

Name of meeting: Licensing Panel

Date: Thursday 25 January 2018, at 13:30 Meeting Room 3, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Objection to transfer premises licence to be granted AND to vary a premises to specify an individual as designated premises supervisor under Section 37 of the Licensing Act 2003 at International Express, 27 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 Council's Forward Plan (key decisions and private reports?)	Not applicable
The Decision - Is it eligible for call in by Scrutiny?	Not applicable
Date signed off by Strategic Director & name	Not applicable
Is it also signed off by the Service Director - Finance, IT and Transactional Services?	Not applicable
Is it also signed off by the Service Director - Legal Governance and Commissioning?	Not applicable
Cabinet member portfolio	Not applicable

Electoral wards affected: Newsome

Ward councillors: Cllr Karen Allison
 Cllr Andrew Cooper
 Cllr Julie Stewart-Turner

Public or private: Public

1. Summary

On 14 December 2017 an application to transfer the premises licence was received for the above Premises PR(A)1613, International Express, 27 John William Street, Huddersfield, HD1 1BL. The application is in the name of Mohamed Zada. A full copy of the application can be seen at appendix A.

On the 20 December 2017 an application to vary a premises licence to specify an individual as designated premises supervisor was received for the above premises naming Mehdi Karmi as the Designated Premises Supervisor (DPS). A full copy of the application from can be seen at appendix B.

2. Information required to take a decision

West Yorkshire Police have objected to both these applications.

The request to transfer the premises licence into Mr Mohamed Zada, the Applicant's name, is linked to selling non-duty paid tobacco products from this shop. A full copy of the Police objection can be found at appendix C along with evidence at appendix D.

Mr Mehdi Karmi (proposed DPS) was a full time employee at Wisla Store in 2014. While employed the premises was visited as part of a multi-agency enforcement plan where non-duty paid tobacco was found on the premises. Due to the links that Mr Karmi had to Wisla Store during this time, West Yorkshire Police feel Mr Karmi is not suitable to be a Designated Premise Supervisor. A full copy of the objection can be seen at appendix E along with evidence at appendix F.

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 6.9 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 6.10 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 adequacy and 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 for a variation 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 2.1 - 2.5 Crime and disorder

Paras 2.6 – 2.13 Public safety

Paras 2.14 – 2.20 Public nuisance

Paras 2.21 – 2.30 Protection of children from harm

4. Consultees and their opinions

West Yorkshire Police –Objections

3. Next steps

Not applicable

4. Officer recommendations and reasons

Members of the Committee are requested to determine the application

5. Cabinet portfolio holder's recommendations

Not applicable

6. Contact officer

Stephanie Mashiter, Licensing Officer, Licensing Service

Tel: 01484 221000

Email: Stephanie.Mashiter@kirklees.gov.uk

9. Background Papers and History of Decisions

Application form for transfer of premises licence– Appendix A

Application from to vary the designated premises supervisor – Appendix B

Objection from WYP for the transfer application – Appendix C

Evidence from WYP for the transfer application – Appendix D

Objection from WYP to vary the DPS application – Appendix E

Evidence from WYP to vary the DPS application – Appendix F

10. Assistant Director responsible

Joanne Bartholomew, Service Director – Commercial, Regulatory and Operational Services

Tel: 01484 221000

Email: joanne.bartholomew@kirklees.gov.uk

£23.00 CARD
NO 1404
14/12/17

£23.00
TRANSFER,
14/12/17.



Application to transfer premises licence to be granted 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/we MOHAMED ALI ZADA
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number PRCA) 1613.

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description <u>27 John William St</u>	
Post town <u>Huddersfield</u>	Post code <u>HDI 1BL</u>
Telephone number at premises (if any)	

Please give a brief description of the premises (see note 1) off licence

Name of current premises licence holder
Mohammed Rashidzadeh

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

ZADA .

First names

MOHAMMED ALI

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises

16, Jade Place,
FARTOWN
HO2 1BE .

address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address
(optional)

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year

13	12	2017
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Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – 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

..... 14-12-17

Capacity

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **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 6)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the



Consent of premises licence holder to transfer

I/we MOHAMMED HOSSAIN RASHIDZADEH
[full name of premises licence holder(s)]

the premises licence holder of premises licence number PR (A) 1613
[insert premises licence number]

relating to

27 JOHN WILLIAM STREET, HUDDERSFIELD, HD1 1BL
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

PR (A) 1613
[insert premises licence number]

to

MOHAMMAD ALI ZADA
[full name of transferee].

signed _____
name
(please print) Mohammed Rashidzadeh
dated 14.12.2017

Application to vary a premises licence to specify an individual as designated premises supervisor 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

Mr Mohammed Ali ZADA Being the premises licence holder, apply
(full name(s) of premise licence holder)
to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

PR(A)1613.

Part 1 – Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description 27, Jotham St Hudders.	
Post town	Post code HO1 1BL.
Telephone number (if any)	

Description of premises (please read guidance note 1)

OFF LICENCE.

Part 2

Full name of proposed designated premises supervisor
mehdi KARMI mehdi Karimi

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
KMCA 3403.

Full name of existing designated premises supervisor (if any)
—

Please tick ✓ yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it
LICENSE PRODUCED FOR recent transfer.

Please tick ✓ yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed Premises supervisor
- I have enclosed the premises licence, or the relevant part of it or explanation
- I will give a copy of this form to the existing premises supervisor, if any
- 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

Handwritten signatures and marks at the bottom of the page.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 3).

If signing on behalf of the applicant please state in what capacity

Signature

.....

Date

20.12.17

Capacity

.....

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or authorised agent (please read 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 address for correspondence associated with this application (please read guidance note 5)

.....

Post town

Post code

Telephone number (if any)

If you would prefer us to correspond with you by email your email address (optional)

Guidance notes

1. Describe the premises. For example the type of premises it is
2. The application form must be signed
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application

Part A - Consent of individual to being specified as premises supervisor

I Mehdi Karmi
 [full name of prospective premises supervisor] of

INTERNATIONAL EXPRESS
27, JOHN WILLIAM ST.
HUDDESFIELD HO1 1RL.
 [home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor
 in relation to the application for PREMISES LICENCE. PRA) 1613 - JAGY OPS.
 [type of application]

by MR. MOHAMMAD ALI ZADA
 [name of applicant]

relating to a premises licence PRA) 1613.
 [name of existing licence, if any]

for INTERNATIONAL EXPRESS.
27, JOHN WIM ST. HUDS.
 [name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

 [insert name of applicant]

concerning the supply of alcohol at

INTERNATIONAL EXPRESS
 [name and address of premises to which the application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence,
 details of which I set out below.

Personal licence number KMCPL 3403. [insert personal licence number, if any]

Personal licence issuing authority KIRKLESS COUNCIL.

 [insert name and address and telephone number of personal licence issuing authority, if any]

Signed: _____

Name (please print): Mehdi Karmi

Dated: 20/12/17.



West Yorkshire Police.
Licensing Dept.
Flint Street.
Huddersfield.

27/12/2017.

Objection to Premises licence transfer.

Dear Licensing.

We wish to make a formal objection to the transfer of the premises Licence for International Express, 27 John William Street, Huddersfield. HD1 1BL.

The reason we wish to object is that the applicant, Mr Mohammed Zada, 01/01/1987 is linked to selling none duty paid tobacco products from the shop. This is impacting on both the public safety licensing objective, as well as crime and disorder objective. It is also a straight forward criminal act of evasion duty.

Mr Zada has been involved in running the shop since May 2017, during that time a number of incidents involving none duty paid cigarettes have been witnessed by West Yorkshire police, culminating in a joint operation between West Yorkshire Police and trading standards, with assistance from Kirklees licensing dept.

Application was made to remove the old DPS from the shop on the 18/12/2017.

On the 19th /12th /2017 the joint visit was carried out where a vast amount of none duty paid cigarettes were discovered in the shop. They were hidden in a closed compartment by the rear door that was opened by a trip switch. The shop assistant opened the compartment when requested to do so by trading standards officers. The exact amount will be forwarded to myself from trading standards as they seized them, but it was around 2 large bin bags full. On the 20/12/17 (the day after) a further visit was carried out where another cache was discovered behind a mirror. Again the exact amount will be disclosed by trading standards, however it was in the region of between 400 to 600 cigarettes.

Due to the actions of the persons working in the shop we feel we cannot allow Mr Zada to be premises licence holder and so wish to object to the transfer.

Richard Woodhead, West Yorkshire Police Licensing Officer.

BUILDING CONTROL
& LICENSING SERVICE
RECEIVED

27 DEC 2017

RESTRICTED

Objection to Mohammed Zada taking on the Premise Licence for International Express

Intelligence had been received that a number of town centre shops were selling counterfeit and none duty paid tobacco products with Huddersfield town centre. One of the shops was International Express, on 27 John William Street, A joint operation was put into place where the illegal products were found to be hidden and secreted in the shop.

What I need to demonstrate to you is that the Mr Zada at the time was complicit in the sales, and the shop was and still is a place of distribution for illegal, none duty paid products.

Mr Zada put an application in to the local authority to become the premise licence holder on the 18th Dec 2017, the day before the visit was made.

However Mr Zada has worked in the shop since it was granted a licence and the evidence I submit today will clear up and doubt that Mr Zada is not just a new shop owner who inherited the illegal stock.

I can confirm that Mr Zada has been arrested 4 times from within the shop from the 28th April 2017 to Dec 2017.

2 arrests for assault, and two for public order offences while working in the shop.

The dates of the arrests are:

28th April 2017 Assault

23rd June 2017 Public Order Offence

29th June Public Order Offence.

2nd Sept 2017 Assault

West Yorkshire police also have an intelligence report from the 4th June 2017 naming Mr Zada as selling illegal cigarettes from International Express.

Since 13th April 2016 the shop has had six assaults and three public order offences committed within the premises.

Because of the strong possibility that the International Express shop was selling illegal products town centre officers started to observe the shop and the sales made from within the licensed area.

On the 29th Nov PC Nicholls observed a sale made to a customer, of illegal cigarettes, the customer made a statement to PC Nicholls that they had definitely bought the cigarettes from the shop.

Further sales were witnessed by PC Nichols on the 30th Nov, and on the 7th Dec 2017. Statements were taken from the customers stating the shop had sold the illegal cigarettes.

Because of these incidents a joint operation was set up between West Yorkshire

RESTRICTED

Trading Standards, West Yorkshire Police and Kirklees Licensing Department.
On the 18th Dec a test purchase was made by a plain clothes trading standards officer where a packet of none duty paid cigarettes were bought.
On the 19th Dec 2017 the shop was visited by the joint operation team, where the following products were found to be secreted in a false panel above the back door exit of the shop.

316 packets of counterfeit and none duty paid cigarettes, with an approximate retail value of £3060.

Also 145 pouches of counterfeit tobacco, 50grams with a retail value of £1404.

The shop assistant who was in the shop at the time stated he had only been working for one day, and Mr Zada was in overall control.

On the day after, the 20th Dec 2017, a second visit was carried out to the same shop, where a further stash was discovered behind a mirror, to open this cache you needed to trip an electronic switch.

Within the alcove was discovered 37 packets of counterfeit cigarettes and 12 pouches of tobacco, with a combined retail value of £602.

Mr Zada has a complete disregard to UK law, and is willing to put the people of Huddersfield's health at risk by selling counterfeit and none duty paid tobacco products. He is also defrauding the UK government of much needed revenue by not paying excise duty on the tobacco. This is why we have objected to this application.

The guidance on section 144 of the licensing act, keeping smuggled good on licence premises states that this is a serious offence.

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

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



West Yorkshire Police.
Licensing Dept.
Flint Street.
Huddersfield.

04/01/2017.

Objection to D.P.S. Change .

Dear Licensing.

We wish to make a formal objection to the transfer of the D.P.S for International Express, 27 John William Street, Huddersfield.

The proposed DPS is Mr Mehdi Karimi, a Kirklees personal licence holder.

Mr Karimi was granted his personal licence 29/07/2012 and was a full time employee of Wisla Store in 2014. On the 30/10/2014 a multi-agency visit was carried out to the Wisla Stores where none duty paid cigarettes were found at the premises.

The premise licence holder, Mohammed Zada made the application for change of DPS on the 20th Dec 2017. The day before, the 19th Dec 2017 a substantial amount of counterfeit and none duty paid tobacco products were found at the International Express Shop.

Also on the date of the 20th Dec 2017 a return visit was made by myself and trading standards officers where a further 37 packs of none duty paid cigarettes along with 12 pouches of illegal tobacco products.

Also seized were 112 bottles of Smirnoff vodka, which could not be proved by the owner that it was meant for retail sale in the U.K.

Due to the actions of the premises licence holder, and the proposed DPS having strong links to the Wisla store where counterfeit tobacco products were found, we are objecting to this transfer.

Richard Woodhead, West Yorkshire Police Licensing Officer.

RESTRICTED

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

Objection to Mehdi Karimi Becoming DPS for International Express

Intelligence had been received that a number of town centre shops were selling counterfeit and none duty paid tobacco products with Huddersfield town centre. One of the shops was International Express, on 27 John William Street, A joint operation was put into place where the illegal products were found to be hidden and secreted in the shop.

An application to transfer the DPS was received on the 20th Dec 2017 into the name of Mehdi Karimi, Kirklees personal licence holder (KMCPL3403)

On the day after, the 20th Dec 2017, a visit was carried out to the shop, where a large amount of illegal tobacco products were discovered behind a mirror, to open this cache you needed to trip an electronic switch.

Within the alcove was discovered 37 packets of counterfeit cigarettes and 12 pouches of tobacco, with a combined retail value of £602.

Mr Karimi was DPS at the shop the time the cigarettes and tobacco were discovered. The premise licence holder Mr Mohammed Zada put the application in to transfer the DPS, Mr Zada has been linked to the sale of none duty paid goods from International Express, and we feel that has over all day to day control, and that Mr Karimi would be DPS in name only, and not have control over the alcohol sales.

The guidance on section 144 of the licensing act, keeping smuggled good on licence premises states that this is a serious offence.

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

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