



## **DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE**

### **REVIEW OF THE PREMISES LICENCE – LARA (INTERNATIONAL DRINKS) – 415 LINCOLN ROAD, PETERBOROUGH, PE1 2PF**

**11 August 2022**

This Decision Notice refers to the review of the premises licence Lara (International Drinks) – 415 Lincoln Road, Peterborough, PE1 2PF

The Review was submitted by Cambridgeshire Constabulary and supported by Peterborough City Council's Prevention and Enforcement Service acting in the capacity of a Responsible Authority.

The Review was brought under the Licensing Objectives of the Prevention of Crime and Disorder, and Public Safety. The police were recommending revocation of the licence.

The Sub-Committee had read the papers before them and had been referred to the Section 182 Government Guidance and the Council's own Licensing Statement of Policy.

The Sub-Committee heard in person from:

- PC Arnold of Cambridge Constabulary
- Mr Zrari – Premises Licence Holder

The short facts were:

The business operates as an off licence and was licensed to sell alcohol Monday through to Sunday from 10am to 11pm.

The Premises Licence Holder was Mr Hevar Zrari who had held the licence since December 2017; and the Designated Premises Supervisor was Mr Dildar Salih.

The premises were visited on 28<sup>th</sup> April this year by HMRC officers. The officers found some 4,540 mixed branded cigarettes which were non UK duty paid.

This meant that it was unlawful to sell these cigarettes in the UK as they were illicit tobacco products.

These cigarettes would not have been lawfully imported into the UK so it was more likely than not that the cigarettes were smuggled into the UK.

The Sub-Committee heard and read that the packets did not have the legally required warnings in English.

Such illicit tobacco products deprived HMRC of lawful revenue; conferred an unfair advantage on retailers who stocked them due to the lower cost; and fell outside of the health and safety consumer framework.

Such smuggling also funded other more serious crime such as people trafficking and the unlawful drugs trade.

In support of retaining the licence, Mr Zrari said:

- He was away on holiday camping at the time of the visit and had left two days before
- His Father was in charge of the shop with an unnamed individual in his absence
- It is this unnamed individual who was responsible for the cigarettes
- He keeps CCTV footage for a few days only
- There is no DPS currently for the premises. The DPS left in July
- He is fully aware of his responsibilities and has not been in trouble before

Mr Zrari had not brought with him any evidence that he was away on holiday at that time. He had not retained the CCTV footage for April, and had not evidenced when Dildar Salih (the former DPS) left his employment.

The Sub-Committee did not attach much credibility to Mr Zrari's version of events.

It's deliberations the Sub-Committee were referred to paragraphs 11.26, 11.27 and 11.28 of the Statutory Government Guidance.

In brief:

Para 11.26 - Where the licensing authority is conducting a review on the grounds of that the premises have been used for criminal purposes, its role is to determine what action should be taken in connection with the premises licence, for the promotion of the crime prevention objective.

Para 11.27 - There is certain criminal activity that may arise in connection with the licensed premises which should be treated particularly seriously. These are the use of licensed premises amongst other things, for the sale or storage of smuggled tobacco.

Para 11.28 - Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes - ie the selling of illicit tobacco products –it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The Sub-Committee considered what steps, if any, could be taken to promote the objectives in question. The Sub-Committee took a dim view of such criminal activity for the reasons stated above.

The Sub-Committee considered revocation. They were unable to remove the Designated Premises Supervisor from the premises licence, as there was no DPS, a breach of the Act in itself. The Sub-Committee considered attaching additional conditions to the premises licence. The Sub-Committee were of the opinion that this was a serious matter; there was a significant amount of cigarettes seized; and such activity was undertaken purely for monetary gain. There were inherent risks attached to such tobacco products that fell outside of the UK regulatory provisions.

It is the Sub-Committee's decision therefore to **revoke** the Premises Licence, as this is appropriate in the Sub-Committee's view, in order to promote the licensing objectives in question.

Any person aggrieved with this decision has 21 days from today to appeal to the Cambridgeshire Magistrates sitting at Peterborough Magistrates Court, 49 Bridge Street, Peterborough, PE1 1DY. There may be a fee to pay.

Councillor Wiggin  
Sub-Committee Chairman

**DECISION NOTICE - LICENSING ACT 2003 SUB-COMMITTEE**

**APPLICATION FOR A TRANSFER OF PREMISE LICENCE – Ali’s Kebab, 3 Fitzwilliam Street, PE1 2RU**

**11 August 2022**

This Decision Notice refers to the application for a transfer of premises licence Ali’s Kebab, 3 Fitzwilliam Street, PE1 2RU.

This Licensing Sub-Committee was convened under Section 44 of the Licensing Act 2003 to determine an application for a transfer of Premises Licence following a representation.

The premises in question was Ali’s Kebab House, 3 Fitzwilliam Street, Peterborough. The licence was for Late Night Refreshment, permitting the sale of hot food and hot drink between the hours of 11pm and 5am the following day.

The representation was submitted by Cambridgeshire Constabulary and supported by Peterborough City Council’s Prevention and Enforcement Service acting in the capacity of a Responsible Authority.

The current licence holder was AL1 Kebab Ltd. They wished to transfer the licence to Mas hroh Oryakhail.

Section 42.6 of the Licensing Act permits the Chief Officer of Police to object to the transfer if *exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.*

The Sub-Committee had read the papers before them.

The Sub-Committee heard in person from:

- Mr Oryakhail, Business Operator and Transferee
- PC Arnold of Cambridge Constabulary
- Laura Kelsey of Peterborough City Council Prevention and Enforcement Service

The short facts were:

On 18<sup>th</sup> May this year, immigration officers attended the premises and found two persons working there illegally. These persons did not have a right to work in the UK under the Immigration, Asylum and Nationality Act 2006; and their employment was unlawful.

During the visit Mr Oryakhail identified himself as the manager and business operator.

In support of the transfer, Mr Oryakhail stated:

- His brother was preparing food for himself and an unnamed homeless person.
- He was in London at the time of the raid.
- A fine has been issued which may or may not be contested.

The Sub-Committee did not attach much credibility to the business operator's version of events.

The Sub-Committee believed having heard facts, that there did exist exceptional circumstances. The Sub-Committee took a very dim view of those who employ workers not entitled to work in the UK. Often such workers were exploited, HMRC was deprived of legitimate taxes, and such workers were denied their employment rights. It was employment on the cheap.

The Sub-Committee did not believe that transferring the licence to the transferee would promote the licensing objective of Prevention of Crime and Disorder.

Therefore, the Sub-Committee **refused** the transfer as applied for.

Any person aggrieved with this decision has 21 days from today to appeal to the Cambridgeshire Magistrates sitting at Peterborough Magistrates Court, 49 Bridge Street, Peterborough, PE1 1DY. There may be a fee to pay.

Councillor Wiggin  
Sub-Committee Chairman