



BROMSGROVE DISTRICT COUNCIL

MEETING OF THE LICENSING SUB-COMMITTEE

MONDAY 14TH MARCH 2022
AT 11.30 A.M.

PARKSIDE SUITE, PARKSIDE, MARKET STREET, BROMSGROVE,
WORCESTERSHIRE, B61 8DA

MEMBERS: Councillors R. J. Deeming, S. P. Douglas and A. B. L. English

Reserve
Member Councillor M. A. Sherrey

AGENDA

LICENSING SUB-COMMITTEE HEARING PROCEDURE (Pages 1 - 4)

1. Election of Chairman for the meeting
2. To receive apologies for absence and notification of substitutes
3. Declarations of Interest

To invite Councillors to declare any Disclosable Pecuniary Interests or Other Disclosable Interests they may have in items on the agenda, and to confirm the nature of those interests.
4. Application for the review of a Premises Licence in respect of UK Mini Market, 38 Worcester Road, Bromsgrove, Worcestershire, B61 7AE (Pages 5 - 40)
5. To consider any other business, details of which have been notified to the Head of Legal, Equalities and Democratic Services prior to the commencement of the meeting and which the Chairman, by reason of special circumstances, considers to be of so urgent a nature that it cannot wait until the next meeting.

K. DICKS
Chief Executive

Parkside
Market Street
BROMSGROVE
Worcestershire
B61 8DA

3rd March 2022

If you have any queries on this Agenda please contact
Pauline Ross
Democratic Services Officer

Parkside, Market Street, Bromsgrove, B61 8DA
Tel: 01527 881406

Email: p.ross@bromsgroveandredditch.gov.uk

GUIDANCE ON FACE-TO-FACE MEETINGS

Due to the current Covid-19 pandemic Bromsgrove District Council will be holding this meeting in accordance with the relevant social distancing arrangements for holding face-to-face meetings at a local authority.

If you have any questions regarding the agenda or attached papers, please do not hesitate to contact the officer named above.

GUIDANCE FOR ELECTED MEMBERS ATTENDING MEETINGS IN PERSON

In advance of the Sub-Committee meeting, Members are strongly encouraged to take a lateral flow test on the day of the meeting, which can be obtained for free from the NHS website. Should the test be positive for Covid-19 then the Member should not attend the Sub-Committee meeting, should provide their apologies to the Democratic Services Officer and should self-isolate in accordance with national rules.

Members and officers are strongly advised to wear coverings during the meeting, unless exempt.

Hand sanitiser will be provided for Members to use throughout the meeting.

The meeting venue will be fully ventilated and Members and officers may need to consider wearing appropriate clothing in order to remain comfortable during proceedings.



INFORMATION FOR THE PUBLIC

Access to Information

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000 has further broadened these rights, and limited exemptions under the 1985 Act.

- You can inspect agenda and public reports at least five days before the date of the meeting.
- You can inspect minutes of the Council, Cabinet and its Committees/Boards for up to six years following a meeting.
- You can have access, upon request, to the background papers on which reports are based for a period of up to six years from the date of the meeting. These are listed at the end of each report.
- An electronic register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc. is available on our website.
- A reasonable number of copies of agendas and reports relating to items to be considered in public will be made available to the public attending meetings of the Council, Cabinet and its Committees/Boards.
- You have access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned, as detailed in the Council's Constitution, Scheme of Delegation.

You can access the following documents:

- Meeting Agendas
- Meeting Minutes
- The Council's Constitution

at www.bromsgrove.gov.uk

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Appendix

LICENSING SUB-COMMITTEE (Premises)

HEARING PROCEDURE

1. The Chairman will open the hearing and introduce Members of the Sub-Committee and officers present.
2. The Chairman will ask parties to the proceedings to introduce themselves.
3. In the event the Applicant is not represented, the Chairman will remind the Applicant that he/she can be represented by a legal representative at his/her own expense.
4. The Technical Officer, Licensing, Worcestershire Regulatory Services will present the report.
5. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Technical Officer.
6. The Chairman will invite the Applicant and/or his/her representative to present his/her case and call any witnesses. The Applicant will be allowed a maximum of 10 minutes to present the case.
7. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Applicant and/or his/her representative.
8. The Chairman will invite the Responsible Authorities to present their representations. New representations must not be raised. The Responsible Authorities will be allowed a total of 10 minutes to present their case(s). If two or more Responsible Authorities wish to address the Sub-Committee the 10 minutes will be divided between them.
9. The Chairman will invite Members of the Sub-Committee and all parties to the proceedings to put any relevant questions to the Responsible Authorities.
10. All other Parties to the proceedings will be invited to present their representations or elect a spokesperson to speak on their behalf. New representations must not be raised. A maximum of 10 minutes will be allowed for the Parties to present their case(s). If two or more Parties wish to address the Sub-Committee the 10 minutes will be divided between them.

Appendix

11. **The Chairman will invite Members of the Sub-Committee, the applicant / applicant's representative and the Responsible Authorities to put any relevant questions to the other Parties**
12. **The other Parties will be invited to sum up. A maximum of 5 minutes will be allowed.**
13. **The Responsible Authorities will be invited to sum up. A maximum of 5 minutes will be allowed.**
14. **The Applicant and/or his/her representative will be invited to sum up. A maximum of 5 minutes will be allowed.**
15. **The Chairman will ask the Legal Advisor if there is any legal advice to be given.**
16. **At the conclusion of the hearing Members of the Sub-Committee, the Legal Advisor and the Democratic Services Officer will withdraw from the meeting room so that the Sub-Committee can reach its decision in private**
17. **The Sub-Committee's decision will be sent to the Applicant and those parties who made representations within 5 working days.**

Appendix

Please Note:

1. ***Each application coming before the Licensing Sub-Committee will be treated on its own merits, and the Sub-Committee will take its decision based upon:***
 - a) ***the promotion of the four licensing objectives, as given by the Licensing Act 2003, namely:***
 - ***the prevention of crime and disorder;***
 - ***public safety;***
 - ***the prevention of public nuisance; and***
 - ***the protection of children from harm;***
 -
 - b) ***Bromsgrove District Council's Statement of Licensing Policy;***
 - c) ***guidance issued under section 182 of the Licensing Act 2003; and***
 - d) ***the Licensing Act 2003.***
2. ***The Chairman may require any person who in his/her opinion is behaving in a disruptive manner to leave the meeting, and may refuse to permit that person to return, or permit him/her to return only on such conditions as the Chairman may specify. However, such person may, before the end of the hearing, submit in writing any information which he/she would have been entitled to have given orally at the meeting had he/she not been required to leave.***
3. ***Decisions may be taken in the absence of the Applicant or any other party. All notices and representations received from absent parties will be considered.***
4. ***Questioning must not be hostile or intended to unfairly undermine the position of any party.***
5. ***Late evidence will only be considered with the agreement of all parties present.***
6. ***The decision of the Sub-Committee will be sent to all parties within 5 working days.***
7. ***An appeal to the Magistrates' Court against the Sub-Committee's decision must be lodged within 21 days of the date on which all parties were notified in writing of the decision of the Licensing Sub-Committee.***

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BROMSGROVE DISTRICT COUNCIL

LICENSING SUB-COMMITTEE

14TH MARCH 2022

LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

UK MINI MARKET , 38 WORCESTER ROAD, BROMSGROVE, B61 7AE

PUBLIC HEARING	
Director:	Head of Worcestershire Regulatory Services
Contact Officer:	Paul Morrish Technical Officer (Licensing) 01905 822799 enquiries@worcestershire.gov.uk
Ward(s) affected:	
Appendices:	Appendix 1 – Review Application Form Appendix 2 – Existing Premises Licence Appendix 3 – Representation from Principal Licensing Officer

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for the review of the premises licence in force in respect of:

**UK Mini Market
38 Worcester Road
Bromsgrove
Worcestershire
B61 7AE**

2. BACKGROUND

- 2.1 On 19 January 2022 an application was received from Mr Christopher Coxon at Worcestershire County Council Trading Standards Service for the review of the premises licence in force in respect of:

UK Mini Market
38 Worcester Road
Bromsgrove
Worcestershire
B61 7AE

A copy of the review application can be seen at **Appendix 1**.

- 2.2 It can be confirmed that the application has been advertised in accordance with the requirements of the Licensing Act 2003 and associated regulations and that the application has also been served on the licence holder and all of the responsible authorities.
- 2.3 A copy of the existing premises licence can be seen at **Appendix 2**. The premises licence holder is a Mrs Sozan Qadir Taha, who also the named as the designated premises supervisor on the premises licence. The licence has been in place since 20 August 2021.
- 2.5 Following a seizure of illicit tobacco from the premises on 8th September 2021, and the sale of an age restricted product to a minor by the licence holder on 26th October 2021, Trading Standards are of the opinion that the licence holder has a disregard for the licensing objectives.

3. REPRESENTATIONS

Responsible Authorities

- 3.1 A representation has been received from Mr Dave Etheridge, Principal Licensing Officer of Worcestershire Regulatory Services. Visits were conducted at the premises in September 2021 and February 2022 where it was found on both occasions that licence conditions were not been complied with. Mr Etheridge concludes that he has little confidence in the licence holder and employees at the premises to uphold the licensing

objectives. A copy of the representation and details of the breaches of licence conditions is attached at **Appendix 3**.

Other Persons

3.2 No representations have been received from other persons.

4. LOCAL POLICY CONSIDERATIONS

4.1 The Sub-Committee should have regard to the Council's Statement of Licensing Policy under the Licensing Act 2003.

4.2 The Council's Statement of Licensing Policy is available to download from the Council's website or to request a hard copy, contact Worcestershire Regulatory Services on 01905 822799 or email wrsenquiries@worcsregservices.gov.uk

5. LEGAL IMPLICATIONS

5.1 The Sub-Committee is obliged to determine this application with a view to the promotion of the licensing objectives which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance;
- the protection of children from harm.

5.2 In making its decision, the Sub-Committee is also obliged to have regard to the guidance issued by the Secretary of State under section 182 of the Licensing Act 2003 and the Council's own Statement of Licensing Policy.

5.3 The Sub-Committee must also have regard to the representations made and the evidence it hears.

5.4 The Sub-Committee must take such of the following steps (if any) as it considers appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence;
- (b) to exclude a licensable activity from the scope of the licence;
- (c) to remove the designated premises supervisor;
- (d) to suspend the licence for a period not exceeding three months;

Agenda Item 4

(e) to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

5.5 The Sub-Committee is asked to note that it may not take such steps merely because it considers it desirable to do so, it must actually be appropriate in order to promote the licensing objectives.

5.6 All parties to the hearing will be notified of the Sub-Committee's decision in writing within five working days of the conclusion of the hearing.

5.7 Any party aggrieved by a decision taken by the Sub-Committee may appeal against the decision to a Magistrates' Court within 21 days of being notified of the decision in writing.

5.8 The hearing should be conducted in accordance with the agreed procedure.

6. FOR DECISION

6.1 The Sub-Committee must consider and determine the application.

Bromsgrove District Council

**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 Christopher Coxon

(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 UK Mini Market 38 Worcester Road	
Post town Bromsgrove	Post code (if known) B61 7AE
Name of premises licence holder or club holding club premises certificate (if known) Sozan Qadir TAHA	
Number of premises licence or club premises certificate (if known) 21/02404/PREMLI	

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)

yes

3) a member of the club to which this application relates (please complete (A) below)

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(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 Worcestershire County Council Trading Standards Service Economy and Infrastructure Worcestershire County Council Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF
Telephone number (if any)
E-mail address (optional)

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

- | | |
|---|---------------------------------|
| 1) the prevention of crime and disorder | Please tick one or more boxes ✓ |
| 2) public safety | X |
| 3) the prevention of public nuisance | |
| 4) the protection of children from harm | X |

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

This review has been brought due to the licensed premise being found to be in possession of illicit tobacco products and for selling a nicotine inhaling product to a 15-year-old child.

On the 08/09/2021, the shop was visited following a report that the shop was selling alcohol, cigarettes and vaping products to children. During the visit, illicit tobacco was discovered behind the sales counter and the storeroom. The amount seized from these premises by Trading Standards were 5,080 cigarettes and 0.85kg of hand rolling tobacco (HRT) which represents a retail value of £2,940.

Illicit tobacco products are cigarettes and hand rolling tobacco (HRT) which are either counterfeit, duty evaded or fail to comply with the standardised packaging and health warning information regulations.

On 26th October 2021, Trading Standards carried out an age restricted test purchasing exercise using two 15-year-old volunteer children. Sozan Qadir TAHA, the Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) sold a nicotine inhaling product, known as an Elf Bar, which is a disposable vaping device to the 15 year old child., contrary to S 92 (2) of the Children and Families Act 2014 it being an offence to breach a prohibition in regulations, that is Regulation 3 of Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

The criminal offences associated with the possession and supply of illicit tobacco and the sale of a nicotine inhaling product to a person under 18 years of age from this licensed premise are as follows.

- Trade Marks Act 1994 – Section 92(1)(b) supply
Section 92(1)(c) possession, custody, or control
It is an offence to supply or have in possession, custody or control, goods or packaging bearing a registered trade mark that have not been produced with the consent of the trade mark holder, commonly referred to as counterfeits or fakes.
The seizure from the licensed premises included counterfeit tobacco products
Maximum sentence: 10 years imprisonment and/or an unlimited fine
- Licensing Act 2003 – Section 144
It is an offence to knowingly keep, or allow to be kept any goods on a licensed premises smuggled goods. That is goods which have been imported without payment of UK duty
The seizure from the licensed premises were found to have none of the HMRC “track and trace” unique identification codes, so they were all duty evaded products. That is smuggled goods for the purposes of section 144 of the Licensing Act 2003
Maximum sentence: £1000 fine
- Standardised Packaging of Tobacco Products Regulations 2015, Part 5 Regulation 15(1)
It is an offence to supply, expose or have in possession for supply, cigarettes and tobacco products which are not packaged in the regulated brown colour (Pantone 448c) and format. That is, bright colours, patterns, stylised fonts and logos are prohibited
The seizure made from the shop included non-standardised packaging, contrary to these regulations
Maximum sentence: 2 years imprisonment and/or an unlimited fine

- **Tobacco and Related Products Regulations 2016 Part 9 Regulation 48(a)(i)**
It is an offence to supply, expose or have in possession for supply, cigarettes and tobacco products which do not provide the statutory written and pictorial health warning. That is all packaging for cigarettes and hand rolling tobacco shall contain the regulated written and pictorial health warnings on both the front and back of the packs
The seizure made from the shop included packs of cigarettes and hand rolling tobacco that failed to comply with these regulations
Maximum sentence: 2 years imprisonment and/or an unlimited fine

- **Children and Families Act 2014 contrary S 92 (2)**
It is an offence to breach a prohibition in regulations, that is Regulation 3 of Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. That is to sell nicotine inhaling products to anyone under 18 years of age
The sale of the Elf Bar to the 15-year-old child contravened this legislation
Maximum sentence: £2500 fine

Trading Standards are also pursuing a criminal investigation against the PLH, which is likely to be brought before the Courts.

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

On 08/09/2021 at 15:40 hours, Trading Standards Officers visit the licensed premise of UK Mini Market, 38 Worcester Road, Bromsgrove in response to community intelligence that the shop had been selling alcohol, cigarettes, vaping products and energy drinks to children. The purpose of the visit was twofold. Firstly, to provide advice and guidance on age verification measures the shop should take to avoid selling age restricted products to persons under 18 years of age. Secondly, to check that goods within the shop were legal to sell.

On approaching the shop, a group of children in school uniforms were observed leaving the shop carrying cans of energy drinks. However, it should be noted that energy drinks are not an age restricted product as far as the law is concerned, although some retailers impose a voluntary ban on the sale of energy drinks to under 18's.

On entering the shop, the husband of the PLH/DPS, Zerak RASWL was behind the counter. He was the only person present in the shop. He was notified about the allegation that the shop had been supplying alcohol, cigarettes, and vaping products to minors. He was given practical advice and guidance on age verification measures that could be taken to avoid the sale of alcohol and other age restricted products to persons under 18 years of age. This advice included the issuing of "Challenge 25" posters to displayed in the shop.

An inspection of the storeroom at immediately to the rear of the shop counter revealed that illicit tobacco products were found in various locations in three bags and one box. Photograph 1 shows the 3 bags and box after they had been removed from the storeroom. Behind the sales counter a box was discovered on the floor that also contained illicit tobacco products. Photograph 2 shows the location of this box. These items were subsequently seized as they were suspected of contravening the legislation stated in the section above.

Trading Standards Officers requested to Zerak RASWL to show the CCTV footage from earlier in the day, but the CCTV had not been recording any footage when he tried to access the system.

The seized illicit tobacco was subsequently catalogued, and it was established that 5,040 cigarettes (252 packs) and 0.8kg of HRT (16 packs) had been seized. This represented a retail value of £2,940. Trade Mark holders confirmed that the, Superkings, Benson & Hedges and Lambert & Butler brands of cigarettes and Amber Leaf brands of HRT were counterfeit. There were 175 counterfeit packs in total which contravened the Trade Marks Act 1994. There were 236 packs of cigarettes and hand rolling tobacco that failed to comply with the standardised packaging regulations. There were 236 packs of cigarettes and HRT that failed to comply with tobacco and related products regulations. None of the 252 packs seized had a unique HMRC "track and trace" information and were therefore all duty evaded, thereby contravening section 144 of the Licencing Act 2003

On 22/09/2021 at 15:30 hours a multi-agency enforcement visit was made to UK Mini Market, with WRS Licensing, Redditch and Bromsgrove District Council's Private Sector Housing, the Fire Service and West Mercia Police. Some issues relating to fire safety in the unoccupied residential flat above the shop were found. There were some issues found relating to licence conditions attached to the premise licence. No illicit tobacco found in the shop or storeroom.

On 26/10/2021 at 14:20 hours, Trading Standards carried out an age restricted test purchasing exercise using two 15-year-old test purchasing volunteers. Sozan Qadir TAHA, the Premise Licence Holder (PLH) and Designated Premises Supervisor (DPS) sold a nicotine inhaling product, known as an Elf Bar, which is a disposable vaping device to the 15 year old volunteer in contravention of the Children and Families Act 2014 and the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. Photograph 3 shows the Elf Bar that was sold by the PLH

On 03/11/2021, Sozan Qadir TAHA, the PLH and DPS was formally interviewed by Trading Standards in respect of the seizure of illicit tobacco products and the sale of the nicotine inhaling vaping product to a 15-year-old child.

When asked to account for the presence of the illicit tobacco in her shop on 08/09/2021, the PLH stated that the tobacco products did not belong to the shop and had had been left there the week before by an unknown person from a local car wash who had asked if they could look after the tobacco for him for a few days. The PLH/DPS stated the unknown male, who she had no contact details for, has never returned to collect his goods.

When asked to explain why she sold the nicotine inhaling product to a 15 year old child, she stated she normally asked for proof of age but on this occasion she was busy and stressed and did not ask for proof of age. The PLH showed the CCTV footage of the sale on her phone during the interview. Trading Standards Officers requested that the footage be emailed to them however, no email containing the footage was received.

The sale of illicit/counterfeit and non-duty paid tobacco products are having a very serious impact on the local economy. Legitimate retailers struggle to compete with dishonest traders who operate within the shadow economy.

Nationally, HMRC estimates that £1.9 billion per year is lost from UK Treasury due to illicit tobacco sales.

The availability of cheap tobacco undermines government and Public Health policies aimed at reducing the cost to the NHS of treating diseases caused by smoking. Legitimate tobacco products are highly priced through the taxation system to reduce their attractiveness and availability to reduce demand. Areas with a higher level of deprivation commonly have a higher than average proportion of smokers and associated smoking related diseases. Illicit cigarettes are sold at half the price of legitimate cigarettes and the cheap prices make it affordable to those on low income or children, enabling them to continue smoking or become hooked at a young age

The sale of the nicotine inhaling product to a 15-year-old child by the PLH demonstrated that the licensed premises has failed to heed the age verification advice provided by Trading Standards. This sale would also tend to validate the accuracy of the initial community report that shop, which stated alcohol and tobacco products were being sold to children from the shop in September 2021

Illicit tobacco traders are making large profits by selling cheap and potentially dangerous counterfeit products without any regards to public safety in respect of the counterfeit tobacco. Although all tobacco is harmful, with counterfeit tobacco it's even more dangerous as there are no health warnings, no quality or safety control on the content and self-extinguishing requirements of an ignited, discarded cigarette.

National intelligence suggests that the trade in illegal tobacco is often linked to more serious crime such as terrorism, human trafficking, prostitution and modern day slavery. The trade in illegal tobacco is believed to be seen as a low risk way of making money to help fund more serious crime. Local shopkeepers who sell illegal tobacco encourage the supply of further illegal products and help to provide funding for more serious crimes.

The section 182 guidance states that the Licensing Authorities sole role is to 'determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective'. In addition, it is the Licensing Authority's duty to take such steps which are in the interests of the wider community and not those of the individual licence holder. The guidance identifies certain criminal activity which should be treated as being particularly serious. The criminal activity listed in that paragraph includes the use of licensed premises for the sale of smuggled tobacco. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined it is expected that revocation of the licence-even in the first instance should be seriously considered.

In the case of *Crown (Bassetlaw District Council) v Worksop Magistrates' Court 2008*, it was held that the powers under section 52 of the Licensing Act 2003 to revoke an alcohol licence can be used as a deterrent when criminal offences have been committed.

Trading Standards are of the opinion that the PLH/DPS, Sozan Qadir TAHA is involved in the supply of illicit tobacco products from the licensed premises of UK Mini Market, 38 Worcester Road, Bromsgrove. Given that she has ignored the previous advice and guidance to not sell age-restricted products and still sold a nicotine inhaling vaping product to a 15-year-old child, the Service concludes that she has a disregard for the licence objectives.

Trading Standards recommends a revocation of the alcohol licence to act as a deterrent to others.

Agenda Item 4

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

N/A

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

..... 19/01/2022

Capacity Trading Standards 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)	

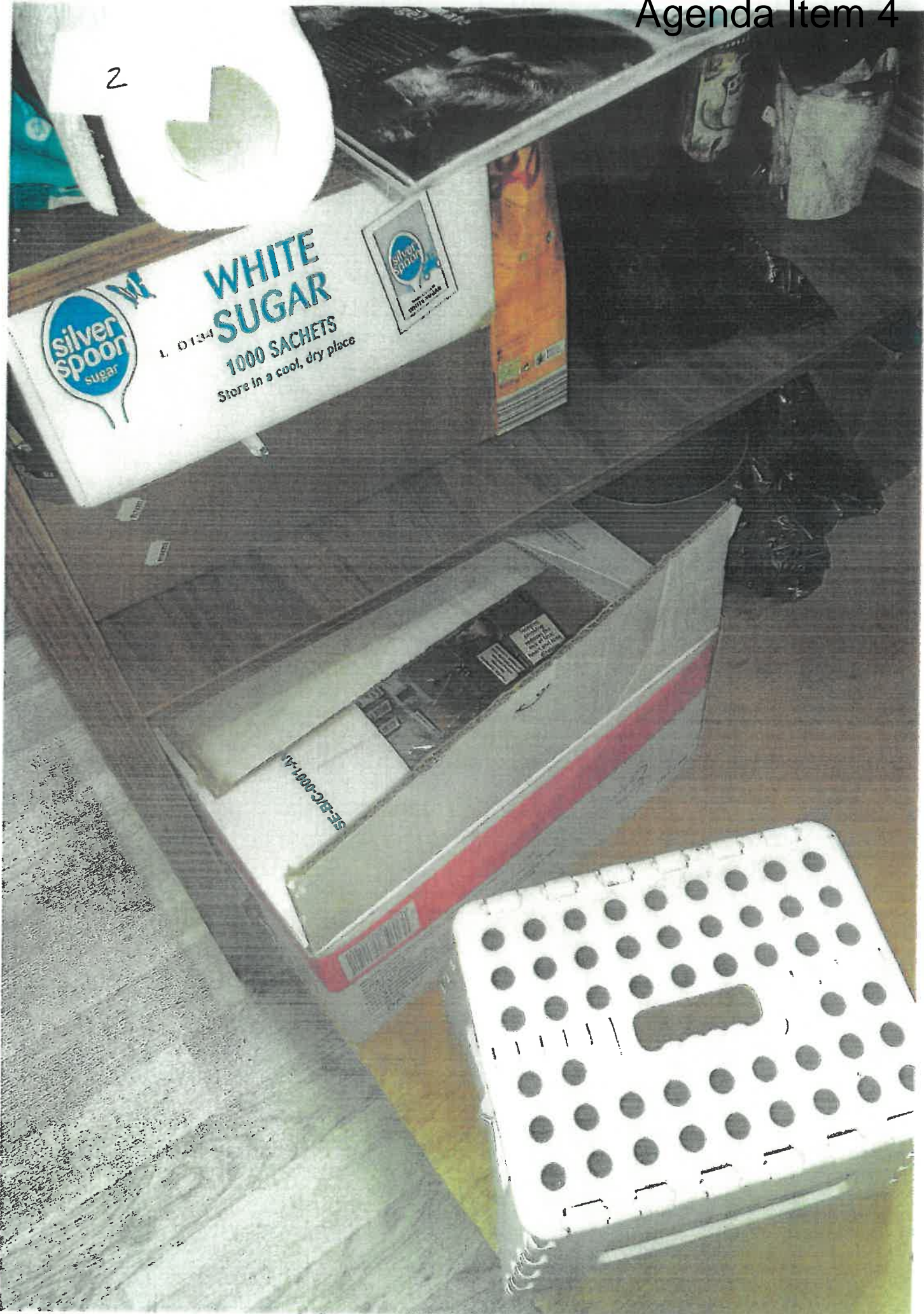
Notes for Guidance

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.

1



2



3

ELI BAR

00

IN SABLE FOR



This product contains nicotine which is a highly addictive substance

REFERENCE NUMBER	T1106 (G-13)	21/07468/AS
DEFENDANT:	UN KNOWN	BAG NUMBER
OFFICER:	Simon Coupe	
DATE SEIZED:	original seal	
NOTES:	original seal	09751 vape

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LICENSING ACT 2003



Bromsgrove
District Council
www.bromsgrove.gov.uk

PREMISES LICENCE

PREMISES LICENCE NUMBER

21/02404/PREMLI

Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

UK Mini Market
38 Worcester Road
Bromsgrove
Worcestershire
B61 7AE

Telephone number

Where the licence is time limited, the dates
Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Activity	Days	From	To	Indoors/Outdoors
Sale of Alcohol	Everyday	08:00	- 23:00	N/A
Non-standard timings				
None				

The opening hours of the premises

Days	From	To
Everyday	08:00	- 23:00

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

Alcohol is supplied for consumption off the premises

Part 2

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

Mrs Sozan Qadir Taha

[Redacted address]

Email Address: [Redacted]

Telephone No.: [Redacted]

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

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

Sozan Qadir Taha

[Redacted address]

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

Personal Licence No: [Redacted]

Licensing Authority: [Redacted]



Date of first issue: 20 August 2021

This version valid from: 20 August 2021

AUTHORISED OFFICER
Head of Regulatory Services
Worcestershire Regulatory Services
On behalf of Bromsgrove District Council

Issuing Authority: Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

ANNEX 1 – MANDATORY CONDITIONS

The making and authorisation of alcohol sales

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.

Age verification policy

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.

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.

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.

Permitted price of alcohol

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;
 - b) "permitted price" is the price found by applying the formula—

$$P=D+(D\times V)$$

where—

P is the permitted price,

D is the rate 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

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;

- c) "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;
 - d) "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.
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.
 - (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

ANNEX 2 – CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

Description of the premises

Small grocery store with Off licence on an arterial road, approximately 1/2 miles South of Bromsgrove Town centre

a) General – all four licensing objectives (b,c,d,e):

1. CCTV

1.1 The premises shall install and maintain a digital CCTV system

1.2 The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.

1.3 The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at each exit and entrance point.

1.5 A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.

1.6 All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

1.7 CCTV shall be continually recording during licensable hours

1.8 In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.

b) The prevention of crime and disorder:

2. Incident / Refusals Register

2.1 An incident log must be kept at the premises. 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 trading standards officer or the police, and must record the following

(a) All crimes reported to the premises (where relevant to the licensing objectives)

(b) Any incidents of disorder

3. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.

4. All spirits will be stored and sold behind the counter

5. Roller shutters are in operation at the front of the premises

6. The premises will have a written policy in relation to drunkenness. Premises should not admit persons who are visibly intoxicated and staff should be trained regarding responsible alcohol sales, identifying drunkenness and preventing alcohol sales to them.

c) Public safety:

No risk has been assessed under the Licensing Act 2003

d) The prevention of public nuisance:

7. Prominent, clear and legible signage 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 quickly and quietly. (Quiet Notice)

Agenda Item 4

8. All employees will be vigilant and monitor the area immediately outside the shop and will use their best endeavours to disperse groups of 3 or more persons that appear to be loitering outside the shop if they have been customers of the shop. In addition, all staff will report any anti-social behaviour or acts of crime to the police immediately and provide the police with any CCTV footage on request.

9. Deliveries to the premises shall be conducted in a manner that will not cause a nuisance to the occupiers of any residential properties surrounding the delivery address and deliveries shall be made at a time that will not lead to any public nuisance.

e) The protection of children from harm:

10. A written 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 and will be collected 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 the local authority/council on demand.

11. All staff engaged in the sale of alcohol to be trained in Challenge 25. 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 the local authority/council on demand

12. Proxy signs will be on display warning adults about the law surrounding buying alcohol for children

13. Staff will monitor the outside area to identify any potential proxy purchasing concerns.

14. Challenge 25

14.1 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

14.2 Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

Other operating conditions

ANNEX 3 – CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

ANNEX 4 – PLANS

As deposited with the licensing authority

LICENSING ACT 2003



Bromsgrove
District Council

www.bromsgrove.gov.uk

PREMISES LICENCE SUMMARY

PREMISES LICENCE NUMBER

21/02404/PREMLI

Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code

UK Mini Market
38 Worcester Road
Bromsgrove
Worcestershire
B61 7AE

Telephone number

Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence and the times the licence authorises the carrying out of licensable activities

Activity	Days	From	To	Indoors/Outdoors
Sale of Alcohol	Everyday	08:00	- 23:00	N/A
Non-standard timings				
None				

The opening hours of the premises

Days	From	To
Everyday	08:00	- 23:00

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

Alcohol is supplied for consumption off the premises

Name, (registered) address of holder of premises licence

Mrs Sozan Qadir Taha

Agenda Item 4

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

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

Sozan Qadir Taha

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

No specific restrictions



Date of first issue: 20 August 2021

This version valid from: 20 August 2021

AUTHORISED OFFICER
Head of Regulatory Services
Worcestershire Regulatory Services
On behalf of Bromsgrove District Council

Issuing Authority:
Bromsgrove District Council
Parkside
Market Street
Bromsgrove
Worcestershire
B61 8DA

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Bromsgrove
District Council

www.bromsgrove.gov.uk

Mrs Sozan Qadir Taha

Worcestershire
Regulatory Services

Supporting and protecting you

**ENVIRONMENTAL HEALTH &
LICENSING**

Direct line: 01905 822799

Fax: 01905 617132

Email: enquiries@worcsregservices.gov.uk

Our ref: 21/02404/PREMLI (21/02404/PREMLI)

28 September 2021

Dear Mrs Taha,

Licensing Act 2003 – Premises Licence 21/02404/PREMLI
UK Mini Market, 38 Worcester Road, Bromsgrove, Worcestershire, B61 7AE

I am writing to you as the holder of premises licence 21/02404/PREMLI issued by Bromsgrove District Council in respect of UK Mini Market, 38 Worcester Road, Bromsgrove, B61 7AE.

On Wednesday 22 September 2021, I attended the premises as part of a multi-agency visit alongside colleagues from Worcestershire Trading Standards, West Mercia Police, Hereford and Worcester Fire & Rescue Service and Bromsgrove District Council's Housing Team.

During my visit I assessed whether the conditions attached to the premises licence were being complied with as required. Unfortunately, there were some conditions that are attached to the premises licence that it appears were not being complied with at the time of my visit. I have therefore enclosed a report with this letter highlighting the issues found and explaining what steps need to be taken to rectify these.

I would like to remind you that failing to comply with the conditions attached to the premises licence is an offence under the Licensing Act 2003. This offence carries a maximum penalty of an unlimited fine, six months imprisonment, or both. Therefore, I am sure you will take all required steps to ensure that the conditions of the licence are being complied with going forwards.

It is my intention to make a further visit to the premises in the coming weeks to assess whether steps have been taken to ensure all of the licence conditions are being complied with.

Yours sincerely

Dave Etheridge
Principal Officer (Licensing)
Worcestershire Regulatory Services
On behalf of Bromsgrove District Council

Worcestershire Regulatory Services
Wyre Forest House, Finepoint Way, Kidderminster, Worcestershire, DY11 7WF
General Enquiries: 01905 822799 enquiries@worcsregservices.gov.uk www.worcsregservices.gov.uk

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Application for Review of a Premises Licence

UK Mini Market, 38 Worcester Road, Bromsgrove, Worcestershire, B61 7AE

Representation on behalf of the licensing authority acting as a responsible authority

My name is Dave Etheridge. I am a Principal Licensing Officer for Worcestershire Regulatory Services and have been in my current role for nearly nine years. I have been working in the field of licensing and enforcement since 2004.

I am aware that Worcestershire Trading Standards have made application for a review of the premises licence issued to Mrs Sozan Qadir Taha in respect of:

UK Mini Market
38 Worcester Road
Bromsgrove
Worcestershire
B61 7AE

I submit this representation for consideration by the Licensing Sub-Committee when determining the review application. The representation is submitted on behalf of the licensing authority (Bromsgrove District Council) in their capacity as a responsible authority.

Initial Multi-Agency Visit to the Premises

On 22nd September 2021, I took part in a multi-agency visit to UK Mini Market, 38 Worcester Road, Bromsgrove, Worcestershire, B61 7AE.

I was invited to take part in the visit by officers from Worcestershire Trading Standards who were looking to visit the premises to follow up on an earlier visit where illicit tobacco products had been found on the premises. The multi-agency visit also involved officers from Worcestershire Trading Standards, West Mercia Police, Hereford and Worcester Fire and Rescue Service and Bromsgrove District Council's Housing Team.

I used the opportunity of this multi-agency visit to check that those running the premises were complying with the conditions attached to the licence when it was issued the previous month on 20th August 2021.

My checks highlighted a number of licence conditions that it appeared were not being complied with. As a result of my findings during the visit on 22nd September 2021, I wrote a letter to the holder of the premises licence, Mrs Sozan Qadir Taha, which was sent to the address she had provided when the licence was applied for in July 2021. The letter enclosed a report detailing the issues I had found during the visit and setting out the actions that were required as a result. A copy of my letter and enclosure is attached with this representation.

Second Multi-Agency Visit to the Premises

On 10th February 2022 I took part in a further multi-agency visit to the premises. Others present at this visit were officers from Worcestershire Trading Standards, Hereford and Worcester Fire and Rescue Service and Bromsgrove District Council's Housing Team.

During this visit there was a female member of staff working in the shop who advised me that she worked at the premises five days per week during the daytime and that she had commenced her employment at the premises in early January 2022.

I explained that I was present to check that the issues identified in the visit in September 2021 had been rectified. Unfortunately a number of the issues remained and I will detail these below.

Licence Conditions Relating to CCTV

The member of staff present at the time of the visit was not able to demonstrate that the CCTV system provided storage capacity to store a minimum of 31 days footage.

The member of staff was only able to provide footage recorded in the preceding five minutes and was not able to operate the system to show footage recorded earlier that day or on any other dates in the preceding 31 days.

It was clear that the member of staff had not received sufficient training in order to ensure rapid data retrieval and downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

I also inspected the records available of CCTV logs. There were only three entries in the CCTV log-book dated 1st October 2021, 1st November 2021 and 21st November 2021. It therefore would appear that the requirement to complete a weekly CCTV log is not being complied with.

Licence Condition Requiring to Use of an Incident Book

The incident book kept on the premises remained completely blank. This may suggest that the requirement to record relevant incidents in an incident book is not being complied with but equally could be because no relevant incidents have occurred at the premises that required recording.

Licence Condition Requiring Use of a Register of Refusals

The register of refusals maintained on the premises did have a number of entries dated between 1st October 2021 and 20th December 2021. There were no entries recorded after this date.

The member of staff on duty at the time of the visit told me that she had on previous occasions since she started working in the shop in January 2022 had cause to refuse the sale of alcohol to people she suspected of being under the age of 18 and who could not prove they were 18 or over. The member of staff told me she had forgotten that she was supposed to record such refusals in the refusals register.

Licence Condition Requiring Staff Training

There were no completed records to demonstrate staff had been trained as required. The female member of staff present during our visit said that she had been given verbal training when she started working at the premises but confirmed she had not completed any written training sheets.

Licence Condition Requiring Signage at the Exits of the Premises

The signage required to ask customers to leave the premises and area quickly and quietly was still being displayed at the shop counter rather than at the public exit from the premises.

Conclusions

It was clear from my findings during the second multi-agency visit I attended on 10th February 2022, that very little progress had been made by the holders of the premises licence to secure that the conditions attached to the premises licence were being complied with. This was despite having been provided with a clear report detailing the issues that needed their attention and direction as to the actions they needed to take.

This, coupled with the information I have read in the review application submitted by Worcestershire Trading Standards, gives me very little confidence in the ability of the premises licence holder and their employees to uphold the four licensing objectives appropriately at the premises.

For that reason it is my belief that the Licensing Sub-Committee should give very serious consideration to using their powers to revoke the premises licence.

Dave Etheridge
Principal Licensing Officer
Worcestershire Regulatory Services (on behalf of Bromsgrove District Council)

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Report detailing non-compliance with licence conditions

UK Mini Market, 38 Worcester Road, Bromsgrove, Worcestershire, B61 7AE

Licence condition:
The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.
Issue(s) identified:
The member of staff on duty when I visited the premises was unable to playback any footage previously recorded by the CCTV system. Therefore, it was not possible to assess whether the CCTV footage was stored for the required 31 days.
Action(s) required:
Ensure that CCTV system has sufficient hard drive storage capacity to store a minimum of 31 days footage.

Licence condition:
A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.
Issue(s) identified:
Whilst a CCTV log book was present on the premises, this was entirely blank with no weekly logs having been made.
Action(s) required:
Ensure that a CCTV log is completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.

Licence condition:
All staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
Issue(s) identified:
The member of staff on duty when I visited the premises was unable to playback any footage previously recorded by the CCTV system.
Action(s) required:
Ensure that all staff are trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.

Licence condition
CCTV shall be continually recording during licensable hours
Issue(s) identified:
The member of staff on duty when I visited the premises was unable to playback any footage previously recorded by the CCTV system. Therefore, it was not possible to assess whether the CCTV was recording continually.
Action(s) required:
Ensure that the CCTV is recording continually during licensable hours.

Licence condition
An incident log must be kept at the premises. 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 trading standards officer or the police, and must record the following <ul style="list-style-type: none">(a) All crimes reported to the premises (where relevant to the licensing objectives)(b) Any incidents of disorder
Issue(s) identified:
Whilst an incident log book was present on the premises, this was entirely blank with no entries in the log having been made. It was therefore not possible to assess whether the incident log was being used appropriately by staff to record incidents or not.
Action(s) required:
Ensure all staff are trained on the use of the incident log and complete it as and when incidents occur.

Licence condition
Prominent, clear and legible signage 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 quickly and quietly.
Issue(s) identified:
Whilst signage was displayed at the counter, there was no such signage at the exit of the premises.
Action required:
Ensure a prominent, clear and legible signage is displayed at the exit from the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly

Licence condition
A written 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 and will be collected 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 the local authority/council on demand.
Issue(s) identified:
Whilst a refusals register was present on the premises, this was entirely blank with no entries in the log having been made. This was despite the member of staff stating that they had previously refused to sell alcohol to some customers.
Action(s) required:
Ensure all staff are trained on the use of the refusals register and are completing this when a sale of alcohol or other age-restricted product has been refused.

Licence condition
All staff engaged in the sale of alcohol to be trained in Challenge 25. 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 the local authority/council on demand.
Issue(s) identified:
Whilst some training materials were present on the premises, there was no evidence that staff had undertaken any training as all the test sheets were blank.
Action(s) required:
Ensure all staff engaged in the sale of alcohol are appropriately trained and that the training records held on the premises demonstrate this.

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Licence condition
Proxy signs will be on display warning adults about the law surrounding buying alcohol for children.
Issue(s) identified:
No such signage was displayed at the premises.
Action(s) required:
Ensure signage is displayed at the premises warning adults about the law surrounding buying alcohol for children.

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