

LICENSING ACT 2003 SUB-COMMITTEE

THURSDAY 11 DECEMBER 2014

1.30 PM

Council Chamber - Town Hall

AGENDA

Page No

1. **Apologies for Absence**

2. **Declarations of Interest**

At this point Members must declare whether they have a disclosable pecuniary interest, or other interest, in any of the items on the agenda, unless it is already entered in the register of members' interests or is a "pending notification " that has been disclosed to the Solicitor to the Council.

Members must also declare if they are subject to their party group whip in relation to any items under consideration.

3. **Application for Premises Licence Review - 653 Lincoln Road, Peterborough**

3 - 32



There is an induction hearing loop system available in all meeting rooms. Some of the systems are infra-red operated, if you wish to use this system then please contact Philippa Turvey on 01733 452460 as soon as possible.

Recording of Council Meetings: Any member of the public may film, audio-record, take photographs and use social media to report the proceedings of any meeting that is open to the public. A protocol on this facility is available at:

<http://democracy.peterborough.gov.uk/documents/s21850/Protocol%20on%20the%20use%20of%20Recording.pdf>

Committee Members:

Councillors: P Thacker (Chairman), P Hiller (Vice Chairman) and Davidson

Further information about this meeting can be obtained from Philippa Turvey on telephone 01733 452460 or by email – philippa.turvey@peterborough.gov.uk

This page is intentionally left blank

LICENSING ACT 2003 SUB COMMITTEE		AGENDA ITEM No 3
11 December 2014		PUBLIC REPORT
Contact Officers:	Adrian Day, Licensing Manager Terri Martin, Licensing Regulatory Officer	Tel. 454437 Tel. 453561

APPLICATION:	Review of Premises Licence
---------------------	----------------------------

PREMISES:	Millfield Off-Licence – 653 Lincoln Road, Peterborough, PE1 3HA
------------------	---

REFERENCE NUMBER:	MAU: 070306
--------------------------	-------------

GLOSSARY OF TERMS:	Attached at Appendix A
---------------------------	-------------------------------

1. PURPOSE OF REPORT

- 1.1 To consider and determine an application for the review of a Premises Licence under Section 51 of the Licensing Act 2003 served by Trading Standards in relation to the above premises. Taking into account the representations in support of the review made by Cambridgeshire Constabulary and Public Health, both Responsible Authorities, and a letter received from the current premises licence holder. The review was bought under the Prevention of Crime and Disorder objective.

2. BACKGROUND INFORMATION

- 2.1 A conversion application (Grandfather rights) of a Justices 'Off Licence' was made by Mr G Singh Shehri and granted in September 2005. The licence was transferred to Mr A Khattak in December 2006. The licence was transferred to Mr T Mahmood in May 2007. The licence was transferred to the current licence holder Mr G Jaferi on 24 September 2009. Mr Rahimi became the DPS (Designated Premises Supervisor) on 11 December 2009.
- 2.2 A minor variation was submitted by Mr Jaferi in March 2012, this minor variation was to update the plan of the premises and to add the following conditions:
- No alcohol is to be purchased by leaseholders or their managers and staff from vendors who call at the premises.
 - Invoices (originals or copies) relating to the purchase stocks must be kept at the premises and made available on request of any responsible authority or HMRC.
 - The premises must maintain an ultra-violet light and if any spirits are identified as non-fluorescent or are otherwise suspicious the premises licence holder or their manager or staff must inform local Trading Standards department and HMRC as soon as possible.
 - The premises will adopt the age verification policy of 'Challenge 25'. Signage detailing this policy will be place in prominent positions within the premises.
- 2.3 Unfortunately due to an administrative error, the licence was not updated with the additional conditions at the time the licence was sent out, and the error was not brought to the

attention of the licensing department when the premises licence holder received the (new) amended licence.

2.4 A copy of the current licence (with conditions added) is attached at **Appendix B**.

3. APPLICATION

3.1 In accordance with section 51 of the Licensing Act 2003 following the submission of an application to review the premises licence from Trading Standards, a Responsible Authority, the licensing authority must hold a hearing.

3.2 A copy of the application to review was received on 20 October 2014, a copy of this application is attached at **Appendix C**.

3.3 A statutory 'Notice' was displayed on the premises in accordance with Part 5 no. 38 of Statutory Instruments 2005 No. 42 – The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005.

3.4 Representations in support of the review were received from Cambridgeshire Constabulary and Public Health, both Responsible Authorities. No other representations have been received from any of the remaining Responsible Authorities or other persons. Copies of these representations are attached at **Appendix D**.

3.5 A letter of representation has been received from the licence holder apologising for the 'problem' which instigated the review. A copy of this letter is attached at **Appendix E**.

4. SUMMARY OF ISSUES RAISED BY RESPONSIBLE AUTHORITIES

- Illicit tobacco and cigarettes found hidden in the premises and van.
- The premises licence holder has pled guilty to 5 offences in relation to illicit tobacco products at Peterborough Magistrates Court on 15 October 2014.
- Section 11.28 of Guidance (issued under section 182 of the Licensing Act 2003) recommends that revocation of the licence even in the first instance, should be seriously considered where reviews arise and the licensing authority determines, that the crime prevention objective is being undermined through the premises being used to further crimes.
- Impact on Public Safety as the illicit cigarettes breach EU Standards which is an offence under UK regulations requiring traders to supply safe goods.
- The distribution and sale of illicit goods is linked to serious and organised crime

5. POLICY & GUIDANCE IMPLICATIONS

5.1 The following sections/paragraphs are applicable to this application:

5.2 Council's Statement of Licensing Policy

- Objectives: *section 4 on Page 5*
- Other Legislation: *section 7 page 7*
- Reviews: *section 16 on Page 15 and 16*
- Delegation / Decision Making / Administration: *Section 17 page 16 and 17*

5.3 Guidance Issued under Section 182 of the Licensing Act 2003 (October 2014)

- Reviews: *Section 11 pages 97 to 104*
- Determining applications: *Section 9 pages 71 to 81*

6. LEGAL OFFICER'S COMMENTS

6.1 The Licensing Authority (hereafter referred to as "the Council) is charged with implementing the provisions of the Licensing Act 2003. This is an application for a review of a premises

licence following the application by Trading Standards (Responsible Authority) to review the premises licence made under section 51 of the Licensing Act 2003.

- 6.2 In this case, the application was received at these offices on 20 October 2014.
- 6.3 The application before this committee will consider –
- (i) The application to review the licence,
 - (ii) Any relevant representations
- 6.4 The committee will take such of the steps as it considers that action is appropriate for the promotion of the licensing objectives. The steps are –
- (a) to modify the conditions of the premises licence
 - (b) to exclude a licensable activity from the scope of the licence
 - (c) to remove the designated premises supervisor from the licence
 - (d) to suspend the licence for a period not exceeding three months, or
 - (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

- 6.5 In addition the guidance issued under section 182 of the Licensing Act 2003 states:

‘The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder. However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach and should take this in to account when considering what further action is appropriate.’

LICENSING ACT 2003 GLOSSARY OF TERMS

Note: In this document, the following definitions are included to provide an explanation of certain terms included in the Act. In some cases they are an abbreviation of what is stated in the Licensing Act 2003 or an interpretation of those terms. For a full definition of the terms used, the reader must refer to the Licensing Act 2003.

‘Child’

(a) means an individual aged under 16

(b) a child is unaccompanied if he is not in the company of an individual aged 18 years or over

DCMS: Department for Culture Media and Sport

‘Designated Premises Supervisor’ means the person (who must be a Personal Licence Holder), in the case of premises selling alcohol, who will normally have been given the day to day responsibility for running the premises by the holder of the Premises Licence or will be the Premises Licence holder.

‘Other Persons’:

- persons who live, or are involved in a business, in the relevant licensing Authorities area and who are likely to be affected by the application and are not a Responsible Authority.

‘Late Night Refreshment’ means the supply of hot food or hot drink to members of the public (whether for consumption on or off the premises) between the hours of 11.00 pm and 5.00 am.

‘Licensable Activities’ means: -

- The sale by retail of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of Regulated Entertainment
- The provision of Late Night Refreshment

‘Licensing Authority’: - is the licensing function of Peterborough City Council

‘Licensed Premises’ includes club premises and events unless the context otherwise requires.

‘Licensing Objectives’

- The prevention of crime and disorder
- Public safety
- The prevention of public nuisance
- The protection of children from harm

‘Operating Schedule’ means a document containing a statement of the following matters (and any others that may be prescribed): -

- The relevant Licensable Activities
- The times at which the Licensable Activities are to take place and any other times when premises are open to the public
- Information regarding the person who will be specified in the Premises Licence as the Premises Supervisor
- Where the Licensable Activities involve the supply of alcohol, whether it is for the supply on and/or off the premises
- The steps being taken to promote the Licensing Objectives

‘Challenge 25’ means that a retailer will ask for proof of identification if they have reason to believe that the person making a purchase of alcohol is under the age of 25.

‘Rateable Value’: as regards a premises, is the value for the time being in force for the premises entered in the local non-domestic rating list for the purposes of Part III of the Local Government Finance Act 1988(b).

‘Regulated Entertainment’ (Schedule 1 of the Act) means: -

- A performance of a play
- An exhibition of a film
- An indoor sporting event
- A boxing or wrestling entertainment
- A performance of live music
- Any playing of recorded music
- A performance of dance

Except where there is an exemption under the Live Music Act 2012 or Statutory Instrument 2013 No. 1578 The Licensing Act 2003 (Descriptions of Entertainment) (Amendment) Order 2013.

Or entertainment of a similar description falling within the last three of the categories listed above, where the entertainment takes place in the presence of and for the purposes of entertaining that audience or spectators.

‘Relevant Licensing Authority’: is the Authority in the area the premises are situated.

‘Responsible Authority’ means any of the following: -

- Cambridgeshire Constabulary (The Chief Officer of Police)
- Cambridgeshire Fire and Rescue (The Fire Authority)
- Health and Safety Team, Peterborough City Council
- Planning authority, Peterborough City Council
- Trading Standards, Peterborough City Council
- Environmental Health – Pollution, Peterborough City Council
- Children’s Services – Child Protection & Review Manager
- Primary Care Trust or Local Health Board (Director of Public Health)
- The Relevant Licensing Authority, Peterborough City Council
- Maritime & Coastguard Agency, Walton on Naze. (For vessels carrying more than 12 passengers.)
- Environment Agency, Peterborough (For vessels carrying 12 or less passengers).

‘Supply of alcohol’:

- the sale by retail of alcohol, or
- the supply of alcohol by or on behalf of a club to, or to the order of, a member of the club.

‘Temporary Event Notice’ means a Permitted Temporary Activity involving one or more Licensable Activities subject to the following various conditions and limitations: -

- Duration – they are limited to events lasting for up to 168 hours (7 days);
- Scale – they cannot involve the presence of more than 499 people at any one time;
- Use of the same premises – the same premises cannot be used on more than 12 occasions in a calendar year, but are subject to the overall aggregate of 21 days irrespective of the number of occasions on which they have been used; and
- The number of notices given by an individual within a given period of time – a Personal Licence Holder is limited to 50 notices in one year and another person to 5 notices in a similar period.

(In any other circumstances, a full Premises Licence or Club Premises Certificate will be required for the period of the event).

'the Act': means the Licensing Act 2003

**PART A****Premises Licence**

Peterborough City Council, Licensing
 Bayard Place, Broadway, Peterborough, PE1 1HZ

Premises Licence Number

063681

Part 1 - Premises Details**Postal address of premises, or if none, ordnance survey map reference or description**

Millfield Off-Licence
 653 Lincoln Road

Post Town Peterborough**Post Code** PE1 3HA**Telephone Number** 01733 311487**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

Licensable activities authorised by the licence**Provision of regulated entertainment****Recorded Music**

The recorded music will take place indoors

Sale by retail of alcohol

The supply of alcohol will be for consumption off the premises

The times the licence authorises the carrying out of licensable activities**Recorded Music**

Monday to Sunday During opening hours

Sale by Retail of Alcohol

Monday to Sunday Between 08.00 hours and 02.00 hours

The opening hours of the premises

Monday to Sunday Between 08.00 hours and 02.00 hours

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

The supply of alcohol will be for consumption off the premises

Part 2**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Ghulam Abbas Jaferi
 49 Eastfield Road
 Peterborough
 PE1 4AS
 07863299555

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

N/A

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

Mr M R Rahimi
 49 Eastfield Road
 Peterborough
 PE1 4AS

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	057556
Issuing Authority	Peterborough City Council

Annex 1 - Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

This registration authorises the supply of alcohol subject to the following conditions:

1. No supply of alcohol may be made at a time when
 - (a) there is no designated premises supervisor in respect of the premises licence, or
 - (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

An irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children
4. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule**Crime & Disorder**

5.	Video/CCTV equipment shall be installed inside/outside the premises and maintained in working order.
6.	Video/CCTV equipment will be set to record all licensed areas from the time that the premises open to the public until the premises close and all members of the public have left.
7.	Images shall be retained for at least ten days and shall be produced to an authorised officer on demand.
8.	An authorised person will be available at all times on the premises to show CCTV images immediately or to an authorised officer on demand.
9.	CCTV images will be clear and comprehensible.
10.	Any person working at the premises must be able to verbally challenge any customer purchasing alcohol.
11.	A bespoke training package for all members off staff at the premises should be purchased from a reputable training company/consultancy. This package should be developed specifically to ensure that all staff are trained correctly in preventing underage sales of alcohol. All staff training records should be made available to any member of police staff (including PCSO's) or any authorised Peterborough City Council Officer.
12.	No alcohol is to be purchased by leaseholders or their managers & staff from \ vendors who call at the premises
13.	Invoices (originals or copies) relating to the purchased stocks must be kept at the premises and made available on request of any responsible authority or HMRC
14.	The premises must maintain an ultra-violet light and if any spirits are identified as non-fluorescent or are otherwise suspicious the premises licence holder or their manager or staff must inform the local Trading Standards department and HMRC as soon as possible.
15.	The premises will adopt the age verification policy of 'Challenge 25'. Signage detailing this policy will be placed in prominent positions within the premises.

Public Safety

16.	A fire risk assessment required under the Regulatory Reform (Fire Safety) Order 2005 (as amended) will be completed and be available for inspection by an authorised officer.
-----	---

Protection of Children from Harm

17.	The 'Challenge 25' initiative to prevent sales of alcohol to persons under 18 years of age will be implemented at the premises.
18.	Signage will be prominently placed within the premises advertising the fact that the premises operates the 'Challenge 25' initiative.
19.	Any potential sale of alcohol that is refused will be logged in a refusal register and be available to an authorised officer on request.

Annex 2A – Embedded Restrictions - None

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

Annex 4 – Plans

**PART B****Premises Licence Summary**

Peterborough City Council, Licensing
 Bayard Place, Broadway, Peterborough, PE1 1HZ

Premises Licence Number

063681

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

Millfield Off-Licence
 653 Lincoln Road

Post Town Peterborough**Post Code** PE1 3HA**Telephone Number** 01733 311487**Where the licence is time limited the dates**

Start Date N/A

End Date N/A

Licensable activities authorised by the licence**Provision of regulated entertainment****Recorded Music**

The recorded music will take place indoors

Sale by retail of alcohol

The supply of alcohol will be for consumption off the premises

The times the licence authorises the carrying out of licensable activities**Recorded Music**

Monday to Sunday During opening hours

Sale by Retail of Alcohol

Monday to Sunday Between 08.00 hours and 02.00 hours

The opening hours of the premises

Monday to Sunday Between 08.00 hours and 02.00 hours

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

The supply of alcohol will be for consumption off the premises

Name, (registered) address of holder of premises licence

Mr Ghulam Abbas Jaferi
49 Eastfield Road
Peterborough
PE1 4AS

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

N/A

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

Mr M R Rahimi

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

Restricted

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 Trading Standards

(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 Millfield Off Licence 653 Lincoln Road	
Post town Peterborough	Post code (if known) PE1 3HA

Name of premises licence holder or club holding club premises certificate (if known) Mr Ghulam Abbas Jaferi <input type="checkbox"/> Eastfield Road, Peterborough PE1 4AS
--

Number of premises licence or club premises certificate (if known) 063681

Part 2 - Applicant details

I am

- | | |
|---|-------------------------------------|
| | Please tick yes |
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2) a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

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

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Peterborough City Council Trading Standards Department Bayard Place Broadway Peterborough PE1 1HZ
Telephone number (if any) 01733 453407
E-mail address (optional) karen.woods@peterborough.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

Please state the ground(s) for review (please read guidance note 1)

Trading Standards are requesting a review of the premises licence for Millfield Off Licence under the prevention of crime and disorder objective following a seizure by Trading Standards to clamp down on the illicit tobacco and alcohol trade.

Please provide as much information as possible to support the application APPENDIX C
(please read guidance note 2)

On the 5th March 2014 a test purchase exercise was carried out and an officer was able to purchase a packet of foreign labelled Marlboro Gold cigarettes for £5 from a male working in the shop.

On the 21st March 2014 a multi agency operation led by Trading Standards was conducted in the Peterborough area that involved HM Revenue & Customs and the Police.

A warrant was executed at Millfield Off Licence 653 Lincoln Road, Peterborough and the search resulted in the seizure of 104 packets of 7 different brands of cigarettes and 6 pouches of hand rolling tobacco. These items were found hidden in the premises and stored in a van outside.

The cigarettes and hand rolling tobacco were not labelled with the UK English language health warnings.

Following an investigation, on the 15th October 2014 Mr Ghulam Abbas Jaferi pleaded guilty at Peterborough Magistrates Court to 5 offences under the Tobacco Products (Manufacture, Presentation & Sale)(Safety) Regulations 2002 for supplying and possessing foreign labelled cigarettes and also under the General Product Safety Regulations 2005 as the Jin Lings failed the ignition propensity for cigarettes therefore not a safe product.

Trading Standards as a responsible authority recommends revocation of the licence due to the seriousness of the illicit trade.

This is supported by guidance issued under section 182 of the Licensing Act 2003 11.27 There is a certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously.

One of them being;
- for the sale of smuggled tobacco and alcohol.

11.28 Guidance states - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities will use the review procedures effectively to deter such activities in crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence - even in the first instance - should be seriously considered.

If the committee decide not to revoke the premises licence then Trading Standards would like the committee to consider adding the following conditions:

- No alcoholic drinks or tobacco will be purchased by the store owners or staff from sellers calling at the store

- All invoices (originals or copies) for all alcoholic goods and tobacco products for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC Officers upon request

-A strict stock control system will be introduced so that the licensee can quickly identify where and when alcoholic drinks have been purchased

-An ultra-violet light will be available at the premises for the purpose of checking the

UK Duty Stamp on all spirits as soon as practical after they have been purchased

-If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards department and HMRC as soon as possible

Please tick yes

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

If yes please state the date of that application

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

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

- Please tick **yes**
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
 - I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date 20th October 2014

Capacity Regulatory Officer - Trading Standards Department

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

This page is intentionally left blank



Creating a safer
Cambridgeshire

Ref: Trading Standards Review – 653 Lincoln Road

Monday 17th November 2014

Darren Dolby
Licencing Officer
Peterborough City Council
Bayard Place
Peterborough
PE1 1FY

Dear Darren,

Re: HMRC / Trading Standards review – Millfield Off License, 653 Lincoln Road

On the 21st October 2014 Cambridgeshire Constabulary received notification of a Licencing review application submitted by Peterborough City Council Trading Standards. The review application refers to the 'Off' Licensed premises of Millfield Off License, 653 Lincoln Road, Peterborough, PE1 3HA. The Premises Licence, No: 057556, is held by Mr. Ghulam Abbas Jaferi. The designated premises supervisor is Mohammed Rahimi, who holds an Alcohol Personal Licence No: 057556 issued by Peterborough City Council. Both males reside at Eastfield Road, Peterborough, PE1 4AS.

On 5th March 2014 Trading Standards carried out a test purchase Operation on premises where information or intelligence suggested they were involved in the sale of illicit goods. Millfield Off License was tested and a sale was witnessed which involved the sale of a foreign packet of cigarettes for £5.

On 21st March 2014 a multi-agency Operation involving Trading Standards, HMRC and Cambridgeshire Constabulary took place to target premises selling illicit and/or counterfeit goods. Millfield Off License was entered following the execution of a warrant. Numerous packets of cigarettes and hand rolling tobacco of foreign origin were found following a search, secreted around the premises and in a van outside.

On 15th October 2014 - The Premises Licence holder – Ghulam Abbas Jaferi pleaded guilty at Peterborough Magistrates Court to 5 offences for supplying and possessing foreign labelled cigarettes.

Cambridgeshire Constabulary take a very serious view on the sale of illicit and/or counterfeit goods. This is a serious breach upon the licencing objective of preventing crime and disorder and in my opinion does not promote public safety. Such crime has a detrimental effect upon the immediate community and can be harmful to unwitting customers including children. Foreign cigarettes and hand rolling tobacco are not subject to the strict regulation and control measures that would benefit UK authorised sale items and in most cases have not had UK duty paid on them. Distribution and sale of illicit / counterfeit goods is linked to serious and organised crime and nationally is a drain on the economy.

The effected premises initially failed a test purchase and this alone should have set a clear and present warning to the shop owner and staff about such sales, but obviously knowing the wrongs in such activity, have continued to secrete goods about the store, to sell for their own gain. This leads me to doubt the premises staffs credibility and trustworthiness in selling alcohol fit and properly.

Cambridgeshire Constabulary support Trading Standards in submitting this review application and also ask for the Licensing Sub-Committee to seriously consider revoking the licence held by Mr Jaferi. Under the guidelines as set out under S.182 of the Licensing Act 2003 (11.27) the Home Office suggest that the sale or storage of smuggled tobacco and alcohol is of such a serious nature that revocation should be considered.

Millfield Off Licence sits within the Cumulative Impact Area of Operation CAN-DO. All licensed premises within this area have been visited on numerous occasions and reminded of their obligations to the objectives under the Licensing Act 2003. Police and partners have impacted positively upon the sale of illicit and counterfeit goods such that it is regularly broadcast within the local press. All licensees should be aware that the sale of illicit or counterfeit goods is harmful to the public and associated with criminality. On this occasion the licensee has clearly shown a disregard, for his own benefit, and at the detriment to the local community and the hard work other licensees have put in to make Millfield and New England a safer place to be. The sale of illicit and/or counterfeit goods is consistently happening throughout the CAN-DO area and a clear message needs to be sent out that this sort of activity will not be tolerated.

Yours faithfully,
Grahame Robinson

Police Constable 1572
Cambridgeshire Constabulary
Licensing Officer (Northern District)
Safer Peterborough Partnership
Floor 4
Bayard Place
Broadway
Peterborough PE1 1FY

Tel: 01733 424438
Email: grahame.robinson@cambs.pnn.police.uk

Telephone: 01733 207176
Fax: -
Email: Claire.stevenson@peterborough.gov.uk
Please ask for:
Our reference:
Your reference: Review of a premises licence 070306



Peterborough City Council
Town Hall
Bridge Street
Peterborough
PE1 1HG

The Licensing Team
Peterborough City Council
1st Floor, Bayard Place
Broadway
Peterborough
PE1 1HU

30 October 2014

Dear Licensing Team

Review of a premises licence 070306

Thank you for sending us a copy of this application for the review of a premises licence. We note the offences for which the licensee was found guilty and we welcome the work by partner organisations to crack down on illicit tobacco sales.

Smoking is the primary cause of preventable morbidity and premature death, accounting for 81,400 deaths in England in 2009¹. In England, deaths from smoking are more numerous than the next six most common causes of preventable death combined, and the associated costs for smoking related diseases is also significant.

Tobacco use has a devastating impact on public health in our communities causing harm not only to smokers but also to the people around them. In England 1 in 5 adults smoke while in Peterborough 1 in 4 adults smoke. It is an objective to reduce the associated health burden upon individuals, families and the community, and we believe it is important that we strive to reduce smoking prevalence among all people living in our city.

Tobacco and alcohol are dangerous drugs and we consider national strategies, taxation policy and licensing legislation to be important contributors to reducing harm by restricting availability and safeguarding the public, including the young and vulnerable. We consider deliberate non-compliance with the law in relation to selling illegal tobacco a very serious issue and where proven we would support tough sanctions, including withdrawal of a license, towards individuals whose actions indicate insufficient regard for the public's health and wellbeing.

Yours sincerely

A handwritten signature in black ink that reads 'Henrietta E. Ewart'.

**Dr Henrietta Ewart MA(Oxon) MA(Warwick) PhD MBBS DRCOG FFPH
Interim Director of Public Health**

¹ Department of Health, 2010

This page is intentionally left blank

To pcc.

20/10/14.

I am very sorry about this problem.

I will ensure it does not ever happen again.

My ~~that~~ staff have been trained & trained not to buy ciggarettess or alcohol from any non legitimate sources that cannot verify the origins of the product.

On the last occation I was away ~~overseas~~ because of family problems.

Please accept my apologies i will ensure nothing like this will happen again.

Yours sincerely
Abubakar Jafferin.

This page is intentionally left blank