV

Photographs provided by the Police clearly show alcohol displayed with non alcoholic drinks

Conditions of the Premises Licence clearly state the requirements necessary to prevent crime which have not been complied with.