

DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE

REVIEW OF THE PREMISES LICENCE – BALTIA OFF LICENCE - 148/150 HUNTLY GROVE, PETERBOROUGH, PE1 2QN

9 JULY 2015

This Decision Notice refers to the review of the premises for Baltia Off Licence - 148/150 Huntly Grove, Peterborough, PE1 2QN.

The Sub-Committee has considered the representations made at the hearing and in writing in support of the review by:

- Cambridgeshire Constabulary;
- Trading Standards;
- Eastern Neighbourhood Delivery Team; and
- Representative of the Premises Licence Holder.

In its deliberation, the Sub-Committee gave consideration to the facts submitted, those being:

- Illicit tobacco and cigarettes found hidden in the premises;
- The DPS had a Premises Licence application for another premises refused by the Licensing Act 2003 Sub-Committee in September 2013. This was after a representation from Trading Standards after seizures of illicit alcohol and cigarettes on the premises;
- 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; and
- The distribution and sale of illicit goods is linked to serious and organised crime.

The Sub-Committee considered such steps as appropriate to promote the licensing objective, of the prevention of crime and disorder. The steps are:

- to modify the conditions of the Premises Licence;
- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor from the licence;
- to suspend the licence for a period not exceeding three months; or
- to revoke the licence.

The review of the Premises Licence for Baltia (formerly Jip Convenience Store), situated at 148-150 Huntly Grove, Peterborough, was applied for by the Cambridgeshire Constabulary, and relates to the licensing objective of prevention of crime and disorder.

The Premises Licence allows for the sale of alcohol between 0800hrs to 2300hrs on Mondays through to Saturdays, and on Sundays from 1000hrs to 2230hrs.

Recorded music is also licensed for when the premises are open.

The Premises Licence holder is recorded as being Mr Marwan Jalal Jabari, of 51 Shortfen, Orton Malborne, Peterborough.

This address is in fact the home of Ms Siatkiene's son.

The Designated Premises Supervisor (DPS) is Ms Gitana Siatkiene.

Ms Siatkiene previously owned a licensed premises known as the Euroshop on Dogsthorpe Road, Peterborough, with her partner, Mr Saade Jalal Jabar.

On 19th September 2013, Ms Siatkiene was refused a Premises Licence for the Euroshop.

Following their investigations, the police determined that Mr Marwan Jalal Jabari lives in Scotland and has done so since January 2013. When spoken to on the telephone, Mr Marwan Jalal Jabari refused to give his address and refused to speak further with officers.

The application to transfer the Premises Licence to Mr Marwan Jalal Jabari was made in May 2015. Ms Siatkiene was also named as the Designated Premises Supervisor.

On 10 May 2015 the premises were visited by Trading Standards and Her Majesty's Revenue and Customs Service. A seizure of 13 bottles of non-duty paid spirits, 7 packets of non-duty paid cigarettes and 28 packets of non-tobacco flavoured molasses, was made.

In Mr Saade Jalal Jabar's car situated outside the shop, a further 46,000 cigarettes, 16 kilogrammes of hand rolling tobacco, and nearly 3 litres of spirits were found. Duty had not been paid on these items.

The Euroshop was the subject of previous seizures made by Trading Standards and HMRC Service. These took place in August 2011, November 2011 and January 2012. Mr Saade Jalal Jabar received a two year custodial sentence for defrauding Her Majesty of revenue payable on the seized goods.

The Sub-Committee acknowledge that this review is for a different premises and that Mr Saade Jalal Jabar is not the Premises Licence holder or the designated premises supervisor, but the Sub Committee do believe that he is a controlling influence on the business and have taken into account his association with the premises.

The Sub-Committee cast doubt on the true motives behind the licence transfer in March of this year and believe that it was not for legitimate business reasons.

The Sub-Committee believe that the business is being operated by the DPS and Mr Saade Jalal Jabar without any responsibilities under the Licensing Act resting on Mr Marwan Jalal Jabari

The transfer of the licence and the lack of accountability demonstrated at these premises goes against the spirit of the Licensing Act and is a manipulation designed to promote dishonesty and criminal activity.

The Government guidance states that 11.26 *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts*

of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.27 *There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. This includes: for the sale or storage of smuggled tobacco*

11.28 *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 and 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.*

Counsel for the Premises Licence Holder informed the Sub-Committee that:

- A quantity of alcohol seized from the shop was for personal use as it was the birthday of Mr Saade Jalal Jabar;
- The DPS no longer has a personal relationship with Mr Saade Jalal Jabar and is willing to offer as a condition that Mr Saade Jalal Jabar be banned from the premises; and
- The DPS was unaware of the illicit goods stored in the shop.

The Sub-Committee attach little credibility to the submissions made by Counsel on behalf of his client.

The Sub-Committee believe that the DPS should have acted with greater responsibility given her previous history associated with illicit goods. The Sub-Committee believe that the controlling mind behind the business is in fact Mr Saade Jalal Jabar and that Mr Marwan Jalal Jabari, brother to Mr Saade Jalal Jabar, has no control or influence whatsoever in the running of the business.

The Sub-Committee have considered removing the DPS from the premises, to suspend the licence for a period not exceeding three months and to amend the conditions.

The Sub-Committee do not believe that any other step other than revocation will be sufficient to promote the licensing objective of the prevention of crime and disorder.

The Sub-Committee therefore revoke the licence for the premises, known as Baltia Off Licence - 148/150 Huntly Grove, Peterborough, PE1 2QN, in its entirety.

Any party in objection to the decision may appeal to the Peterborough Magistrates Court within 21 days of receiving this formal notice at:

Peterborough Court House, Bridge Street, Peterborough, PE1 1ED. Tel No. 0845 3100575. There is a fee to pay.

Councillor Thacker MBE

Sub-Committee Chairman