

Agenda

Licensing sub-committee

Date: **Thursday 19 December 2019**

Time: **10.00 am**

Place: **Council Chamber, The Shire Hall, St Peter's Square,
Hereford, HR1 2HX**

Notes: Please note the time, date and venue of the meeting.

For any further information please contact:

Caroline Marshall, Democratic Services

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Caroline Marshall, Democratic Services on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Licensing sub-committee

Membership

Councillor Alan Seldon
Councillor Paul Andrews
Councillor Jeremy Milln

Agenda

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	NAMED SUBSTITUTES (IF ANY) To receive any details of Members nominated to attend the meeting in place of a Member of the committee.	
3.	DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.	
4.	REVIEW OF A PREMISES LICENCE IN RESPECT OF: RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG CALLED BY HEREFORDSHIRE COUNCIL AS THE LICENSING AUTHORITY - LICENSING ACT 2003 To consider an application for a review of a premises licence in respect of Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG called by Herefordshire Council as the Licensing Authority.	11 - 66

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HEREFORDSHIRE COUNCIL

SHIRE HALL, ST PETERS SQUARE, HEREFORD HR1 2HX.

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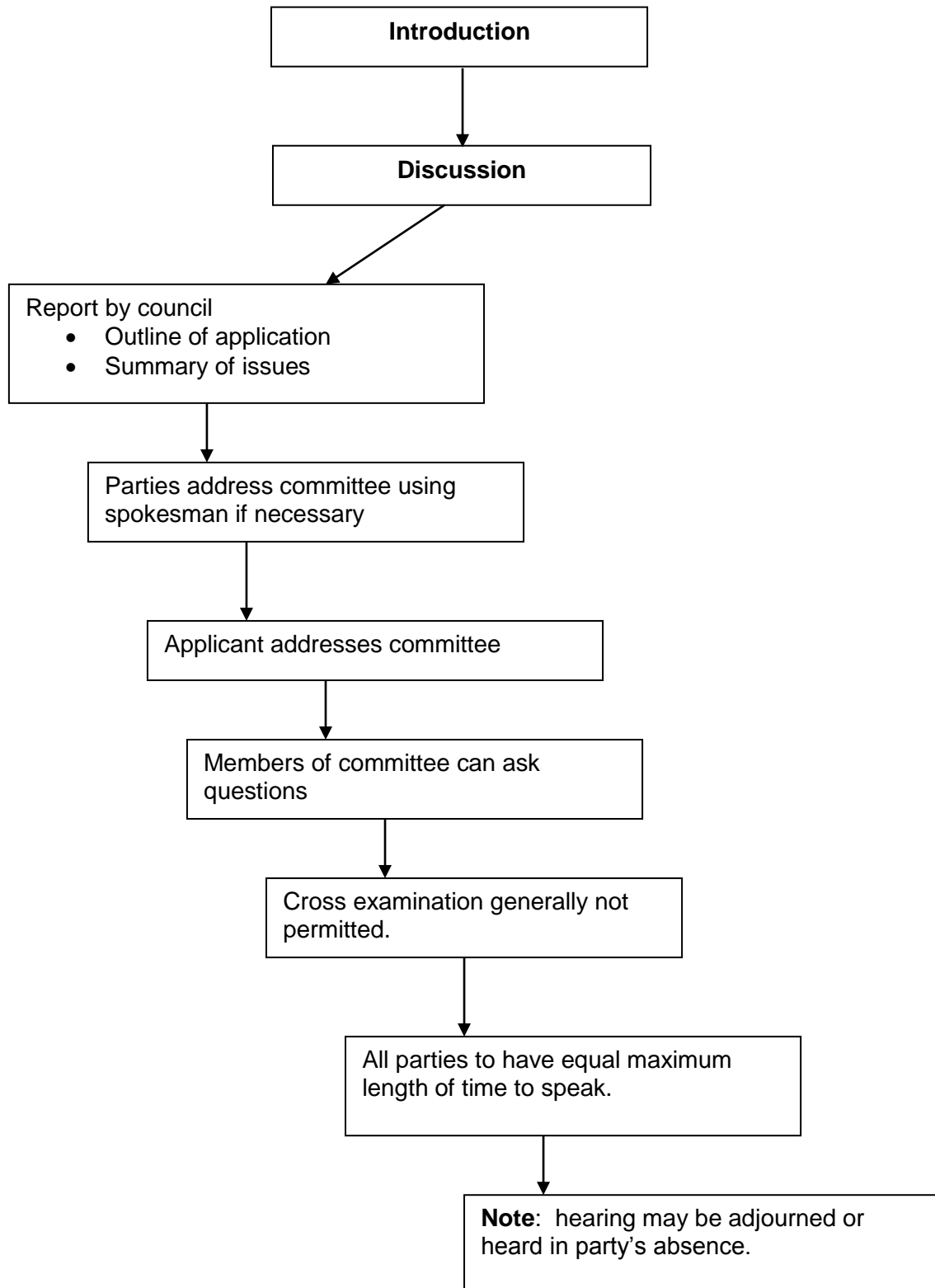
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Licensing Hearing Flowchart





Meeting:	Licensing sub committee
Meeting date:	19 December 2019
Title of report:	Review of a premises licence in respect of: Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG called by Herefordshire Council as the Licensing Authority - Licensing Act 2003
Report by:	Licensing, Travellers & Technical Support Service Manager

Classification

Open

Key Decision

This is not an executive decision.

Wards Affected

Widemarsh.

Purpose

To consider an application for a review of a premises licence in respect of Razi Mini Market, 100 Widemarsh Street, Hereford. HR4 9HG called by Herefordshire Council as the Licensing Authority.

Recommendation

That:

Sub-Committee determine the application with a view to promoting the licensing objectives in the overall interests of the local community. They should give appropriate weight to:

- **The steps that are appropriate to promote the licensing objectives,**
- **The licensing authority's application for the review,**
- **The guidance issued to local authorities under the Licensing Act 2003,**
- **The representations (including supporting information) presented by all parties,**
and
- **The Herefordshire Council Licensing Policy.**

Options

1. There are a number of options open to the committee in relation to the review:
 - the modification of the conditions of the premises licence;
 - the exclusion of any licensable activities from the scope of the licence;
 - the removal of the designated premises supervisor from the licence;
 - the suspension of the licence for a period not exceeding 3 months; and
 - the revocation of the licence
2. Where the authority takes a step mentioned in bullet point 1 and 2 above it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Reasons for Recommendations

3. Ensures compliance with the Licensing Act 2003.

Key Considerations

4. The licensing authority must take into account any relevant representations made. Relevant representations are those that:
 - relate to one or more of the licensing objectives;
 - have not been withdrawn; and
 - are made by the premises licence holder, a responsible authority or an interested party
5. The details of the application are:

Applicant	The Licensing Authority as a Responsible Authority	
Agent	Not applicable	
Type of application: Review	Date received: 15 October 2019 28 day consultation period started 16 October 2019	28 Days consultation ended 12 November 2019

Summary of Application

5. The application for the review is attached (appendix 1).
6. Copies of the application were sent to the premises licence holder and responsible authorities.
7. In brief the licensing authority's grounds for the review are:

On six (6) separate occasions since September 2019, West Mercia Police had visited the premises and the premises licence holder has failed to comply with the conditions

Further information on the subject of this report is available from
Licensing 01432 261761

on the premises licence which falls under the licensing objectives, prevention of crime and disorder and protection of children from harm, despite having been sent three (3) warning letters from the authority.

8. This matter appeared before the Sub-Committee on 28th November 2019 when it was deferred to today's date at the request of the premises licence holder who was unable to attend.

Premises History

9. The premises was first licensed in August 2019 as a convenience store selling alcohol.
10. On 27 August 2019 a premises licence was granted following the 28 day consultation period without a designated premises supervisor (DPS), therefore the premises were not permitted to sell alcohol at this time (this is mandatory condition for all premises licences involving the sale of alcohol). A letter was sent to the applicant's agent along with the premises licence, informing that the licence was granted without a current DPS (appendix 2).
11. On 9 September 2019, the licensing authority received an application to vary the premises' DPS. The premises licence holder Randjar Mohammed Ismail became the designated premises supervisor when the licence was granted on 24 September 2019.
12. Since the premises licence has been issued and the review launched, the premises licence holder/DPS has failed to engage with the licensing authority.

Current Licence

13. The current licence (appendix 3) authorises the following licensable activities during the hours shown:

Sale/Supply of Alcohol (For consumption Off the Premises)
Monday - Sunday 09:00-21:00

14. The licence is also subject to a number of conditions which the applicant had agreed to during the 28 day consultation period.

Circumstances leading to the review

15. On 30 August 2019, the licensing authority were informed by an employee of Herefordshire Council that Razi Mini Market were selling alcohol and they had alcohol on display. The authority notified West Mercia Police.
16. As a result West Mercia Police visited the premises on 30 August 2019 and alcohol was on display at the premises and was on offer for sale. Photographs of the alcohol on display were taken (appendix 4). There was also a breach of conditions regarding the window wrap as the window wrap and display covered more of the view into the shop as required on the premises licence. Photographs of this were also taken (appendix 5).

17. The condition on the premises licence under the licensing objective: prevention of crime and disorder states: *The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.*
18. On 3 September 2019, West Mercia Police visited the premises again and even though the premises was closed, it was established all the alcohol on display was covered up and a sign was in place stating they could not sell alcohol at this time. The window wrap condition was still non-compliant as it was the same as the previous visit.
19. On 3 September 2019 the licensing authority sent a warning letter to the premises licence holder in relation to the breach of conditions (appendix 6).
20. On 18 September 2019, West Mercia Police made a further visit to the premises and the premises was found to be in breach of a condition of their premises licence in relation to Challenge 25. There were no age verification/Challenge 25 notices on display at any location as you entered the shop or on the two areas where alcohol is offered for sale.
21. The condition on the premises licence under the licensing objective: protection of children from harm states; *The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.*
22. On 19 September 2019, West Mercia Police again visited the premises and the premises was in breach of the conditions relating to the window coverage and Challenge 25 Policy.
23. On 25 September 2019, the Licensing Authority sent a further warning letter to the premises licence holder in relation to the continued breaches of conditions (appendix 7).
24. On 1 October 2019, West Mercia Police once again visited the premises where there were continual breaches of conditions in relation to Challenge 25 and window wrap condition. There were also breaches of conditions in relation to staff training and a refusals register. No Challenge 25 notices visible at any locations, front window wrap still non-compliant, the door into the premises was open and was obstructed by an A3 size poster advertising a circus. A staff member was asked if they had received any training and for the refusals register. She stated that she had received no training and that they did not have a refusals register.

25. The condition on the premises licence under the licensing objectives: protection of children from harm states; *A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.*
26. The condition on the premises licence under the licensing objective: prevention of crime and disorder states; *All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.*
27. On 3 October 2019, the licensing authority sent a final breach of conditions warning letter and advised the premises licence holder that the authority were considering launching a review of the premises licence or to take more formal enforcement action and pursue the matter of unauthorised licensable activities through the court (appendix 8).
28. On 14 October 2019, West Mercia Police once again visited the premises and the conditions in regards to the window wrap, challenge policy, staff training and refusals register were not being complied with. The window wrap was still as before (more than 25% at the bottom covered). A large poster advertising a circus on the door. No challenge notices up. Neither member of staff said they had received any training. Neither were aware of a refusals register.
29. Due to the constant failures of conditions not being complied with, the licensing authority launched a review of the premise licence on 15 October 2019.
30. On 16 October 2019 the police made a further visit where they found that again there were conditions not being complied with, in relation to the refusals register, incident log, training and displaying of the licence.
31. Further visits were made by the police on 23 October, 28 October, 30 October and 4 November where further breaches of the premises licence were witnessed.
32. Further visit were made by West Mercia Police on 20 November and 4 December 2019.

Summary of Representations

33. No representations have been received from any of the Responsible Authorities or members of the public, though Trading Standards, West Mercia Police, Herefordshire Safeguarding Adults Board and Hereford & Worcester Fire and Rescue Service have confirmed their support for the review application (appendix 9)
34. West Mercia Police have provided further information in support of their visits (appendix 10)

35. No other representations have been received.

Community Impact

36. Any decision is unlikely to have any significant effect of the local community.

Equality duty

37. This report has human rights implications for both the premises licence holder and the residents from the local neighbourhood. Any of the steps outlined in section 1 of this report may have financial implications for a licensee's business and livelihood and/or may have impact upon the day to day lives of residents living in close proximity to the premises.
38. Article 8(i) of the European Convention of Human Rights provides that everyone has the right to respect for his/her private and family life and his/her home (which includes business premises). This right may be interfered with by the council on a number of grounds including the protection of rights and freedoms of others. The First Protocol – Article 1 – also provides that every person is entitled to the peaceful enjoyment of his possessions and shall not be deprived of his possessions except in the public interest and conditions provided for by law. Members must accordingly make a decision which is proportionate to the hearing and endeavour to find a balance between the rights of the applicant, residents and the community as a whole.
39. There are not considered to be any equalities implications arising from this report.

Financial implications

40. There are unlikely to be any financial implications for the authority at this time.

Legal Implications

41. The licensing authority must have regard to the promotion of the four licensing objectives namely; the prevention of crime and disorder; public safety; the prevention of public nuisance; and the protection of children from harm in exercising its functions under the Licensing Act 2003. Further regard should be had to the statutory guidance under Section 182 of the Act and the council's own statement of licensing policy.
42. The options available to the licensing authority on considering this application under the Licensing Act 2003 are set out in section 1 of this report.
43. The case of *Daniel Thwaites Plc v Wirral Borough Magistrates' Court* (Case No: CO/5533/2006) at the High Court of Justice Queen's Bench Division Administrative Court on 6 May 2008, [2008] EWHC 838 (Admin), 2008 WL 1968943, Before the Honourable Mrs Justice Black.
44. In this case it was summed up that: -
- A licensing authority must have regard to guidance issued by the Secretary of State under section 182. Licensing authorities may depart from it if they have reason to do so but will need to give full reasons for their actions.
45. Furthermore the Thwaites case established that only conditions should be attached to a licence with a view to promoting the licensing objectives and that 'real evidence' must

be presented to support the reason for imposing these conditions. It should be noted that hearsay evidence is admissible in the context of making decisions on licensing matters.

46. This judgement is further supported in the case of *The Queen on the Application of Bristol Council v Bristol Magistrates' Court*, CO/6920/2008 High Court of Justice Queen's Bench Division The Administrative Court, 24 February 2009, [2009] EWHC 625 (Admin) 2009 WL 648859 in which it was said:

'Licensing authorities should only impose conditions which are necessary and proportionate for the promotion for licensing objectives'.

47. In addition to this it was stated that any condition attached to the licence should be an enforceable condition.

Right of Appeal

48. Schedule 5 gives a right of appeal which states:

Decision to grant premises licence or impose conditions etc.

- (1) This paragraph applies where a licensing authority grants a premises licence under section 18.
- (2) The holder of the licence may appeal against any decision—
 - (a) to impose conditions on the licence under subsection (2)(a) or (3)(b) of that section, or
 - (b) to take any step mentioned in subsection (4)(b) or (c) of that section (exclusion of licensable activity or refusal to specify person as premises supervisor).
- (3) Where a person who made relevant representations in relation to the application desires to contend—
 - (a) that the licence ought not to have been granted, or
 - (b) that, on granting the licence, the licensing authority ought to have imposed different or additional conditions, or to have taken a step mentioned in subsection (4)(b) or (c) of that section, he may appeal against the decision.
- (4) In sub-paragraph (3) "relevant representations" has the meaning given in section 18(6).

Appeals should be made to the Magistrates Court and must be made within 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against

Risk Management

49. There is little risk associated with the decision at this time as the legislation allows a right of appeal to the Magistrates Court within a period of 21 days of being notified of the decision in writing.

Consultees

50. All responsible authorities and members of the public living within Herefordshire.

Appendices

Appendix 1 - Application for the review of the premises licence
Appendix 2 - Confirmation letter (No DPS on licence)
Appendix 3 - Current premises licence
Appendix 4 – Photographs of Alcohol on display
Appendix 5 – Photos of window display
Appendix 6 - Warning letter - 3 September 2019
Appendix 7 - Warning letter – 25 September 2019
Appendix 8 - Final warning letter – 3 October 2019
Appendix 9 – Responsible authorities emails of support
Appendix 10 - West Mercia Police information

Background Papers

None



**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 Emma Bowell on behalf of the Licensing Authority

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Razi Mini Market 100 Widemarsh Street	
Post town Hereford	Post code (if known) HR4 9HG

Name of premises licence holder or club holding club premises certificate (if known)
Randjar Mohammed Ismail

Number of premises licence or club premises certificate (if known)
PR01874

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

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 ✓ yes

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 Emma Bowell on behalf of the Licensing Authority Licensing Technical Officer Herefordshire Council 8 St Owen Street Hereford HR1 2PJ
Telephone number (if any) 01432 261761
E-mail address (optional) licensing@herefordshire.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

On six (6) separate occasions since September 2019, the premise licence holder has failed to comply with the conditions on the premises licence which falls under the licensing objective Prevention of Crime & Disorder and Protection of Children from Harm, despite having been sent three (3) warning letters from the authority.

Under Section 136 of the Licensing Act 2003 it is an offence to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation (premises licence).

Please provide as much information as possible to support the application (please read guidance note 3)

The premises licence was granted on 27th August 2019 following the 28 day consultation period. The licence was issued without a designated premises supervisor (DPS) due to the proposed DPS (Randjar Mohammed Ismail) not having a personal licence. A letter was sent to the premises licence holder's agent explaining the licence had been granted without a DPS and alcohol cannot be sold until one was in place.

Selling alcohol without a Designated Premises Supervisor (DPS) is a breach of what are known as the mandatory conditions which apply to every premises licence.

On 30th August 2019, the authority received information that the premises was selling and had alcohol on display. The information was shared with West Mercia Police.

On 2nd September 2019 West Mercia Police visited the premises and alcohol was found on display. Additionally the window wrap and display covered more of the view into the shop as required on the premises licence - a breach of the licence. The condition states:

Prevention of Crime & Disorder

The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Window refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

On 3rd September 2019 a follow up visit was made by West Mercia Police and although the alcohol was covered up, the condition in respect of the window was still in breach.

Following the breach of conditions on 2nd & 3rd September 2019, a warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 3rd September 2019.

Following contact with West Mercia Police on 18th September 2019 it was established that the following condition was not being complied with;

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

A further visit by West Mercia Police on 19th September 2019 established that the age verification condition was again not being complied with and also the condition in relation to the window obstruction.

Upon completion of him obtaining his personal licence, an application to Vary DPS was submitted to the authority and the licence was issued 24th September 2019.

Following the breach of conditions on 19th September 2019, a warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 25th September 2019.

On 1st October 2019 West Mercia Police made a further visit to the premises and it was again established that the age verification condition and window obstruction condition was not being complied with. It was further established that the premises did not have a refusals register and the staff had not been trained, therefore are in breach of the below conditions (as well as ones mentioned earlier);

Prevention of Crime & Disorder

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Protection of Children from Harm

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

Following the further and continual breach of conditions, a final warning letter was sent to the premises licence holder Randjar Mohammed Ismail on 3rd October 2019.

On 14th October 2019, West Mercia Police made a further visit to the premises and the age verification condition, training condition, refusals register condition and the window obstruction condition were still not being complied with.

To date the authority has not had any response from the premises licence holder with regards to the breach of conditions.

This does cause the authority some serious concerns, after having given at three (3) previous warnings and not receiving any explanation with regards to the non-compliance.

Based on the significant failure by the premise licence holder/DPS (Randjar Mohammed Ismail) the authority feels that the committee should revoke the premises licence.

Please tick ✓ yes

Have you made an application for review relating to the premises before

☐

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you have made representations before relating to the premises please state what they were and when you made them

Not applicable

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date **14.10.2019**

.....

Capacity **Licensing Technical Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



Patrick Burke
PMB Licensing
The Clock House
361 High Street
West Bromwich
B70 9QG

**Economy and Place Directorate
Director: Richard Ball**

Your Ref:
Our Ref: PR01798
Please ask for: Licensing
Direct Line / Extension: 01432 261761
Fax: 01432 261982
E-mail: licensing@herefordshire.gov.uk

27th August 2019

Dear Sir/Madam

**LICENSING ACT 2003
APPLICATION TO GRANT A PREMISE LICENCE**

As you are aware every premises that holds a premises licence to sell alcohol (apart from a registered club) must have a DPS (Designated Premises Supervisor) in day to day running control of the premises. The DPS must hold a personal licence. The application you submitted on behalf of Razi Mini Market, Hereford made no reference to the proposed DPS having a personal licence, nor have we received any correspondence from yourself or anyone at Razi Mini Market with regards to a personal licence issued to Randjar Mohammed Ismail.

The licence has been granted without a DPS, therefore should they wish to sell alcohol, a Vary DPS application will need to be submitted. Please advise your client accordingly.

Section 136 of the Licensing Act 2003 makes it an offence for a premises to be used for any licensable activity otherwise than under and in accordance with an authorisation subject to which the licence is held. Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or an unlimited fine or to both.

Yours faithfully,

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS**

Herefordshire Council, Licensing Section,
8 St Owen Street, Hereford. HR1 2PJ

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**LICENSING ACT 2003
Part A - Premises Licence**

Premises licence number - PR01874 (App to Vary Premise DPS)

Part 1 - Premises details

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

**Razi Mini Market
100 Widemarsh Street
Hereford
HR4 9HG**

Telephone number: [REDACTED]

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

Sale/Supply of Alcohol (consumption off the premises)

The times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol

Monday - Sunday 09:00-21:00

The opening hours of the premises

Monday - Sunday 07:00-24:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

For consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Randjar Mohammed Ismail



XXXXXXXXX
XXXXXXXXX

Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Randjar Mohammed Ismail



XXXXXX

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

Licence Number – XXXXX
Issuing Authority – Birmingham City Council

Annex 1 - Mandatory conditions**Mandatory conditions where licence authorises supply of alcohol****Age verification**

- (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.

Below Cost Price

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.

Mandatory conditions where licence authorises supply of alcohol

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the operating Schedule

Licensing conditions

General

Prevention of Crime and Disorder

CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly facial recognition. Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs. Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 31 days and handed to Police on demand. The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, an authorised Herefordshire Trading Standards Officer or the Local Authority on demand. The Recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or other responsible named individual. An operational daily log report must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded. In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police on contact number '101' immediately.

An incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised

**Licensing Section, Herefordshire Council
8 St Owen Street, Hereford. HR1 2PJ**

Herefordshire Trading Standards Officer or the Police, which must record the following:

- (a) all crimes reported to the venue (where relevant to the licensing objectives)
- (b) all ejections of patrons
- (c) any complaints received (where relevant to the licensing objectives)
- (d) any incidents of disorder
- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any refusal of the sale of alcohol
- (g) any visit by a relevant authority or emergency service

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

A Personal Licence Holder to be within the licensed area of the premises during all licensed hours.

The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Widow refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

Public Safety

Prevention of Public Nuisance

Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

Protection of Children from Harm

The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated.

A written or electronic register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months. It will be collected and reviewed on a daily basis by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

No adult entertainment or services or activities must take place at the premises (Adult Entertainment includes, but is not restricted to, such entertainment or services which would generally include topless bar staff, striptease, lap-table, or pole-dancing, performances involving feigned violence or horrific incidents, feigned or actual sexual acts or fetishism, or entertainment involving strong and offensive language).

Annex 3 - Conditions attached after a hearing by the licensing authority
Not applicable

Annex 4 - Plans
As attached – received 19.07.2019

LICENSING ACT 2003
Part B - Premises licence summary

Premises licence number - PR01874 (App to Vary Premises DPS)

Premises details

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

**Razi Mini Market
100 Widemarsh Street
Hereford
HR4 9HG**

Telephone number: [REDACTED]

Where the licence is time limited the dates:

Not applicable

Licensable activities authorised by the licence

Sale/Supply of Alcohol (consumption off the premises)

The times the licence authorises the carrying out of licensable activities

Sale/Supply of Alcohol

Monday - Sunday 09:00-21:00

The opening hours of the premises

Monday - Sunday 07:00-24:00

Where the licence authorises supplies of alcohol whether these are on and/ or off supplies

For consumption off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Randjar Mohammed Ismail



Registered number of holder, for example company number, charity number (where applicable)

Registered Number: **Not applicable**

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Randjar Mohammed Ismail

State whether access to the premises by children is restricted or prohibited

The premises shall operate a Challenge 25 Policy

No adult entertainment or services or activities must take place at the premises



STRONGBOW
ORIGINAL CIDER

STRONGBOW
ORIGINAL CIDER

BANKS'S
AMBER
BITTER

BANKS'S
AMBER
BITTER

BUD LIGHT

BUD LIGHT

Heineken

Corona
LIGHT

Corona
LIGHT

£4.25
RRP

STRONGBOW
ORIGINAL CIDER

BANKS'S
AMBER
BITTER

BANKS'S
AMBER
BITTER

GUINNESS
EXTRA
STOUT

GUINNESS
EXTRA
STOUT

BUD LIGHT

Heineken

BLACK STORM

Corona
LIGHT

Corona
LIGHT

1.20

1.30

1.30

1.30

1.30

£2.99
PROMOTIONAL PRICE

£2.99
PROMOTIONAL PRICE

£2.99
PROMOTIONAL PRICE

SMIRNOFF
ICE
ORIGINAL

DKW
BERRY

DKW

LECH

DESPERADO

DESPERADO

Heineken

Corona
Extra

Corona
Extra

Corona
LIGHT

Corona
LIGHT

Corona
LIGHT

Corona
LIGHT

1.39

1.99

1.39





41

Chupa
Chups







Tobacco

If you want to buy tobacco products please ask at the counter

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

Tobacco on sale here
Cigarettes
Tobacco
Cigars

45







Economy and Place Directorate

Director: Richard Ball

Randjar Mohammed Ismail

XXXXX

XXXXX

XXXXX

Your Ref:

Our Ref: PR01874

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk

3rd September 2019

Dear Sir/Madam

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

RAZI MINI MARKET,

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions that are to be complied with.

On Friday 30th August 2019 at about 12:40, a representative from West Mercia Police visited your premises and advised you were not complying with conditions in relation to the windows

Your licence is issued with a condition on it which reads:

The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Widow refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

On Tuesday 3rd September 2019 at about 08:20, a representative from West Mercia Police passed by the premises and it was noted that the condition relating to the windows were still not being complied with.

Also during the visit of 30th August 2019, it was established there was alcohol on display.

The licence was granted without a Designated Premises Supervisor (DPS), therefore should you wish to sell alcohol, a Vary DPS application will need to be submitted. Until such time as a complete application is received you are not permitted to sell alcohol.

Mandatory conditions in relation to the sale/supply of alcohol on your premises licence states

No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

It is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation again we **may** take enforcement action against you.

Yours faithfully,

EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL

Cc West Mercia Police

Economy and Corporate Directorate

Director: Richard Ball

Randjar Mohammed Ismail

XXXXX

XXXXX

XXXXX

Your Ref:

Our Ref: EB/PR00414

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk25th September 2019

Dear Mr Ismail

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY**RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG**

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions that are to be complied with.

On 18th September 2019 at approx. 13:15 and 20th September 2019 at approx. 12:35, a representative from West Mercia Police visited your premises and found numerous breaches of the licence on both occasions.

Your licence is issued with a condition on it which reads:

The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Widow refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

Following the visit on 18th September and 20th September, the bottom half of the window covers 40% which is a breach of the above condition.

It is also noted from both of the visits that the premises does not have any age verification signs.

Therefore you are also in breach of the below condition (in particular the wording in bold):

*The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. **Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated***

It is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

In line with this Authority's Policy, I must advise you that should you choose to operate outside your authorisation again we **may** take enforcement action against you. This may result in your premises licence being reviewed and our recommendation to committee would be for your premises licence to be revoked.

I must also advise that this authority may make unannounced visits to the premises to carry out a licensing inspection.

Yours faithfully,

**EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL**

Cc West Mercia Police



Economy and Corporate Directorate

Director: Richard Ball

Randjar Mohammed Ismail

XXXXX

XXXXX

XXXXX

Your Ref:

Our Ref: EB/PR00414

Please ask for: Licensing

Direct Line / Extension: 01432 261761

Fax: 01432 261982

E-mail: licensing@herefordshire.gov.uk

3rd October 2019

Dear Mr Ismail

LICENSING ACT 2003 – UNAUTHORISED LICENSABLE ACTIVITY

RAZI MINI MARKET, 100 WIDEMARSH STREET, HEREFORD. HR4 9HG

I refer to the premises licence issued in respect of the above premises.

A premise licence is issued authorising the use of the premises for certain licensable activities, the times of operating and the conditions that are to be complied with.

On 1st October 2019 at 11:20am, a representative from West Mercia Police visited your premises and found numerous breaches of the licence yet again.

Your licence is issued with a condition on it which reads:

The Premises Licence Holder will ensure that there is an unobstructed view at all times into the licensable area of the premises. In respect of the street facing the windows, any obstruction will be restricted to the top 25% of the window and the bottom 25% of the window in each case. (Widow refers to the whole of the area covered by glass). This will mean that at least 50% of all windows and 100% of all doors looking into the premises from Widemarsh Street are clear of obstruction. No obstruction includes any permanent or temporary signage placed on glass surfaces of doors and windows, as well as any other item within the shop which obstructs the view through the window.

Following the visit on 1st October 2019, the bottom half of the window still covers 40% which is a breach of the above condition and the door was completely covered with a poster.

It is also noted that the premises still does not have any age verification signs.

Therefore you are also in breach of the below condition (in particular the wording in bold):

*The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council. **Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any sale area advertising the scheme operated***

During the visit on 1st October 2019, it was also established the staff had not been trained and there were not any training records available to be produced on the premises.

You are in breach of condition:

All staff engaged in the sale of alcohol to be trained in responsible alcohol retailing to the minimum standard of BIIAB level 1 or any equivalent training course within 1 month of commencing employment at the premises. Where there are existing staff this training shall be completed within 3 months of the date that this condition first appears on the licence. Refresher training will be conducted at 6 monthly intervals. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of Herefordshire Council on demand.

It is an offence under Section 136 of the Licensing Act 2003 for a premise to carry on any licensable activity on or from any premises otherwise than and in accordance with an authorisation (a premises licence). Any person found guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to an unlimited fine, or both.

The continual breach of the law in relation to the licence does cause me some serious concerns and I am at the point now where, after having been given at least 2 previous warnings from the Licensing Authority and West Mercia Police, I have to consider what steps need to be taken to promote the licensing objectives. I am now leaning towards launching a review against the premises and asking the Licensing Committee to consider whether:

- a) Randjar Ismail remains a suitable person to be the designated premises supervisor
- b) Whether the premises should continue to be licensed
- c) Whether the licence for the premises should be revoked.

As an alternative we could take more formal enforcement action and pursue the matter of unauthorised licensable activities through the court.

I must also advise you now that the Licensing Authority will make unannounced visits to the vicinity of your premises to ensure compliance with the law.

Yours faithfully,

EMMA BOWELL
LICENSING TECHNICAL OFFICER
ENVIRONMENTAL HEALTH & TRADING STANDARDS
HEREFORDSHIRE COUNCIL

Cc West Mercia Police

From: West Mercia Police
Sent: 14 October 2019 12:02
To: Licensing <licensing@herefordshire.gov.uk>;
Subject: RE: Razi, 100 Widemarsh Street, Hereford - breach of premises licence

Yes will do.

Community Harm Coordinator,
South Problem Solving Hub,
Herefordshire Policing Area,
West Mercia Police.
DDI 01432 347102
Switchboard '101' x 4702

[In Herefordshire we protect people from harm](#)
[#destinationHereford](#)
www.westmercia.police.uk/maketherightcall

From: Licensing [<mailto:licensing@herefordshire.gov.uk>]
Sent: 14 October 2019 11:59
To: West mercia Police
Cc: XXXXXXXXXXXX
Subject: RE: Razi, 100 Widemarsh Street, Hereford - breach of premises licence

Hi Jim

If the licensing authority launch a review, will West Mercia Police support it?

Thanks

Herefordshire.gov.uk

Economy and Place Directorate
Licensing Section
8 St Owen Street, Hereford
HR1 2PJ

From: Trading Standards
Sent: 16 October 2019 10:20
To: Licensing <licensing@herefordshire.gov.uk>
Subject: RE: Razi Mini Market Application

Licensing

Please see below:-

Herefordshire Council Environmental Health and Trading Standards is an authorised body under the Licensing Act 2003 and Trading Standards have the responsibility for enforcing this Act in respect of sales of alcohol to anyone under the age of eighteen.

As such, in view of repeated breaches of relevant conditions in relation to such sales, we support the application for the revocation of the alcohol licence for Razi Mini Market.

Kind regards

Principal Trading Standards Officer
Herefordshire Council
01432 260012

"Any opinion expressed in this e-mail or any attached files are those of the individual and not necessarily those of Herefordshire Council, Herefordshire Clinical Commissioning Group (HCCG), Wye Valley NHS Trust or 2gether NHS Foundation Trust. You should be aware that Herefordshire Council, Herefordshire Clinical Commissioning Group (HCCG), Wye Valley NHS Trust & 2gether NHS Foundation Trust monitors its email service. This e-mail and any attached files are confidential and intended solely for the use of the addressee. This communication may contain material protected by law from being passed on. If you are not the intended recipient and have received this e-mail in error, you are advised that any use, dissemination, forwarding, printing or copying of this e-mail is strictly prohibited. If you have received this e-mail in error please contact the sender immediately and destroy all copies of it."

From: XXXXXXXXXXXX
Sent: 16 October 2019 08:52
To: Licensing <licensing@herefordshire.gov.uk>
Subject: RE: Razi Mini Market Application

Concur with the decision

Regards

Herefordshire Safeguarding Adult Board Lead – Learning and Development Officer
Herefordshire Council, Adult and Wellbeing Directorate, Plough Lane, Hereford,
Herefordshire HR4 0LE
Tel: 01432 383654 or 07966 047935
www.herefordshiresafeguardingboards.org.uk



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Headquarters

Hindlip Park
Worcester
WR3 8SP

Tel 0345 122 4454**Fax** 01905 357 466**Web** www.hwfire.org.uk**Email** info@hwfire.org.uk

West District Community Risk Department
Hereford Police Station, Bath Street, Hereford, HR1 2HT



HEREFORD & WORCESTER

HWFR
FIRE AND RESCUE SERVICE**LACT3**

Chief Fire Officer / Chief Executive
Nathan Travis BA(Hons) MPA

Licensing Technical Officer
Hereford Council
8 St Owen St
Hereford
HR1 2PJ

For the attention of Emma Bowell
By E Mail: licensing@herefordshire.gov.uk

Telephone	01432 347344
Your reference	PR01874
My reference	W4601350/SF/kl
Please ask for	Steve Fellows
Email	lconsult@hwfire.org.uk
Date	12 November 2019

Dear Madam

Fire Precautions

Licensing Act 2003 – Application for a review of a Premises Licence
Razi Mini Market, 100 Widemarsh Street, Hereford, HR4 9HG

Further to your application for a Review of the Premises License for the above premises. This Authority supports the review and any joint inspection required. For information this Authority has ongoing enforcement with regards to fire safety for the above premises.

Yours faithfully

Authorised Fire Safety Inspecting Officer
on behalf of Hereford and Worcester Fire Authority



making a difference every day

Understanding community risk
Preventing harm and promoting well being
Responding in the time of need

EA01302

PREMISES DETAIL SHEET

RAZI MINI MARKET

Printed: 04/11/2019

Premises Type:	CONVENIENCE STORE	Licence Type:	Sale by retail of alcohol
Registering Authority:	Herefordshire Council	Premises Status:	Live
Owner:		Sales	N/A
PremLH:	RANDJAR MOHAMMED ISMAIL	Main Phone:	
Address:	100 WIDEMARSH STREET	Alt Phone:	
	HEREFORD	Email:	
	HEREFORDSHIRE	Fax:	
	HR4 9HG		

Person Links:

LID: 35296

Name: RANDJAR MOHAMMED ISMAIL

Licence status: DPS

Regulated Entertainment:

Vists:

Date: 30/08/2019**Visit Reference: COMMUNITY SAFETY**

Description: VISIT AS A CONSEQUENCE OF LOCAL AUTHORITY STATING THAT THE PREMISES HAD BEEN GRANTED A PREMISES LICENCE WITHOUT A NAMED DPS (APPLICANT DID NOT PROVIDE DETAILS FOR A DPS), AND THAT ALCOHOL WAS BEING SOLD.

OWNER NOT PRESENT, TWO FEMALE ASSISTANTS PRESENT AND STACKING SHELVES.

LARGE AMOUNT OF ALCOHOL ON DISPLAY AND OFFERED FOR SALE IN A LARGE FREEZER AND BEHIND THE SALE COUNTER (SPIRITS ONLY).

BOTH FEMALES SPOKE POOR ENGLISH, HOWEVER ONE STATED SHE UNDERSTOOD WHAT I WAS SAYING. ONE STATED THAT THE OWNER WAS OUT AND 'WOULD BE BACK SOON'.

A COPY OF THE LETTER FROM THE LA WAS PROVIDED EXPLAINING THE SITUATION.

BOTH TOLD THAT ALCOHOL COULD NOT BE SOLD AND IF THEY DID THEY WOULD BE PERSONALLY LIABLE AND OPEN TO PROSECUTION.

ALCOHOL IN THE FREEZER - SHUTTER PULLED DOWN ON MY SUGGESTION SO IT COULD NOT BE SEEN.

ALCOHOL BEHIND THE COUNTER - REMAINED IN PLACE.

ADDITIONALLY THE FRONT WINDOW WAS OBSTRUCTED BY DISPLAYS AND WINDOW WRAP EXCEED LEGAL CONDITION REQUIREMENT.

Date: 03/09/2019**Visit Reference: COMMUNITY SAFETY**

Description: FOLLOW UP VISIT REGARDS NO DPS AND BREACH OF PREMISES LICENCE.

SHOP CLOSED. HOWEVER I COULD SEE INSIDE, FRIDGE CONTAINING BEERS WAS COVERED BY ROLLERS SHUTTERS. SPIRITS ON DISPLAY BEHIND THE COUNTER WERE COVERED WITH CARD BROAD WITH A SIGN SIMILAR TO 'WE CAN'T SELL ALCOHOL. WINDOW WRAP WAS STILL IN PLACE THEREFORE A BREACH OF LICENCE.

ALL INFO SHARED WITH LA BY E-MAIL

Date: 03/09/2019

Visit Reference: COMMUNITY SAFETY

Description: FOLLOW UP VISIT TO SPEAK TO PLH. NOT PRESENT, MALE SHOP ASSISTANT AND 2 FEMALES IN ATTENDANCE. MALE INDICATED THAT HE COULD NOT SPEAK ENGLISH, HOWEVER CLEARLY HE DID. MALE WAS OBSTRUCTIVE.

RETURNED A SHORT TIME LATER WITH PS REYNOLDS AND STAFF AGREED A SHOP WALK THROUGH.

TWO SMALL STOCK ROOMS AT THE REAR OF THE PREMISES - ONE TO THE LEFT WAS ALSO A KITCHEN. BOTH FULL OF STOCK. ROOM TO THE RIGHT HAD PERSONAL ITEMS STORED, MALE SPOKE TO STATED HE DID SLEEP IN THIS ROOM ON OCCASIONS

FURTHER FOLLOW VISIT TO BE MADE TO THE PREMISES WITH APPROPRIATE AGENCY'S. INFORMATION SHARED WITH LICENSING AUTHORITY

Date: 04/09/2019

Visit Reference: COMMUNITY SAFETY

Description: REVISITED THE ABOVE PREMISES AT 1200HRS ON 04/09/2019 AND MET THE LICENCE HOLDER MR ISMAIL. WITH HIM WAS THE MALE SHOP ASSISTANT I ENCOUNTERED ON MY PREVIOUS VISIT (WHO CAN NOW SPEAK VERY GOOD ENGLISH AND STATED HE UNDERSTOOD WHAT I WAS SAYING) AND A 'FRIEND' OF HIS WHO HAD COME FROM BIRMINGHAM FOR THE DISCUSSION.

MR ISMAIL AND HIS FRIEND CAN SPEAK ENGLISH AND STATED THEY UNDERSTOOD WHAT I WAS SAYING.

THE FOLLOWING ISSUES WERE DISCUSSED:

SELLING/OFFERING TO SELL ALCOHOL WITHOUT A DPS.

NON COMPLIANCE OF LICENCE CONDITIONS WITH REGARDS TO THE WINDOW WRAP AND DISPLAY ON THE PAVEMENT SIDE OF THE WINDOW.

IRRESPONSIBLE DRINKS PROMOTION (WINDOW WRAP PROMOTES ALCOHOL SALES AND NOTHING ELSE AND IS THE BACKGROUND TO THE ICE-CREAM AND SLUSH PUPPY MACHINE HE HAS AGAINST THE WINDOW).

FIRE AND POLICE VISIT ON 03/09 AND THEIR FINDINGS REGARDING FIRE SAFETY ISSUES.

STAFF CO OPERATION

PREMISES BEING USED FOR SLEEPING.

RIGHT TO WORK EMPLOYMENT CHECKS.

MR ISMAIL STATED THAT HE WAS WAITING FOR HIS PERSONAL LICENCE FROM BIRMINGHAM CITY COUNCIL.

HE STATED THAT NO ALCOHOL HAD BEEN SOLD DESPITE IT BEING ON DISPLAY FOR SALE (HE WAS CORRECTED OVER THIS AS HIS OWN STAFF ADMITTED SELLING).

HE COULDN'T SEE THE PROBLEM WITH THE WINDOW WRAP.

HE DIDN'T UNDERSTAND WHAT AN IRRESPONSIBLE DRINKS PROMOTION WAS.

HE WOULD ENSURE HIS STAFF WOULD CO OPERATE WITH THE RESPONSIBLE AUTHORITIES.

HE HAS TIDED-UP THE SHOP (IT DID LOOK TIDIER, WITH LANES CLEAR OF OBSTRUCTIONS).

HE WOULD SPEAK TO THE LANDLORD ABOUT THE FIRE VISIT AND ANY ACTION THAT WAS REQUIRED.

HE SAID HE HAS STOPPED THE PREMISES BEING USED FOR SLEEPING.

HE SAYS ALL HIS STAFF ARE LEGALLY EMPLOYED.

HE WAS ALSO ASKED ABOUT THE USE OF THE UPPER FLOOR AS ACCOMMODATION. HE SAID THAT HE HAD NO INVOLVEMENT IN ITS USE.

HE WAS REMINDED NOT TO GET INVOLVED IN ILLEGAL ACTIVITIES - SUCH AS SELLING SMUGGLED/CONTRABAND TOBACCO. HE SAID HE WOULD NEVER DO THIS.

AS THE SHOP SELLS FRESH PRODUCE (MEATS, DIARY PRODUCTS AND BREAD) HE WAS REMINDED OF HIS RESPONSIBILITIES REGARDING FOOD SAFETY.

ADDITIONALLY I SPOKE TO PATRICK BURKE (HIS LICENSING AGENT) ON THE TELEPHONE. MR BURKE CONFIRMS THAT HIS CLIENT WAS TOLD NOT TO SELL UNTIL A DPS WAS NAMED ON THE LICENCE.

HE ALSO CONFIRMS HIS CLIENT HAS APPLIED FOR A PERSONAL LICENCE AND HE IS CHASING IT DAILY ON HIS BEHALF.

MR BURKE SAYS NEITHER HE NOR HIS CLIENT HAVE RECEIVED A COPY OF THE PREMISES LICENCE. (TO ASSIST I GAVE A COPY TO MR ISMAIL SO THERE IS NO MISUNDERSTANDING ON HIS BEHALF).

04/09 - ALL THE ABOVE HAS BEEN SHARED BY E-MAIL WITH THE LICENSING AUTHORITY AND PATRICK BURKE LICENSING AGENT.

Date: 18/09/2019

Visit Reference: COMMUNITY SAFETY

Description: LICENCE BREACH: VISIT TO THE PREMISES - FEMALE MEMBER OF STAFF WORKING. NO CUSTOMERS.

NO 'CHALLENGE' NOTICES ON DISPLAY. ISSUE EXPLAINED TO MEMBER OF STAFF.
INFO SHARED WITH LICENSING AUTHORITY BY E-MAIL

Date: 01/10/2019

Visit Reference: COMMUNITY SAFETY

Description: RAZI - BREACHES OF PREMISES LICENCE

NO CUSTOMERS ON SITE, ONE FEMALE MEMBER OF STAFF WHO ACKNOWLEDGED SHE KNEW ME FROM PREVIOUS VISITS. WHEN ASKED IF THE OWNER WAS IN, SHE SAID 'LATER TODAY'. SHE WAS FILLING THE SPIRITS DISPLAY WITH ALCOHOL - LOCATED BEHIND THE COUNTER. ALCOHOL ON DISPLAY BEHIND THE COUNTER AND WITHIN THE FRIDGE/CHILLER AREA.

NO CHALLENGED 25 NOTICES VISIBLE AT ANY LOCATIONS.

FRONT WINDOW WRAP STILL NON COMPLIANT.

DOOR INTO THE PREMISES WHICH WAS OPEN WAS OBSTRUCTED BY AN A3 SIZE POSTER ADVERTISING A CIRCUS.

I ASKED THE STAFF MEMBER IF THEY HAD RECEIVED ANY TRAINING AND FOR THE REFUSALS REGISTER. SHE STATED THAT SHE HAD RECEIVED NO TRAINING AND THAT THEY DID NOT HAVE A REFUSALS REGISTER.

FEMALE MEMBER OF STAFF STATED THE OWNER WAS WAITING TO BE GIVEN SOME OR BE TOLD BY THE COUNCIL WHERE HE COULD GET THE CHALLENGE SIGNS.
INFORMATION SHARED WITH AUTHORITY BY E-MAIL

Date: 14/10/2019

Visit Reference: COMMUNITY SAFETY

Description: VISIT WHILST PASSING THE PREMISES:

TWO MEMBERS OF MALE STAFF AND NO CUSTOMERS.

A NUMBER OF BREACHES THAT HAVE BEEN IDENTIFIED A NUMBER OF TIMES SINCE THE SHOP OPENED:

WINDOW WRAP STILL AS BEFORE (MORE THAT 25% AT THE BOTTOM COVERED). LARGE POSTER ADVERTISING A CIRCUS ON THE DOOR.

NO CHALLENGE NOTICES UP.

NEITHER MEMBER OF STAFF (WHO COULD SPEAK AND UNDERSTAND ENGLISH) SAY THEY HAVE RECEIVED ANY TRAINING.

NEITHER WERE AWARE OF A REFUSALS REGISTER.

ONE CONFIRMED THEY WERE AWARE OF THE ISSUES I TOLD THEM ABOUT AND SAID THAT THE OWNER 'WILL BE IN LATER'

Date: 16/10/2019

Visit Reference: COMMUNITY SAFETY

Description: PASSING VISIT. NO CUSTOMERS, ONE MALE MEMBER OF STAFF - WHO I HAD MET BEFORE AND I KNEW SPOKE AND UNDERSTOOD ENGLISH.
REVIEW NOTICES ON DOOR AND WINDOW.
CHALLENGE 25 NOTICE ON SPIRITS DISPLAY BEHIND THE COUNTER.
NO CHALLENGE 25 NOTICE ON OTHER ALCOHOL COLD-CHILL UNIT DISPLAY.
SPOKE TO ASSISTANT - NO REFUSALS REGISTER,
NO INCIDENT LOG,
NO TRAINING RECORDS - HE CONFIRMED HE HAS NOT RECEIVED ANY TRAINING.
PART B OF LICENCE NOT ON DISPLAY.

I ASKED WHERE THE OWNER WAS AND WAS TOLD 'HE'LL BE IN LATER OR TOMORROW'.

Date: 23/10/2019

Visit Reference: COMMUNITY SAFETY

Description: PASSING VISIT. NO CUSTOMERS, ONE MALE MEMBER OF STAFF - WHO I HAD MET BEFORE AND I KNEW SPOKE AND UNDERSTOOD ENGLISH.
REVIEW NOTICES ON DOOR AND WINDOW.
CHALLENGE 25 NOTICE ON SPIRITS DISPLAY BEHIND THE COUNTER.
NO CHALLENGE 25 NOTICE ON OTHER ALCOHOL COLD-CHILL UNIT DISPLAY.
WINDOW WRAP THE SAME AS PREVIOUS VISITS
SPOKE TO ASSISTANT –
NO REFUSALS REGISTER,
NO INCIDENT LOG,
NO TRAINING RECORDS - HE CONFIRMED HE HAS NOT RECEIVED ANY TRAINING.
PART B OF LICENCE NOT ON DISPLAY.

I ASKED WHERE THE OWNER WAS AND WAS TOLD 'HE'LL BE IN TWO DAYS' AND 'HE KNOWS HE'S GETTING A BOOK IN 2 DAYS'.

Date: 28/10/2019

Visit Reference: COMMUNITY SAFETY

Description: PASSING VISIT. SHOP OPEN NO CUSTOMERS AND FOR THE PERIOD I WAS IN THE SHOP NO MEMBERS OF STAFF.
OBSERVATIONS:
WINDOW WRAP AS PREVIOUSLY NOTED.
NO PART B OF PREMISES LICENCE ON DISPLAY.
ONE CHALLENGE 25 SIGN BEHIND THE COUNTER BUT NONE ON DISPLAY IN THE FRIDGE CHILLER DISPLAY

Date: 30/10/2019

Visit Reference: COMMUNITY SAFETY

Description: PASSING VISIT. NO CUSTOMERS. ONE MALE MEMBER OF STAFF - KNOWN TO SPEAK TO AND SPEAKS/UNDERSTANDS ENGLISH. OBSERVATIONS;
WINDOW WRAP AS PREVIOUS
NO PART B OF LICENCE ON DISPLAY
NO CHALLENGE NOTICE ON CHILL UNIT OF ALCOHOL
ASKED STAFF MEMBER OF TRAINING - ACKNOWLEDGED HE HAD NOT RECEIVED ANY
ASKED ABOUT A REFUSALS LOG AND INCIDENT LOG - HE DID NOT UNDERSTAND WHAT I MEANT.

HE THEN TELEPHONED A MALE AND HANDED THE PHONE OVER - WHILST THE MALE DECLINED TO GIVE HIS NAME, HE DID NOT SOUND LIKE THE LICENCE HOLDER. ARRANGEMENTS MADE TO SEE THIS MALE AT THE SHOP AT 1100HRS ON 04/11/2019

Date: 04/11/2019

Visit Reference: COMMUNITY SAFETY

Description: PRE ARRANGED MEETING WITH PLH. PLH ATTENDED AFTER OUR ARRIVAL WITH AN UNKNOWN MALE AND ONE SHOP ASSISTANT WORKING BEHIND THE COUNTER. PLH PRODUCED HIS OWN PERSONAL LICENCE.

PURPOSE OF THE MEETING DISCUSSED.

PLH STATED HE DID NOT KNOW WHAT THE PROBLEM WAS, IT WAS FURTHER EXPLAINED THAT HE WAS CONTINUALLY BREACHING THE PREMISES LICENCE BY NOT COMPLY FULLY WITH ALL THE CONDITIONS IT CONTAINS.

CERTIFIED COPY OF THE PREMISES LICENCE REQUESTED.

AFTER A 'SEARCH' OF BOXES AND OTHER PAPERWORK FROM UNDER THE COUNTER A COPY WAS PRODUCED - NOT CERTIFIED COPY.

LICENCE CONDITIONS POINTED OUT TO PL WHO RESPONDED ACCORDINGLY:

PART B OF THE LICENCE SHOULD BE ON DISPLAY - I WILL DO THAT NOW

A PERSONAL LICENCE HOLDER SHOULD BE ON THE PREMISES AT ALL TIMES WHEN OPEN TO SELL ALCOHOL - I DIDN'T KNOW THAT

DO ANY OF YOUR MEMBERS OF STAFF HAVE A PERSONAL LICENCE - NO

ARE YOUR STAFF TRAINED - TRAINED IN WHAT?

CONDITION READ OUT TO PL - NO

DO YOU HAVE A REFUSALS LOG - WHAT IS THAT?

CONDITION READ OUT - NO I DON'T NEED IT BECAUSE THEY ALWAYS ASK

FURTHER EXPLAINED THAT ALL CONDITIONS HAVE TO BE COMPLIED WITH AND REASON WHY THE REVIEW WAS LAUNCHED WAS BECAUSE THEY WERE NOT.

THE UNKNOWN MALE WITH THE PL BECAME ARGUMENTATIVE AND CONFRONTATIONAL, CAUSING ME TO TELL HIM THAT I WAS HERE TO SPEAK TO THE PL NOT HIM AND HE SHOULD CALM DOWN. BEHAVIOUR CONTINUED SO MR MOONEY WENT TO THE BACK OF THE SHOP, WHERE PS REYNOLDS HAD GONE TO SPEAK TO A WORKMAN WHO WAS WORKING IN THE PREMISES (LATER ESTABLISHED TO BE THE BUILDING OWNER).

DISCUSSION CONTINUED WITH PL AND HE WAS TOLD THAT A FURTHER VISIT WOULD BE MADE IN A WEEKS TIME TO SEE IF HE HAD ALL ISSUES IN PLACE. HE SAID THAT WAS TOO SOON AND THAT HE WOULD HAVE TO SPEAK TO MR PATRICK (LICENSING AGENT).

IT WAS POINTED OUT THAT ALL THE MATTERS HIGHLIGHTED SHOULD BE IN PLACE AND HE HAD A NUMBER OF MONTHS TO DO THIS AND WAS FAILING ON EACH VISIT. IT WAS NOTED THAT HE HAD NOT BEEN AT THE PREMISES FOR ANY OF THE MAJORITY OF PREVIOUS VISITS.

ONLY MATTER WHICH WAS NOW COMPLIANT WAS THE WINDOW WRAP THAT HAD BEEN REDUCED IN SIZE.

20/11/2019 11:55

COMPLIANCE VISIT DUE TO PREMISES LICENCE BREACHES THAT ARE SUBJECT TO A LICENSING REVIEW

ONE MEMBER OF STAFF PRESENT (CONFIRMED NO ONE ELSE ON THE PREMISES WORKING) - KNOWN AND MET BEFORE, WHO SPEAKS AND UNDERSTANDS ENGLISH.

FOLLOWING QUESTIONS ASKED:

DO YOU HAVE A PERSONAL LICENCE - NO

DO YOU HAVE A REFUSAL OF ALCOHOL SALES REGISTER - NO

DO YOU HAVE A LOG USED FOR RECORDING INCIDENTS - NO

HAVE YOU RECEIVED ANY TRAINING IN RESPONSIBLE ALCOHOL SALES - NO

ARE YOU AWARE OF ANY TRAINING RECORDS KEPT ON THE PREMISES - NO

ARE YOU AWARE OF ANY ONE ELSE WHO WORKS IN THE SHOP HAVING A PERSONAL LICENCE - NO

ARE YOU AWARE OF ANYONE ELSE WORKING IN THE SHOP BEING TRAINED IN RESPONSIBLE ALCOHOL SALES - NO

WHERE IS THE OWNER - I DON'T KNOW

WHEN DID YOU LAST SEE HIM - A FEW DAYS AGO.

IT WAS MADE CLEAR TO THE SHOP ASSISTANT THAT HE WAS NOT IN TROUBLE AND THAT THE QUESTIONS ASKED REFERRED TO ISSUES THAT THE PREMISES LICENCE HOLDER IS RESPONSIBLE FOR.

OBSERVATIONS:

WINDOW WRAP LICENCE COMPLIANT

WHOLE OF THE PREMISES LICENCE STUCK TO THE CIGARETTE SHUTTER BEHIND THE COUNTER - NOT ACCESSIBLE OR VISIBLE TO READ BY THE PUBLIC

ONE CHALLENGE 25 NOTICE ON THE SPIRITS DISPLAY BEHIND THE COUNTER - NOTHING ON DISPLAY ON THE ALCOHOL CHILLER WITHIN THE PUBLIC SHOP AREA.

WHILST IN ATTENDANCE - ONE CUSTOMER CAME IN AND PURCHASED 2 CANS OF BEER.

Visit Date 04/12/2019 12:30

Description ATTENDED THE PREMISES AND SPOKE WITH AKO BALTRUK KAIWER DOB 04/0280 AND ASKED THE FOLLOWING QUESTIONS

1. THERE IS A REQUIREMENT FOR A PERSONAL LICENCE HOLDER TO BE ON THE PREMISES AT ALL TIMES WHEN OPEN FOR THE SALE OF ALCOHOL – ARE YOU A PERSONAL LICENCE HOLDER AND IF YOU ARE PLEASE SHOW ME YOUR PERSONAL LICENCE AUTHORITY. – NO
2. THERE IS A REQUIREMENT FOR ALL STAFF TO BE TRAINED IN RESPONSIBLE ALCOHOL RETAINING – HAVE YOU BEEN TRAINED. – NO
3. THERE IS A REQUIREMENT FOR TRAINING RECORDS TO BE PRODUCED ON DEMAND – CAN I SEE YOUR TRAINING RECORDS. - UNKNOWN TO STAFF
4. THERE IS A REQUIREMENT FOR YOU TO HAVE A SYSTEM IN PLACE TO RECORD REFUSALS OF SALES OF ALCOHOL – IS THERE A WRITTEN SYSTEM IN PLACE – CAN I SEE THIS RECORDED SYSTEM AS YOU ARE REQUIRED TO PRODUCE IT ON DEMAND. - UNKNOWN TO STAFF
5. THERE IS A REQUIREMENT FOR YOU TO MAINTAIN AN INCIDENT LOG THAT SHOULD BE PRODUCED ON DEMAND – CAN I SEE THIS DOCUMENT - UNKNOWN TO STAFF
6. THERE IS A REQUIREMENT FOR YOU TO HAVE AN AGE VERIFICATION POLICY – DO YOU HAVE ONE AND CAN I SEE IT - ONE CHALLENGE 25 POSTER PINNED BEHIND THE COUNTER ON ALCOHOL DISPLAY
7. THE PREMISES LICENCE HOLDER IS RANDJA ISMAIL – DO YOU KNOW WHERE HE IS AND WHEN DID YOU LAST SEE HIM - LAST SEEN APPROX 2 WEEKS AGO

THREE WHITE MALES ENTERED THE STORE AND PURCHASED ALCOHOL WHILST POLICE WERE IN THE STORE

