

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

**Julie Muscroft**

Governance and Democratic Services

Civic Centre 3

High Street

Huddersfield

HD1 2TG

**Tel:** 01484 221000

Please ask for: Yolande Myers

Email: [yolande.myers@kirklees.gov.uk](mailto:yolande.myers@kirklees.gov.uk)

Wednesday 4 October 2017

## Notice of Meeting

Dear Member

### Licensing Panel

The **Licensing Panel** will meet in the **Meeting Room 4 - Town Hall, Huddersfield** at **10.00 am** on **Thursday 12 October 2017**.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft".

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Licensing Panel members are:-**

### **Member**

Councillor Carole Pattison (Chair)

Councillor Amanda Pinnock

Councillor Michael Watson

# Agenda

## Reports or Explanatory Notes Attached

---

**Pages**

**1: Minutes of Previous Meeting**

1 - 12

To approve the Minutes of the meeting of the Panel held on 29 August, 6 September and 12 September 2017.

---

**2: Interests**

13 - 14

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

---

**3: Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

---

**4: Deputations/Petitions**

The Committee will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

---

**5: Public Question Time**

The Committee will hear any questions from the general public.

---

**6: Application for Review Hearing Under S51 Licensing Act 2003 - Wisla Store, 31-33 John William Street, Huddersfield, HD1 1BL** 15 - 46

To consider the application at 10:00am.

Contact Stephanie Mashiter, Licensing Officer, Tel: 01484 221000

---

**7: Application for Review Hearing Under S51 Licensing Act 2003 - Kingsgate News, 14 Cross Church Street, Huddersfield. HD1 2PT** 47 - 66

To consider the application at 11.00am .

Contact Stephanie Mashiter, Licensing Officer, Tel: 01484 221000

---

Contact Officer: Steve Copley

## **KIRKLEES COUNCIL**

### **LICENSING PANEL**

**Tuesday 29th August 2017**

Present:

Councillor Cathy Scott  
Councillor Karen Allison  
Councillor Manisha Roma Kaushik

Apologies:

In attendance:

Co-optees

Observers:

#### **1 Site Visit - Hepworth Football Club**

A site visit to Far Lane, Hepworth, was undertaken prior to the start of the meeting.

#### **2 Appointment of the Chair**

Councillor Cathy Scott was appointed to the position of Chair for today's meeting.

#### **3 Minutes of Previous Meeting**

That the minutes of the meeting held on 3 July 2017 be agreed as a correct record.

#### **4 Interests**

No interests were declared.

#### **5 Admission of the Public**

The Panel considered the exclusion of the public and determined that today's item be considered in public session.

**6 Deputations/Petitions**

No deputations or petitions were received.

**7 Public Question Time**

No questions were received.

**8 Application for the GRANT of a Premises Licence at Hepworth Football Club, Far Lane, Hepworth, Holmfirth, HD9 1TL**

The Panel considered an application for the granting of a premises licence for the new Hepworth Football Club premises, which are under construction at present, which had been advertised in accordance with the requirements of the Licensing Act 2003.

It was also noted that, prior to the start of the meeting, members of the Panel had undertaken a site visit to Far Lane, Hepworth.

The Chair invited Anwar Butt, Licensing Officer, Kirklees Council, to outline the application. The Panel was advised that the original application was for the following licensable activities and timings:

<b>The Supply of Alcohol</b>		
Monday	17:00	23:00
Tuesday	17:00	23:00
Wednesday	17:00	23:00
Thursday	17:00	23:00
Friday	12:00	23:00
Saturday	12:00	23:00
Sunday	12:00	23:00

	<b>Recorded Music</b>		<b>Hours of Opening</b>	
Monday	17:00	23:00	12:00	23:00
Tuesday	17:00	23:00	12:00	23:00
Wednesday	17:00	23:00	12:00	23:00
Thursday	17:00	23:00	12:00	23:00
Friday	12:00	23:00	12:00	23:00
Saturday	12:00	23:00	12:00	23:00
Sunday	12:00	23:00	12:00	23:00

Mr Butt confirmed that no comments or responses had been received from the consultees. However, the Council had received 17 representations from residents, plus representations from the local Ward Councillors.

## Licensing Panel - 29 August 2017

The Chair then invited the applicant(s) to outline the reasons for the application. The applicant explained that, following consideration of the representations made, they wanted to revise the times requested in their application, as follows:-

<b>The Supply of Alcohol</b>		
Monday	17:00	22:00
Tuesday	17:00	22:00
Wednesday	17:00	22:00
Thursday	17:00	22:00
Friday	17:00	23:00
Saturday	12:00	23:00
Sunday	12:00	22:00

	<b>Recorded Music</b>		<b>Hours of Opening</b>	
Monday	17:00	22:00	17:00	22:00
Tuesday	17:00	22:00	17:00	22:00
Wednesday	17:00	22:00	17:00	22:00
Thursday	17:00	22:00	17:00	22:00
Friday	17:00	23:00	17:00	23:00
Saturday	12:00	23:00	12:00	23:00
Sunday	12:00	22:00	12:00	22:00

In summary, the case presented by the applicant highlighted that:-

- The club was relocating from its current premises in the centre of Hepworth village, which had held a licence for the above activities on Mondays to Saturdays 10:00am until midnight, and 12:00 until 11:30 on a Sunday.
- The amended hours within the revised application for the new premises were similar to those of other licenced premises in Hepworth and that other sports clubs in the Holme Valley. Some of these were also located close to and/or within residential areas
- The club required the flexibility and hours to potentially open every day to accommodate the dates and times for the variety of league and cup football matches, the dates and times of which are subject to change at short notice. Plus, the revised hours would allow the premises to be open after training matches and to show high profile televised football matches. The applicant explained that it was not their intention to use the licensing hours to their full potential.
- The development of the new club house would provide for at least 53 car parking spaces and the club would have a car park management plan.
- The football club had never been contacted by the police or the council about any anti-social behaviour or any matters of concern regarding its current premises.

## Licensing Panel - 29 August 2017

The Chair invited a number of objectors to summarise their representations. In summary, the objections were:-

- Residents were concerned that if the licence was granted it could send the wrong message to children that drinking and driving was acceptable.
- The location of the new club house on Far Lane, as there are no pavements on the unlit road, and trees around the site can restrict the views of drivers.
- Parking around the area can be a problem, making it difficult for some residents to get in and out of their properties.
- Concerns that there would not be enough parking spaces in the new car park, and this could result in cars parking on the street. This congestion could be exacerbated if players and spectators choose to stay on those days when more than one match is due to take place and/or those matches take place in quick succession.
- The quiet and rural location of the site and the potential for excessive noise emanating from the club house or the grounds.
- The condition within the planning permission for the new building was that the site would be vacated by 2300, which may not be possible if drinks were served up to that time.

Following careful consideration of all the information presented, both verbally and in writing, the Panel went on to consider a decision and:-

**RESOLVED** – That the application to grant a premises licence be granted on the basis of the following amendments:-

“The supply of alcohol, recorded music and hours of opening on:-

Monday to Thursday - 1700 to 2200

Friday - 1700-2300

Saturday - 1200-2300

Sunday - 1200-2200



Contact Officer: Yolande Myers

## **KIRKLEES COUNCIL**

### **LICENSING PANEL**

**Wednesday 6th September 2017**

Present: Councillor Carole Pattison (Chair)  
Councillor Jim Dodds  
Councillor Linda Wilkinson

#### **1 Interests**

No interests were declared.

#### **2 Admission of the Public**

The Panel considered the exclusion of the public and determined that all agenda items be considered in public session.

#### **3 Deputations/Petitions**

No Deputations or Petitions were received.

#### **4 Application for the REVIEW of a Premises License - Star Pizza, 11 Low Lane, Batley**

The Panel considered an application made by West Yorkshire Policy to review the premises licence in respect of Start Pizza under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Carole Pattison (Chair) and Councillors Jim Dodds and Linda Wilkinson. The Chair invited Rukhsana Javaid, Licensing Officer, Kirklees Council, to outline the application.

The Panel was informed that on 14<sup>th</sup> July 2017 immigration officials from the UK Border Agency visited Star Pizza, acting on targeted intelligence that illegal workers were being employed at the shop. West Yorkshire Police advised that when immigration officials entered the shop Mr Muhammad Jahangir was found to be rolling pizza dough in the basement of the shop. West Yorkshire Police informed the Panel that Mr Jahangir did not have right to work in the UK and was an illegal immigrant.

The Panel was further advised that after consultation with the Home Office, West Yorkshire Police believed that despite Mr Khan's assertion that Mr Jahangir was not in paid employment, as he was performing work that would otherwise be done by a salaried employee, meaning that the business was liable for a Civic Penalty for employing an illegal worker. West Yorkshire Police therefore requested that the Panel give serious consideration to revoking the license for Star Pizza.

The Police Officer advised the Panel that Mr Khan was alleged to have committed an offence under Section 21 of the Immigration Asylum and Nationality Act 2006.

Mr Khan informed the Panel that Mr Jahangir was a relative who had legitimate status in the UK through marriage, and had previously been in an employed position at MyLahore Deli in Bradford. Mr Khan provided the Panel with a wage slip dated January 2015 which he informed the Panel belonged to Mr Jahangir and proved that he had at some time in the past been a legitimate worker. Mr Khan explained that Mr Jahangir suffered from depression following the breakdown of his marriage, and Mr Khan helped him out by spending time with him and teaching him the pizza trade. The Panel asked when Mr Jahangir's marriage had broken down, but Mr Khan was unable to provide the Panel with a date.

**RESOLVED:** That the License conditions be modified so that proof of the immigration and employment status of all employees be kept on the premises. This should be made available for inspection, including to the Licensing Department.

The Panel decided that the license in respect of Star Pizza would not be revoked, but would be modified to require the license holder undertake right to work checks on all staff employed at the premises, to retain a copy of any document checked as part of the right to work check at the premises and for these to be available for inspection by the Licensing Authority, Police and Home Office.

The Panel recognised that whilst it had a range of options it was satisfied that revocation of the license was not necessary or proportionate in that the conditions detailed above were proportionate in the circumstances of the case and were appropriate to promote the crime and disorder objective. The evidence did not indicate that Star Pizza systematically employed workers illegally and the allegation related only to one individual.

**5 Application for the GRANT of a Premises License - Roosta King, Unit 1 Foundry Street, Ravensthorpe, Dewsbury**

The Panel considered an application made to grant a premises licence in respect of Roosta King under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Carole Pattison (Chair) and Councillors Jim Dodds and Linda Wilkinson. The Chair invited Rukhsana Javid, Licensing Officer, Kirklees Council, to outline the application. The Panel was advised that the application requested the licensing activities and timings as follows:-

<b>Application</b>	<b>Late Night Refreshment</b>
Monday	23:00 – 03:00
Tuesday	23:00 – 03:00
Wednesday	23:00 – 03:00
Thursday	23:00 – 03:00
Friday	23:00 – 03:00
Saturday	23:00 – 03:00
Sunday	23:00 – 03:00

Ms Javaid confirmed that no representations had been received from any Responsible Authority.

Two Representations were received, one of which included a petition signed by 15 local residents. The objections stated that the licensing objective of the prevention of public nuisance would not be achieved if the licence was granted. The concern was that there could be high levels of noise produced by the premises and customers leaving their vehicles. The residents requested that the licensing times change from 03:00am to midnight. The residents did not attend the hearing to make further representation.

The Chair then invited the Applicant to make representation in support of the application. The Panel was informed that there was a car park with space for around 30 cars in front of the takeaway and meant that there was enough space for patrons to park without the need to park in residential streets. The Panel were provided with a number of photographs which showed the premises and the proximity of the residential properties from where representations had been received. The Panel were informed that the Applicant wanted to provide late night refreshments particularly to the taxi trade who worked throughout the night, as there was nowhere in the area that sold hot food at that time. The Applicant also explained to the Panel that they would install CCTV at the premises.

Following careful consideration of all the information presented the Panel:

**RESOLVED:** That the Licence be granted as requested.

In arriving at its decision, the Panel considered the written representations made by the objectors, the evidence presented at the hearing, the Council's Statement of Licensing Policy, the Licensing Act 2003, Regulations made there under; and the guidance issued by the Secretary of State under the Act.

The Panel was satisfied that granting the licence would not be inconsistent with the licensing objectives.

This page is intentionally left blank

Contact Officer: Yolande Myers

**KIRKLEES COUNCIL**

**LICENSING PANEL**

**Tuesday 12th September 2017**

Present: Councillor Jim Dodds (Chair)  
Councillor Karen Allison  
Councillor Linda Wilkinson

**1 Site Visit**

A site visit was undertaken prior to the start of the meeting.

**2 Appointment of the Chair**

That Councillor Jim Dodds be appointed chair for the meeting.

**3 Interests**

No Interests were declared.

**4 Admission of the Public**

The Panel considered the exclusion of the public and determined that all agenda items be considered in public session.

**5 Deputations/Petitions**

No Deputations or Petitions were received.

**6 Public Question Time**

No questions were asked.

**7 Application for the GRANT of a Temporary Premises Licence at Fartown Pavilion, Spanies Road, Fartown, Huddersfield**

The Panel considered an application to grant a temporary premises licence at Fartown Pavilion, Spanies Road, Fartown, Huddersfield under the Licensing Act 2003.

The Members of the Licensing Panel which considered the application were Councillor Jim Dodds (Chair), Councillor Karen Alison and Councillor Linda Wilkinson.

The Chair invited Mike Skelton, Licensing Officer to outline the details of the application. The Panel was advised that on the 18th July 2017, the Licensing Department received an application for the Grant of a Temporary Premises Licence for Fartown Pavilion. The application was made by Cultural Events Promotions LTD who had requested the licence for the 27th May 2018 only, to hold an outdoor music event. Mr Skelton informed the Panel that subject to the decision of the Panel today, prior to the event there would be a Safety Advisory Group (SAG) Meeting involving West Yorkshire Police, Fire and Safety, Highways and Environmental Health.

The application was for the following licensable activities and hours:

	Supply of Alcohol (for consumption on the premises only)	Live and Recorded Music	Performance of Dance
Monday			
Tuesday			
Wednesday			
Thursday			
Friday			
Saturday			
Sunday	10:00 – 20:00	12:00 – 21:00	12:00 – 21:00

The Panel was advised that on 11th August 2017, a representation was made on behalf of a local resident, Mr Malcolm Reffell and Chair of the Richmond Avenue Tenants and Residents Association. The representation included a petition signed by 13 other residents who opposed the granting of this licence. The representation stated that if the application was to be granted as applied for, then three of the four Licensing Objectives would not be met, being the prevention of public nuisance, the prevention of crime and disorder and the protection of children from harm.

Mr Skelton confirmed that no comments had been received from the Responsible Authorities.

The Chair then invited the Applicant to make representation in support of the application. In summary, the Applicant informed the Panel that sound engineers had been instructed by the company to ensure that the design and layout would reduce the impact of noise on local residents.

## Licensing Panel - 12 September 2017

The panel were informed that the company had employed a security firm with experience of holding similar events around the country to assist with the layout of the grounds and ensure that the site was safe and secure.

The Applicant explained that he had met with Kirklees Traffic Management Team and they had surveyed the area, and the Applicant confirmed that the same parking areas would be used as that for the Huddersfield Carnival.

The Applicant advised that in light of concerns highlighted in the report about the sale of alcohol, the Applicant now planned to sell alcohol from 12 noon rather than 10am. The Panel were advised that the security staff were confident they could clear the event area by 10:00pm following alcohol sales ending at 8:00pm and the bands finishing at 9:00pm.

The Panel then asked the objector, Mr Reffell to outline the reasons for his objection to the application. Mr Reffell informed the Panel that the estate next to the venue was one made up of elders and people with disabilities and was a quiet place for them to live. Mr Reffell explained that he was concerned that if noise became a problem on the day of the event, there would be no-one available at the Licensing Department to deal with the complaint given that the event was being held on a Sunday. Mr Reffell advised that there were regular events that were held at the Pavilion with no problems, as these events did not use amplified music. Mr Reffell also explained that he was opposed to the alcohol licence due to the vulnerable people living in the community. Mr Reffell informed the Panel that the members of his community often needed ambulances, and they would have difficulty getting to the residents given the parking around the area.

Following careful consideration of all the representations both verbally and in writing, the Panel:

**RESOLVED:** That the Temporary Premises Licence be granted subject to the Applicant accepting any relevant conditions deemed necessary by officers from Environmental Health in relation to noise and Highways in relation to event parking following the Safety Advisory Group meeting.

This page is intentionally left blank



<b>KIRKLEES COUNCIL</b>			
<b>COUNCIL/CABINET/COMMITTEE MEETINGS ETC</b>			
<b>DECLARATION OF INTERESTS</b>			
Licensing Panel			
Name of Councillor			
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and
- (b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

**Name of meeting:** Licensing Panel

**Date:** Thursday 12 October 2017, at 10:00, Meeting Room 4, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** APPLICATION FOR REVIEW HEARING UNDER S51 LICENSING ACT 2003 – Wisla Store, 31-33 John William Street, Huddersfield, HD1 1BL

**Purpose of report:** To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Not applicable
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Director & name  Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?  Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No financial implications If yes give date  No
Cabinet member portfolio	Give name of Portfolio Holder Cllr Mather

**Electoral wards affected:** Newsome Ward

**Ward councillors consulted:** N/A

**Public or private:** Public

## 1. Summary

On 22 August 2017 West Yorkshire Police made an application for the review of the premises licence under Section 51(1) of the Licensing Act 2003. The applicant believes that two of the four Licensing objectives are not being achieved at this premise. These objectives being:

- The prevention of crime and disorder
- Public safety

Full details of the grounds for the review are contained in the attached review application at **Appendix 1**.

## 2. Information required to take a decision

The key information required to make a decision is contained in the initial application from West Yorkshire Police. Below is the background information relating to the premise and its licence.

The premises has benefited from the premises licence, PR(A)1454 since September 2013, a copy of the licence can be seen at **Appendix 2**. The current premises licence holder and current designated premises supervisor is Mr Atar Mohammed Raza. Mr Raza took over the licence in July 2017.

The Premises itself use to have a different premises licence PR(A)1245. This licence was applied for on 22/12/2009 by a Mr Rozhgar Sharif. On 19/08/2011 the police called for a review on the grounds of Mr Sharif selling non-duty paid cigarettes and alcohol as well as selling counterfeit hand rolled tobacco. The premises went to a hearing on 18/10/2011 and the decision made by the panel was to revoke the licence.

On 06/09/2013 a new grant application for a premises licence was applied for by a Mr Rahman Shakhawan Adbul. This is the current premise licence that Mr Raza now has.

## 3. Implications for the Council

3.1 Policy considerations (extracts from Kirklees Licensing Policy 2015-2020).

### Para 2.3 Licensing Objectives

The Policy promotes the four licensing objectives contained in the Act and each has equal weight.

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

Para 7.9 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives including how it may support other key aims, strategies and objectives.

Para 7.10 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):

- The type of use, the numbers and type of customers likely to attend the premises;
- The proposed hours of operation;

- The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
- The impact of car parking on local residents or businesses;
- The scope for mitigating any impact;
- How often the activity occurs.

and, in considering any application the Licensing Authority may also take into account

- historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses;
- and where adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

3.2 The following provisions of the Secretary of State's guidance apply to this application:

Paras 11.1 – 11.30 – Reviews

Paras 2.1 – 2.5 Crime and disorder

Paras 2.21 – 2.30 Protection from children from harm

#### 4. **Other Representations**

One representation has been made by Ison Harrison Solicitors on behalf of Mr Atar Mohammed Raza this can be seen at **Appendix 3**.

**Appendix 4** – Letter from Mr Atar Mohammed Raza giving authority to Ison Harrison Solicitors.

#### 5. **Consultees and their opinions**

##### 6.1 Advertising

The responsible authorities defined under Section 13 (4) of the Licensing Act 2003 have all received a copy of the application for review. Additionally in accordance with regulation 39 of the Licensing Act 2003 (Premises Licences and Club Certificates) Regulations 2005, Officers from Kirklees Licensing Service arranged for advertisement of the review including being posted on the premises for 28 days and on the public notice board at the licensing office. Interested parties and responsible authorities are therefore allowed to make additional representations during that 28 day period. The period of advertisement ended on **19 September 2017**.

No response was received from each of the responsible authorities; however information from Environmental Health is contained in the representation made by Licensing.

**6. Next steps**

Not applicable

**7. Officer recommendations and reasons**

In determining the application the panel can take such any of the steps as it considers necessary for the promotion of the licensing objectives, which are:

- Issue warning with licence unaffected;
- modify conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premise supervisor;
- suspend the licence for a period not exceeding 3 months;
- 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.

**8. Cabinet portfolio holder recommendation**

Not applicable

**9. Contact officer and relevant papers**

Stephanie Mashiter – Assistant Licensing Officer – 01484 221000 Ext 70530

Appendix 1 – Application for review from West Yorkshire Police

Appendix 2 – Premises Licence PR(A)1454

Appendix 3 – Ian Anderson (Ison Harrison Solicitors) representation

Appendix 4 – Letter of authority from Atar Mohammed Raza

**10. Background Papers and History of Decisions**

The premise previously appeared before the committee in October 2011, the papers and decision can be viewed at

<https://democracy.kirklees.gov.uk/CeListDocuments.aspx?Committeeld=156&MeetingId=4184&DF=18%2f10%2f2011&Ver=2>

**11. Assistant Director responsible**

Joanne Bartholomew

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.

BUILDING CONTROL & LICENSING SERVICE RECEIVED 22 AUG 2017

I, (insert name of applicant) RICHARD WOODHEAD

- 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

Part 1 - Premises or Club Premises details
Postal address of premises or, if none, Ordnance Survey map reference or description:
Wisla Store, 31-33 John William Street,
Town/City: Huddersfield Postcode: HD1 1BL

Name of premises licence holder or club holding club premises certificate (if known):
Mr Atar Raza
Number of premises licence or club premises certificate (if known): pr (a) 1454

Part 2 - Applicant details
Please 'check' appropriate box(es)
I am:
1. An interested party (please complete A or B below)
(a) a person living in the vicinity of the premises
(b) a body representing persons living in the vicinity of the premises
(c) a person involved in business in the vicinity of the premises
(d) a body representing persons involved in business in the vicinity of the premises
2. A responsible authority (please complete C below)
3. A member of the club to which this application relates (please complete A below)

A - Details of individual applicant
Surname: Forename(s):
I am 18 years old or over:
Current postal address if different from premises address: Town/City: Postcode:
Daytime contact telephone number:
E-mail address (optional):

Kirklees Copy

RESTRICTED

**B – Details of other applicant**

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Daytime contact telephone number: \_\_\_\_\_  
 E-mail address (optional): \_\_\_\_\_

**C – Details of responsible authority applicant**

Mr  
 Surname: WOODHEAD Forename(s): RICHARD  
 Address: West Yorkshire Police Licensing, Flint Steet  
 Town/City: Huddersfield Postcode: HD1 6LG  
 Daytime contact telephone number: \_\_\_\_\_  
 E-mail address (optional): \_\_\_\_\_

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- (a) The prevention of crime and disorder
- (b) Public Safety
- (c) The prevention of public nuisance
- (d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

On Saturday the 22<sup>nd</sup> July 2017 a joint visit was carried out by West Yorkshire Police and West Yorkshire Trading Standards , where a large number of none duty paid goods were discovered. The tobacco products were not destined for the UK market, and were incorrectly marked and not compliant with the tobacco and related product regulations 2016. The actions of the premises licence holder, who is also the DPS has impacted on both the public safety licensing objective, and the crime prevention objection.



## RESTRICTED

A joint operation was carried out by West Yorkshire police and trading standards on Sat July 22<sup>nd</sup> 2017 to a number of town centre shops retailing alcohol and tobacco products.

The Wisla store was visited and Mr Raza was behind the counter and stated he had recently purchased the business, around 12 weeks prior to the operation

During the visit, which was aimed at sales of illegal cigarettes, a number of hidden compartments were located by a sniffer dog that was in use. The compartments were in the rear kitchenette area, as well as in the cellar area. The dog is specially trained, and is used by Wagtail UK, who specialise in tobacco sniffer dogs. These compartments were under the stairs within the shop and in the basement area. (Please see appendices 1 and 2)

In total, 16,280 sticks of cigarettes and 550g of hand rolling tobacco was found and seized by TRADING STANDARDS. A prosecution is now pending. A further £12,000 in BANK OF ENGLAND notes was found under the shop counter area which was also seized under the proceeds of crime act.

The shop previously lost its licence to sell alcohol after a review in 2011 where both alcohol and tobacco were found to be for sale. (Please see appendices 4)  
A new owner bought the business and it was relicensed on the 5<sup>th</sup> Oct 2013.

A similar operation was carried out in Oct 2014 where again none duty paid products were available for sale at the store.(Please see appendices 3). However, the then owner Mr Habeb then agreed to a series of conditions put forward by West Yorkshire Police to avoid the review process.

Mr Raza stated he had recently purchased the business.

The actions of selling none duty paid cigarettes in the UK is a criminal offence. The products are illegal due to them not being marked in a correct and proper manner for the UK market, as they were not compliant with the tobacco and related products regulations and the standardised packaging of tobacco products regulations 2016. This impacts on the Public safety objective.

All though the sale of tobacco is not a licensable activity, the crime and disorder objective has been impacted on. A licensed premises was used to store and sell tobacco from to the general public.

## RESTRICTED

The offence of possession and sale of unmarked tobacco products is a relevant conviction under the licensing act (section 8G of the tobacco products duty act 1979), as is, the use of premises for the sale of unmarked tobacco products, (section 8H of the tobacco products duty act 1979).

We feel that if Mr Raza was willing to indulge in criminal activities by selling none duty paid tobacco products so soon after purchasing the business, it would not be long before illegal none duty paid alcohol, or even counterfeit alcohol would be made available from the shop.

The licence on a premises allowing it to sell alcohol greatly increases the value of an existing business, however the ability to sell alcohol is not a right but is a privilege granted by the issue of a premises licence to a person who understands and complies with UK law and regulations.

Due to the criminal activity of Mr Raza we feel the only way forward is to remove and revoke the licence to send a strong message out that activities such as this will not be tolerated in Kirklees, and we respectfully request the panel consider that revocation is the only method of doing so.

I have also attached the report from trading standards, dated the 15<sup>th</sup> Aug 2017 (appendices 5)

RESTRICTED

[Empty rectangular box for content]

Have you made an application for review relating to this premises before? YES  
If 'YES', please state the date of that application: 18/09/2010

RESTRICTED

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

Please see appendices 4 which details the original review.

Please 'check' appropriate box(es)

- 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's solicitor or other duly authorised agent (see guidance note 4). If signing on behalf of applicant, please state in what capacity:

Signature: ..... Date: 22nd Aug 17.

Capacity: Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City: Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state 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.

Appendices ①



22/07/2017 23:12



22/07/2017 23:06



West Yorkshire  
Trading  
Standards Service

West Yorkshire Joint Services

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

**Statement of:** David James CLUTTERBROOK

**Age of witness:** (if over 18 enter 'over 18') Over 18

**Occupation:** Trading Standards Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 05 November 2014

**Signature:** .....

I am a Trading Standards Officer employed by West Yorkshire Trading Standards Service and am an authorised officer under the Licensing Act 2003, The Consumer Protection Act 1987, The Trade Marks Act 1994 and The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002.

On 30<sup>th</sup> October 2014 I was involved in a multi agency operation inspecting retail premises in Huddersfield town centre believed to be dealing in illicit tobacco.

At approximately 17:00hrs I entered **Wisla Supermarket, 31 John William Street, Huddersfield** with my colleague **Safina SHER** (Enforcement Officer) and introduced myself to a man behind the counter who gave his name as **Mohammed Sabah HABEB** and confirmed he was the owner of the business. I then explained to him that we would be inspecting the shop. I witnessed **Mr HABEB** being issued a notice of powers and rights by my colleague **Safina SHER** shortly before 17:10hrs. The dog and it's handler entered the premises and I accompanied him around the premises including the basement. When returning the shop counter my colleague **Safina SHER** informed me

**NOTE :** If statements are typed double spacing should be used.  
One side only of this paper should be used.

(Signed) .....

Dated..... Page 1 of 2

Appendices 3.



West Yorkshire  
Trading  
Standards Service  
West Yorkshire Joint Services

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

that a shoe box filled with foreign labelled and suspected counterfeit cigarettes had been found behind the counter by **Michael CARPENTER**, HM Revenues and Customs Officer. My colleague **Safina SHER** and I counted the amount of cigarettes and tobacco which totalled 66 packets of cigarettes which did not bear statutory health warnings in English contrary to The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and the Consumer Protection Act 1987 and suspected to be counterfeit contrary to The Trade Marks Act 1994. All of the illicit tobacco was subsequently forfeited by **Mr HABEB** to **Safina SHER** for destruction.

I left the premises at approximately **18:00hrs**.

**NOTE** : *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) .....

Dated..... Page 2 of 2





Box with an 'x' icon, likely for a stamp or mark.

# 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, (insert name of applicant) PC 4629 Richard Farrand

- 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

### Part 1 – Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Wisla Supermarket, 31 John William Street, Centre

Town/City: Huddersfield

Postcode: HD1 1BL

Name of premises licence holder or club holding club premises certificate (if known):

Mr Rozhgar Sharif

Number of premises licence or club premises certificate (if known): PR(A) 1245

### Part 2 – Applicant details

Please 'check' appropriate box(es)

I am:

- An interested party (please complete A or B below)
  - (a) a person living in the vicinity of the premises
  - (b) a body representing persons living in the vicinity of the premises
  - (c) a person involved in business in the vicinity of the premises
  - (d) a body representing persons involved in business in the vicinity of the premises
- A responsible authority (please complete C below)
- A member of the club to which this application relates (please complete A below)

### A – Details of individual applicant

Surname:

Forename(s):

I am 18 years old or over:

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

Append L - Previous review

**RESTRICTED****B – Details of other applicant**

Surname:

Forename(s):

Address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):

**C – Details of responsible authority applicant**

Chief Officer of Police, West Yorkshire Police

Surname:

Forename(s):

Address:

Police Licensing, Riverbank Court, Wakefield Road, Aspley

Town/City:

Huddersfield

Postcode: HD5 9AA

Daytime contact telephone number:

01484 450850

E-mail address (optional):

rf109@westyorkshire.pnn.police.uk

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

(a) The prevention of crime and disorder

(b) Public Safety

(c) The prevention of public nuisance

(d) The protection of children from harm

State the ground(s) for review (please read Guidance note 1):

Wisla Supermarket has been visited on six occasions between 10<sup>th</sup> September 2010 and 5<sup>th</sup> August 2011 by officers from HM Revenue and Customs assisted on occasions by Police and Trading Standards.

Over this period the premises licence holder and DPS has been Mr Rozhgar Sharif.

On each occasion non-duty paid cigarettes and alcohol has been seized, including counterfeit hand rolling tobacco. HMRC estimate that £1392.78 of excise has been evaded on the seized goods.

**RESTRICTED**

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

On Friday 5<sup>th</sup> August 2011 multi-agency visits were carried out by Police, HM Revenue and Customs and Trading Standards officers in the Huddersfield area.

At 10am that day a revenue check was carried out at Wilsa Supermarket, 31 John William Street, Centre, Huddersfield by HM Revenue and Customs officers supported by the Police licensing officer and Trading Standards Officers. Present at the time of the inspection was the premises licence holder and designated premises supervisor Mr Rozhgar Sharif.

During the inspection 6 brown cardboard cases containing 20 x 50cl bottles of beer were located at the rear of the store. These were 2 x cases of Tyskie beer, 2 x cases of Lech beer and 2 x cases of Debowe beer. The brown cases were not standard cases for the beer stored inside.

See attached photograph RPF 1.

These three types of beer were on display for sale in the supermarkets' cooler cabinet. Photograph RPF 2.

Mr Sharif was unable to produce an invoice for the 6 cases of beer and this was detained by HMRC officers as being non-duty paid.

A search of the rear of the counter area of the supermarket revealed a false panel behind which were secreted tobacco products. 460 cigarettes and 800gms of hand rolling tobacco. Photographs RPF 3 and RPF 5.

Trading Standards officer Hannah McRobert inspected the cigarettes and 400gms of hand rolling tobacco and found that they did not comply with The Tobacco Products (Manufacture, Presentation and Sale) (Safety) (Amendment) Regulations 2007 as they were not labelled correctly. She also inspected the other 400gms of hand rolling tobacco and concluded that in her opinion it was counterfeit. This was due to poor quality print and sealing of the packets.

A condition of the premises licence states, "CCTV fitted in accordance with police requirements".

PC 4629 Farrand, the Kirklees Licensing Enforcement Officer, inspected the shops CCTV system. He found that the camera covering the rear of the store's counter had been disconnected. He also found the camera covering the till area had been moved so as not to cover transactions taking place at the till.

As a result of the visit PC Farrand contacted HMRC officer Steven Potter and requested information on all non-duty paid goods seized by HM Revenue and Customs since Mr Sharif had been the premise licence holder. Officer Potter checked the HM Revenue and Customs database and provided the following information.

10/09/2010	5120 cigarettes seized.	Revenue evaded £848.44
13/09/2010	120 cigarettes seized.	Revenue evaded £ 20.03
14/12/2011	19lts Vodka seized.	Revenue evaded £169.58
17/05/2011	80 cigarettes seized.	Revenue evaded £14.96
16/07/2011	250grms flavoured tobacco & 4.9ltrs vodka seized.	Revenue evaded £66.47
05/08/2011	460 cigarettes, 800gms tobacco & 60lts beer seized.	Revenue evaded £273.30

Mr Sharif clearly has no regard for the law or trying to achieve the licensing objectives of crime and disorder or public safety. The keeping of smuggled goods is contrary to section 144 of the Licensing Act 2003.

Sect 11.26 of the Amended Guidance issued under Section 182 of the Licensing Act 2003 states, "There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- for the sale of smuggled tobacco and alcohol.

These premises have been visited on six separate occasions and on each occasion non-duty paid tobacco or alcohol has been seized along with a breach of the premises licence. Therefore the police request that the premises licence be revoked.

Have you made an application for review relating to this premises before? NO

If 'YES', please state the date of that application:

**RESTRICTED**

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

[Empty box for representations]

- Please 'check' appropriate box(es)
- 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:.....

Capacity:.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: Forename(s):

Address:

Town/City: Postcode:

Telephone number (if any):

If you would prefer us to correspond with you using an e-mail address, please state 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.

**RESTRICTED**

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

**Statement of:** Noreen AKHTAR

**Age of witness:** (if over 18 enter 'over 18') Over 18

**Occupation:** Enforcement Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:** 15<sup>th</sup> August 2017

**Signature:** .....

I am employed by West Yorkshire Trading Standards service as an Enforcement Officer. I am an authorised officer for the provisions of the Trade Marks Act 1994, Tobacco & Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and The Consumer Rights Act 2015.

On Saturday 22<sup>nd</sup> July 2017 I was involved in a multi agency operation with West Yorkshire Police, West Yorkshire Trading Standards and Wagtail UK.

At approximately 22:25 hours on the day I entered the premises of Wisla Supermarket Ltd, 31-33 John William Street, Huddersfield, HD1 1BL. I issued a Notice of Powers & Rights to Mr **Atar Mohammed RAZA** D.O.B 05/06/1984 who was behind the counter. He stated he was the director of the company.

A search of the premises was then carried out by Wagtail UK specialist tobacco detection trained dog. The dog gave a positive indication in the kitchenette, around the shelving above the sink. A concealment here revealed a quantity of illicit tobacco. The dog also gave a positive indication in the cellar area where another concealment revealed a further quantity of illicit tobacco.

Append 5.

**NOTE :** If statements are typed double spacing should be used.  
One side only of this paper should be used.

(Signed) .....

Dated..... Page 1 of 2

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

All of the tobacco products found in the concealments were not compliant with the Tobacco & Related Products Regulations 2016 and The Standardised Packaging of Tobacco Products Regulations 2015.

All of the tobacco products from the concealments were seized, placed in sealed evidence bags and logged on a Record of Property seized. 16280 cigarettes and 550g of hand rolling tobacco were seized. A copy of the Record of Property Seized was given to Mr **RAZA**.

**NOTE** : *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

**(Signed)** .....

**Dated**..... **Page 2 of 2**

Licensing Act 2003  
**Premises Licence**
**PR(A)1454**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION**
**Wisla Supermarket**

31-33 John William Street, Huddersfield, West Yorkshire, HD1 1BL.

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF	the premises only Monday to Saturday Sunday		

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Saturday	9:00am	11:00pm
Sunday	9:00am	10:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

## Part 2



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield HD1 6LG

Tel: (01484) 456868  
Fax: (01484) 456857

E-mail:licensing@kirklees.gov.uk  
Website:http://www.kirklees.gov.uk

Licensing Act 2003 **PR(A)1454**  
**Premises Licence**

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Atar Mohammed Raza

43 Macauley Road, Huddersfield, West Yorkshire, HD2 2US.

[ataraza@hotmail.co.uk](mailto:ataraza@hotmail.co.uk)

**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 THE SUPPLY OF ALCOHOL**

Atar Mohammed RAZA

43 Macauley Road, Huddersfield, West Yorkshire, HD2 2US.

**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 No. NL26423

Issued by North Lincolnshire





Licensing Act 2003  
**Premises Licence**

**PR(A)1454**

ANNEXES

**ANNEX 1 - MANDATORY CONDITIONS**

**Alcohol:**

1. No supply of alcohol may be made under this 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. 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.
4. 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.

For the purposes of the condition set out in paragraph 1 of this condition -

- 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 -
  - i. P is the permitted price,
  - ii. D is the amount 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
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were

Licensing Act 2003  
**Premises Licence**

**PR(A)1454**

ANNEXES continued ...

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" mean value added tax charged in accordance with the Value Added Tax Act 1994.

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

1. CCTV to be installed covering all licensable activity areas, the public entrances to the premises, entrance foyers. The CCTV system installed and operated in accordance with Home Office/ACPO guidelines as adopted by West Yorkshire Police. A competent person must be present during licensable activities that can operate the CCTV system. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the Licensing Act 2003.
2. A point of sale prompt shall be available within the premises for all alcohol sales which require the operator to confirm the age of the customer to be over 18 years before selling alcohol. Refusals information shall be documented on the point of sale system and be available to the Police and other regulatory authorities upon reasonable request.
3. Staff training records to be maintained recording training in relation to the Licensing Act 2003 and must cover section 144 of the act, keeping of smuggled goods on the licensed premises. These records to incorporate authorisation for staff to sell alcohol. These records to be made available for inspection on request of a police constable or representative of a responsible authority as defined by the Licensing Act 2003.
4. All records of alcohol purchases which must be retained for a period of one year from time of purchase. These documents must be made available for inspection on request to a police constable, officer from HM Revenue and Customs or representative of a responsible authority as defined by the Licensing Act 2003.

Licensing Act 2003  
**Premises Licence**
**PR(A)1454**

## ANNEXES continued ...

5. Must be a member of the Huddersfield retail radio scheme. Staff must have access at all times licensable activities are taking place to a retail radio.
6. Challenge 25 Policy to be adopted.
7. In order to promote the prevention of crime and disorder and the prevention of public nuisance, the premises licence holder must ensure that the premise does not sell super strength beer, lager or cider with an alcohol content of 6.5% ABV (alcohol by volume) or greater. This restriction shall not apply in respect of specialist branded, premium priced products - for example craft ales, local or microbrewery specialist products, boxed gifts or national celebratory/commemorative beer, lager or cider with an alcohol content of 6.5% ABV or greater.
8. In order to promote public safety and the protection of children from harm licensing objectives, the premise shall not sell any type of mind altering psychoactive substance or so called "legal highs". None of these type of products should be kept in or any area of the premise.

**ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY**

Date granted: 05/10/2013

Date commences/varied: 12/07/2017



Head of Planning and Building Control Services

Licensing Act 2003

**PR(A)1454**

# Premises Licence Summary

## Premises Details

### POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

#### Wisla Supermarket

31-33 John William Street, Huddersfield, West Yorkshire, HD1 1BL.

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday Sunday		

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Saturday	9:00am	11:00pm
Sunday	9:00am	10:00pm

### WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Atar Mohammed Raza

43 Macauley Road, Huddersfield, West Yorkshire, HD2 2US.

### REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

### NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Atar Mohammed RAZA

### STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Licensing Act 2003

## Premises Licence Summary

**PR(A)1454**

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED continued ...

As per Licensing Act 2003

Any conditions applicable to these premises are attached to the Licence

Date granted: 05/10/2013

Date commences/varied: 12/07/2017



Head of Planning and Building Control Services

Our Ref: IJA/IJA/505310.Raza  
 Your Ref: 141283  
 Please ask for: Ian Anderson  
 Date: 11 September 2017



ison harrison

Kirklees Council  
 Licensing Department

By Email To: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)

Dear Sirs

**Our Client Atar Mohammed Raza – Wisla Supermarket  
 Review of Premises Licence / Certificate Application Number 141283**

We write in respect of the above. We have been instructed by Atar Mohammed Raza, the Designated Premises Supervisor and Licence Holder for Wisla Supermarket, situated at 31-33 John William Street, Huddersfield, HD1 1BL.

The DPS was served with a Section 51 Notice which expires on 18 September 2017. We have been requested to make the following representations on behalf of the DPS:

1. On 5 June 2017 Mr Mohammed Raza (hereinafter our client) purchased the lease for Wisla supermarket. He paid £7,000 for the lease, stock and some fittings (shelving). Since that day he has been involved in the business, but prior to 5 June 2017 he had no involvement in the business in any way
2. Our client became a DPS for Wisla Supermarket on 12 July 2017
3. As such, at the time of the inspection by Trading Standards and West Yorkshire Police our client had the lessee for the premises for a little over six weeks and had been the DPS for 10 days
4. Our client was unaware of the allegedly non-duty paid cigarettes said to be at the premises on 22 July
5. It is submitted that the considerable value and quantity of non-duty paid cigarettes at the premises suggests that the person(s) responsible for the purchase and supply of the same have been involved in supplying non-duty paid cigarettes for some considerable time
6. Our client employed an individual by the name of Bahman Mohammed Hoseini to work as a sales assistant at Wisla Supermarket

Ison Harrison Limited

Ison Harrison Solicitors, Harrison Buildings, Salford, and The Leeds Law Firm are trading names of Ison Harrison Limited.  
 Registered office: Duke House, 34 Wellington Street, Leeds, LS1 2EE.  
 Registered in England and Wales, number 6452857

Ison Harrison Limited is authorised and regulated by the Solicitors Regulation Authority, number 154428

7. Mr Hoseini had previously held a sales assistant role at Wisla Supermarket. Mr Hoseini approached our client to ask if he could continue in that role and our client agreed to that proposition
8. Mr Hoseini has admitted to our client that it is he (Hoseini) who was responsible for obtaining the non-duty paid cigarettes and for secreting them at the premises. Mr Hoseini's full details have been provided to the police / Trading Standards and can be provided on request
9. Our client states that the cash found at the premises has been generated in the proper course of business. Our client can account for the turnover of the business by reference to his till-roll and his expenditure by reference to invoices. Our client has proof of his purchases of duty paid cigarettes from a reputable business (Buca). Our client will state that the sum seized was due to be used to be pay for rent, wages, suppliers and business rates
10. It is of relevance, we say, that the cash was being stored in the safe at the premises, but the allegedly contraband cigarettes were not. Mr Hoseini did not have access to the safe.
11. Our client employs an accountant by the name of Abdul Mullick from West Yorkshire Accountancy Services, a long-established accountancy practice in Huddersfield. Mr Mullick is willing to assist in providing financial documentation if required
12. Our client has dismissed Mr Hoseini and will not contest the forfeiture and destruction of the cigarettes should they be proven to be non-duty paid. Our client has assisted the police and Trading Standards in their enquiry and continues to do so. Our client has not been charged with any offence and it is not anticipated that he will be
13. Whilst it cannot be said that the premises has had an entirely trouble-free existence, we submit that it should be borne in mind that none of the previous breaches or incidents can be attributed to our client. Our client has no connection whatsoever with Mr Habeb or those who preceded him
14. It is submitted that the assertion put forward by Mr Woodhead on behalf the police that "it would not be long before illegal non-duty paid alcohol, our even counterfeit alcohol would be available from the shop" is speculative in the extreme and is not a proper ground for review. There is no evidence to suggest that any such action would follow from the circumstances which took place
15. The reference by Woodhead on behalf of the Police to a conviction for a relevant offence for possession and sale of tobacco products is misleading. It is misleading as at the present time our client has not been convicted of any such offence. In fact, our client has yet to be *charged* with any relevant offence
16. The Statement of David Clutterbrook dated 5 November 2014 and the Application for Review at Appendix 4 from August 2011 are otiose and no evidential weight should be attached to the documentation. Our client cannot usefully comment on evidence which does not concern him or his activities in any way and in respect of which he is not in a position to respond or rebut. It is submitted that the evidence from 2011 is prejudicial and of no probative value in this particular case
17. It is submitted that for the reasons above the premises licence should not be revoked. Revocation is the most serious step, and should be reserved for the most serious breach of the regulations. Given the length of time which our client had been involved in the business, it is submitted that the only logical conclusion which can be drawn is that he is not directly responsible for the breach.

18. It is suggested that perhaps the proper course of action, given that our client is new to the industry, is for him to undertake further training and for the local authority to remind him of his responsibilities

We ask that the representations above are considered by the licensing authority. We have forwarded a copy of the above to the Police.

**Ian Anderson**  
**ISON HARRISON SOLICITORS**



## Form of Authority

I, ATAR RAZA, DOB [REDACTED] OF  
 31-33 JOHN WILLIAM ST HEREBY AUTHORISE IAN  
 ANDERSON SOLICITORS OF 54 WELLINGTON STREET,  
 LEEDS, LS1 2EE TO TAKE OVER CONDUCT OF MY  
 CASE BEFORE THE HUDDERSFIELD P/S AND IN RESPECT  
 OF THE LICENSING AND TRADING STANDARDS INVESTIGATIONS.

PLEASE FORWARD MY FILE OF PAPERS TO:

IAN ANDERSON  
 IAN ANDERSON SOLICITORS  
 DAVE MUSE  
 54 WELLINGTON ST  
 LEEDS  
 LS1 2EE

SIGNED

DATED 6/9/17

This page is intentionally left blank

**Name of meeting:** Licensing Panel

**Date:** Thursday 12 October 2017, at 11:00, Meeting Room 4, Huddersfield Town Hall, Ramsden Street, Huddersfield

**Title of report:** APPLICATION FOR REVIEW HEARING UNDER S51 LICENSING ACT 2003 – Kingsgate News, 14 Cross Church Street, Huddersfield. HD1 2PT.

**Purpose of report:** To determine the application

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <u>Council's Forward Plan (key decisions and private reports)?</u>	Not applicable
The Decision - Is it eligible for "call in" by Scrutiny?	No
Date signed off by Director & name  Is it also signed off by the Assistant Director for Financial Management, IT, Risk and Performance?  Is it also signed off by the Assistant Director - Legal Governance and Monitoring?	No financial implications If yes give date  No
Cabinet member portfolio	Give name of Portfolio Holder Cllr Mather

**Electoral wards affected:** Newsome Ward

**Ward councillors consulted:** N/A

**Public or private:** Public

## 1. Summary

On 29 August 2017 West Yorkshire Police made an application for the review of the premises licence under Section 51(1) of the Licensing Act 2003. The applicant believes that two of the four Licensing objectives are not being achieved at this premise. These objectives being:

- The prevention of crime and disorder
- Public safety

Full details of the grounds for the review are contained in the attached review application at **Appendix 1**.

## 2. Information required to take a decision

The key information required to make a decision is contained in the initial application from West Yorkshire Police. Below is the background information relating to the premise and its licence.

The premises has benefited from the premises licence, PR(A)1623 since March 2017, a copy of the licence can be seen at **Appendix 2**. Mr Mer Zada has been the premises licence holder and designated premises supervisor since the premises opened.

## 3. Implications for the Council

3.1 Policy considerations (extracts from Kirklees Licensing Policy 2015-2020).

### Para 2.3 Licensing Objectives

The Policy promotes the four licensing objectives contained in the Act and each has equal weight.

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

Para 7.9 The Licensing Authority will determine any application by considering the Act, the statutory guidance, this Policy and the four licensing objectives including how it may support other key aims, strategies and objectives.

Para 7.10 The following factors would normally be considered (although other relevant matters may be considered as the individual case dictates):

- The type of use, the numbers and type of customers likely to attend the premises;
- The proposed hours of operation;
- The level of public transport accessibility for customers either arriving or leaving the premises and the likely means of public or private transport that would be used by the customers;
- The impact of car parking on local residents or businesses;
- The scope for mitigating any impact;
- How often the activity occurs.

and, in considering any application the Licensing Authority may also take into account

- historical evidence, whether favourable or adverse, relating to activities carried out at the premises, especially on local residents or businesses;
- and where adverse impact has been caused, appropriate measures have been agreed and put into effect by the applicant to mitigate that adverse impact.

3.2 The following provisions of the Secretary of State's guidance apply to this application:

Paras 11.1 – 11.30 – Reviews

Paras 2.1 – 2.5 Crime and disorder

Paras 2.21 – 2.30 Protection from children from harm

#### **4. Other Representations**

None

#### **5. Consultees and their opinions**

##### 6.1 Advertising

The responsible authorities defined under Section 13 (4) of the Licensing Act 2003 have all received a copy of the application for review. Additionally in accordance with regulation 39 of the Licensing Act 2003 (Premises Licences and Club Certificates) Regulations 2005, Officers from Kirklees Licensing Service arranged for advertisement of the review including being posted on the premises for 28 days and on the public notice board at the licensing office. Interested parties and responsible authorities are therefore allowed to make additional representations during that 28 day period. The period of advertisement ended on **26 September 2017**.

No response was received from each of the responsible authorities; however information from Environmental Health is contained in the representation made by Licensing.

#### **6. Next steps**

Not applicable

#### **7. Officer recommendations and reasons**

In determining the application the panel can take such any of the steps as it considers necessary for the promotion of the licensing objectives, which are:

- Issue warning with licence unaffected;
- modify conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premise supervisor;
- suspend the licence for a period not exceeding 3 months;

- 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.

**8. Cabinet portfolio holder recommendation**

Not applicable

**9. Contact officer and relevant papers**

Stephanie Mashiter – Assistant Licensing Officer – 01484 221000 Ext 70530

Appendix 1 – Application for review from West Yorkshire Police  
Appendix 2 – Premises Licence PR(A)1623

**10. Background Papers and History of Decisions**

Not applicable

**11. Assistant Director responsible**

Joanne Bartholomew

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, (insert name of applicant) RICHARD WOODHEAD

- 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

Part 1 - Premises or Club Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description:

Kingsgate News, 14 Cross Church Street

Town/City: Huddersfield

Postcode: HD1 2PT

Name of premises licence holder or club holding club premises certificate (if known):

Mr Mer Zeda

Number of premises licence or club premises certificate (if known): pr (a) 1623

Part 2 - Applicant details

Please 'check' appropriate box(es)

I am:

1. An interested party (please complete A or B below)

- (a) a person living in the vicinity of the premises
(b) a body representing persons living in the vicinity of the premises
(c) a person involved in business in the vicinity of the premises
(d) a body representing persons involved in business in the vicinity of the premises

2. A responsible authority (please complete C below)

checkbox checked

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

checkbox

A - Details of individual applicant

Surname:

Forename(s):

I am 18 years old or over: checkbox

Current postal address if different from premises address:

Town/City:

Postcode:

Daytime contact telephone number:

E-mail address (optional):



## RESTRICTED

**B – Details of other applicant**

Surname: \_\_\_\_\_ Forename(s): \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Town/City: \_\_\_\_\_ Postcode: \_\_\_\_\_  
 Daytime contact telephone number: \_\_\_\_\_  
 E-mail address (optional): \_\_\_\_\_

**C – Details of responsible authority applicant**

Mr

Surname: WOODHEAD Forename(s): RICHARD  
 Address: West Yorkshire Police Licensing, Flint Steet  
 Town/City: Huddersfield Postcode: HD1 6LG  
 Daytime contact telephone number: \_\_\_\_\_  
 E-mail address (optional): \_\_\_\_\_

This application to review relates to the following licensing objective(s): (Please 'check' one or more boxes)

- |  |                                     |
|--|-------------------------------------|
| (a) The prevention of crime and disorder | <input checked="" type="checkbox"/> |
| (b) Public Safety                        | <input checked="" type="checkbox"/> |
| (c) The prevention of public nuisance    | <input type="checkbox"/>            |
| (d) The protection of children from harm | <input type="checkbox"/>            |

State the ground(s) for review (please read Guidance note 1):

On Saturday the 22<sup>nd</sup> July 2017 a joint visit was carried out by West Yorkshire Police and West Yorkshire Trading Standards , where a large number of none duty paid goods were discovered. The tobacco products were not destined for the UK market, and were incorrectly marked and not compliant with the tobacco and related product regulations 2016. The actions of the premises licence holder, who is also the DPS has impacted on both the public safety licensing objective, and the crime prevention objection.



## RESTRICTED

A joint operation was carried out by West Yorkshire police and trading standards on Sat July 22<sup>nd</sup> 2017 to a number of town centre shops retailing alcohol and tobacco products. Along with the officers a sniffer dog was used to help identify any areas within the shop where tobacco was stored.

The premises Kingsgate News, was entered at 22.29hrs and searched, this premises has only just had a premises licence granted on the 18<sup>th</sup> April 2017.

The dog indicated that a secret room was behind wooden panelling on the first floor of the shop. To gain entry to this room a compact disk had to be entered into a slot, that tripped a micro switch, that then released the magnetic door locks. Within the room a large amount of none duty paid tobacco products were discovered, approximately 42,800 cigarettes and around 10250 grams of tobacco. The full break down is listed on the attach statement from trading standards.

The actions of selling none duty paid tobacco products is a criminal offence, although selling of cigarettes in not a licensable activity the crime and disorder objective along with public safety have been impacted upon by the actions of the staff and the premises licence holder

The offence of possession and sale of unmarked tobacco products is a relevant conviction under the licensing act (section 8G of the tobacco products duty act 1979), as is, the use of premises for the sale of unmarked tobacco products, (section 8H of the tobacco products duty act 1979).

We feel that if Mr Zeda was willing to indulge in criminal activities by selling none duty paid tobacco products so soon after opening the business, it would not be long before illegal none duty paid alcohol, or even counterfeit alcohol would be made available from the shop.

The licence on a premises allowing it to sell alcohol greatly increases the value of an existing business, however the ability to sell alcohol is not a right but is a privilege granted by the issue of a premises licence to a person who understands and complies with UK law and regulations.

Due to the criminal activity of Mr Zeda, and the complex, almost 'James Bond' style of hiding the illegal tobacco, we feel the only way forward is to remove and revoke the licence to send a strong message out that activities such as this will not be tolerated in Kirklees, and we respectfully request the panel consider that revocation is the only method of doing so.

I have also attached the report from trading standards, dated the 15<sup>th</sup> Aug 2017

RESTRICTED

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

None made Before.

Please 'check' appropriate box(es)

- 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 applicant, please state in what capacity:**

Signature: ..... Date: 22<sup>nd</sup> Aug 17.  
 Capacity: Police Licensing Officer.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read Guidance note 5):

Surname: ..... Forename(s): .....  
 Address: .....  
 Town/City: ..... Postcode: .....  
 Telephone number (if any): .....  
 If you would prefer us to correspond with you using an e-mail address, please state 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.

**WITNESS STATEMENT**

**Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B**

At 22:54 the dog indicated tobacco on the first floor behind wooden slat panelling. There was a door disguised within the panelling which was operated by a small hidden micro switch. The door gave access to a large concealment which contained tobacco.

I seized the following from the concealment.

BAG NO	DESCRIPTIONS
ROO823461	340 X 50G AMBER LEAF
PO2656832	20 X TURNERS 50G
ROO823462	45 X 50G GOLDEN VIRGINIA
ROO823449	300 X 20 MAYFAIR
ROO823447	273 X 20 MAYFAIR
ROO823446	132 X 20 RICHMOND KINGSIZE
ROO823734	122 X 20 B & H OPTIONS
ROO801159	360 X 20 PECT
ROO823733	372 X 20 L&B
ROO801160	156 X 20 MARLBORO GOLD, 12 X 20 CHESTERFIELD, 4 X 20 QUEEN, 1 X 20 B&H, 1 X 20 LD BLUE, 26 X 20 L&M RED, 21 X 20 PALL MALL

At 02:05 I went back onto the shop floor and I seized 143 foreign labelled Cyclones and 62 Blunts bag number P01088474.

A series of photographs were taken during the visit which I now produce as evidence **JG1**. I gave a copy of the Record of Property Seized to Mr SALIHI and left the shop at 02:10.

**NOTE :** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

**(Signed)** .....

**Dated**..... **Page 2 of 2**  
010911

**WITNESS STATEMENT**

Criminal Procedure Rules, r 27.2  
Criminal Justice Act 1967, S. 9  
Magistrates Courts Act 1980, 5B

**Statement of:** Jon Griffiths

**Age of witness:** (if over 18 enter 'over 18')

Over 18

**Occupation:**

Regulatory Compliance Officer

This statement (consisting of        pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

**Dated:**

15/08/2017

**Signature:** .....

I am a Regulatory Compliance officer, based at, Nephshaw Lane South, Morley, Leeds LS27 7JQ appointed by West Yorkshire Trading Standards in May 2017. I am authorised to enforce provisions of the Trade Marks Act 1994, Tobacco & Related Product Regulations 2016, Consumer Protection Act 1987, and the Consumer Rights Act 2015.

On Saturday 22<sup>nd</sup> July 2017 I was involved in a multi agency operation with West Yorkshire Police, West Yorkshire Trading Standards and Wagtail UK.

At 22:29 I entered Kingsgate News Church St, Huddersfield HD1 2PT and issued a notice of Powers & Rights to a Mustafa SALIHI who was working behind the counter. I explained the reasoning for our visit and that we were going to take a look around for illegal tobacco with the aid of a tobacco detection dog . I asked if anyone else was on the premises, he said he was on his own

At approximately 22:40 Ibrahim SARKAWT entered the shop and said he worked at the shop as an assistant. He told me Mustafa has difficulty understanding English so he wanted to stay whilst we were there. I asked SARKAWT and SALIHI if they could contact the owner, they both said the owner was Bafir Hussain and they had no contact number for him.

**NOTE :** *If statements are typed double spacing should be used.  
One side only of this paper should be used.*

(Signed) .....

Dated.....

Page 1 of 2

010911

Page 56

RESTRICTED  
Photographs



Kings gate news

**RESTRICTED**  
**Photographs**



Kingsgate news

<b>Description</b>	
--------------------	--

Licensing Act 2003  
**Premises Licence**
**PR(A)1623**

## Part 1 - Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Kingsgate News**

14 Cross Church Street, Huddersfield, West Yorkshire, HD1 2PT.

Telephone 07711 502 416

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Thursday	9:00am	11:00pm
	Friday	9:00am	11:00pm
	Saturday	9:00am	11:00pm
	Sunday	9:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Thursday	9:00am	11:00pm
Friday	9:00am	11:00pm
Saturday	9:00am	11:00pm
Sunday	9:00am	11:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

## Part 2

LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield HD1 6LG

Tel: (01484) 456868  
Fax: (01484) 456857

E-mail: [licensing@kirklees.gov.uk](mailto:licensing@kirklees.gov.uk)  
Website: <http://www.kirklees.gov.uk>

Licensing Act 2003  
**Premises Licence**

**PR(A)1623**

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Mer Zada

52 Whiteacre Close, Huddersfield, West Yorkshire, HD2 1LU.

**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 THE SUPPLY OF ALCOHOL**

Mer ZADA

52 Whiteacre Close, Huddersfield, West Yorkshire, HD2 1LU.

**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 No. KMCPL4584

Issued by Kirklees



Licensing Act 2003  
**Premises Licence**

**PR(A)1623**

ANNEXES

**ANNEX 1 - MANDATORY CONDITIONS**

**Alcohol:**

**Mandatory Condition.**

No supply of alcohol may be made under this 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.

**Mandatory Condition.**

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

**Mandatory Condition.**

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.

**Mandatory Condition.**

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.

For the purposes of the condition set out in paragraph 1 of this condition -

- a. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);
- b. "permitted price" is the price found by applying the formula  $P = D + (D \times V)$  where -
  - i. P is the permitted price,
  - ii. D is the amount 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
  - iii. V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged

Licensing Act 2003  
**Premises Licence**

**PR(A)1623**

ANNEXES continued ...

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" mean value added tax charged in accordance with the Value Added Tax Act 1994(b).

**ANNEX 2 - CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE**

**General Conditions.**

Spirits of a high ABV will be sold behind the counter.

When the DPS is not on duty a contact telephone number will be available at all times.

**Prevention of crime and disorder.**

CCTV to be installed covering all licensable activity areas and the public entrance to the premises. The CCTV system to be installed and operated in accordance with West Yorkshire Police guidelines. Footage from the CCTV system to be made available on request to a police constable or representative of a responsible authority as defined by the licensing Act 2003.

The premises will operate and record all incidents of criminal activities, anti social behaviour and injuries to persons using the following compliance log books; Customer refusal, Authorisation of Alcohol, ID signature to assist the police and authorities in carrying out their investigations. all log books are fit for purpose and will be retained on the premises for 12 months.

**Training will be provided to all non personal licence holders** prior to them being allowed to sell alcohol and refresher training will be provided and training records kept and signed for by both the trainer and the employee identifying when the training was provided.

A point of sale prompt shall be available within the premises for all alcohol sales which require the operator to confirm the age of the customer to be over 18 years of age before selling alcohol. Refusals information shall be documented on the point of sale system and be available to the police and other regulatory authorities upon reasonable request.

In order to promote the prevention of crime and disorder, the prevention of public nuisance, public safety and protect children from harm licensing objectives, the premise shall not sell any type of mind altering psychoactive substance or the so called "legal highs" None of these type of products should be kept in any area of the premise.

Licensing Act 2003

## Premises Licence

**PR(A)1623**

ANNEXES continued ...

### Prevention of public nuisance.

The management will endeavor to discourage customers from standing outside the shop. Notices to be displayed requesting customers to leave the area quickly and quietly.

### The protection of children from harm.

The premises will adopt the challenge 25 policy together with an age verification training scheme. The training subject matter will consist of age verification training scheme. The training subject matter will consist of underage sales, checking ID, proxy sales, basic conflict management and relevant areas of the licensing Act 2003 with the penalties for the breach. Refresher training will be carried out every 12 months. All training records to be stored on the premises and available for inspection by Authorised Officers. The only ID that will be accepted is a valid passport, British driving licenses and European Identity Cards the premises will also maintain an ID signature log book as an additional support. All refusals of sale for alcohol to suspected underage / drunk persons will be entered in a log book. Additional signage regarding proxy sales will be displayed near the alcohol sales areas. Notices will be displayed to this effect in prominent positions in the shop.

### ANNEX 3 - CONDITIONS ATTACHED AFTER A HEARING BY THE LICENSING AUTHORITY

### ANNEX 4 - PLANS OF PREMISE

As outlined in the Operating Schedule and attached plan

Date granted: 18/04/2017

Date commences/varied: 18/04/2017



Head of Planning and Building Control Services

Licensing Act 2003

**PR(A)1623****Premises Licence Summary**

## Premises Details

**POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION****Kingsgate News**

14 Cross Church Street, Huddersfield, West Yorkshire, HD1 2PT.

Telephone 07711 502 416

**WHERE THE LICENCE IS TIME LIMITED THE DATES**

Not applicable

**LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE**

- the supply of alcohol

**THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES**

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Thursday	9:00am	11:00pm
	Friday	9:00am	11:00pm
	Saturday	9:00am	11:00pm
	Sunday	9:00am	11:00pm

**THE OPENING HOURS OF THE PREMISES**

Description	Time From	Time To
Monday to Thursday	9:00am	11:00pm
Friday	9:00am	11:00pm
Saturday	9:00am	11:00pm
Sunday	9:00am	11:00pm

**WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES**

- J. Supply of alcohol for consumption OFF the premises only

**NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE**

Mer Zada

52 Whiteacre Close, Huddersfield, West Yorkshire, HD2 1LU.

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**



LICENSING  
Flint Street Depot  
Flint Street  
Fartown  
Huddersfield HD1 6LG

Tel: (01484) 456868  
Fax: (01484) 456857

E-mail:licensing@kirklees.gov.uk  
Website:http://www.kirklees.gov.uk

Licensing Act 2003 **PR(A)1623**  
**Premises Licence Summary**

**NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL**

Mer ZADA

**STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED**

As per licensing act 2003.

Any conditions applicable to these premises are attached to the Licence

Date granted: 18/04/2017

Date commences/varied: 18/04/2017

Head of Planning and Building Control Services



This page is intentionally left blank