

Name of meeting: Licensing Panel

Date: Thursday 25 January 2018, at 14:15 Meeting Room 3, Huddersfield Town Hall, Ramsden Street, Huddersfield

Title of report: Objection to vary a premises to specify an individual as designated premises supervisor under Section 37 of the Licensing Act 2003 at Ryan's Newsagents, 13 Kirkgate, Huddersfield, HD1 1QS.

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 28 December 2017 an application to vary a premises licence to specify an individual as designated premises supervisor was received for the above premises PR(A)1628, Ryan's Newsagents, 13 Kirkgate, Huddersfield, HD1 1QS. The application is in the name of Raikan Hiwa appointing a Mr Mohammed Rashidzadeh as the Designated Premise Supervisor (DPS). A full copy of the application form along with the signed consent form can be seen at appendix A.

2. Information required to take a decision

West Yorkshire Police have objected to this application. Mr Mohammed Rashidzadeh used to be the DPS at International Express. This premises was targeted as part of a joint operation with Trading Standards and the Police, where a large amount of Counterfeit and non-duty paid tobacco was found hidden in various locations. Due to this, West Yorkshire Police feel that Mr Rashidzadeh is not suitable to be a

Designated Premises Supervisor if this is what goes on while he is named as the DPS. A full copy of the objection can be seen at appendix B.

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 – Appendix A
Police objection – Appendix B
Police evidence – Appendix C

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
R004644
28.12.17

Kirklees Council, Licensing Department
Flint Street Depot, Flint Street, Fartown, Huddersfield, HD1 6LG

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

I/We RAIKAN NEWSAGENT RAIKAN HIWA 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

PRCA1628

Part 1 – Premises details

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

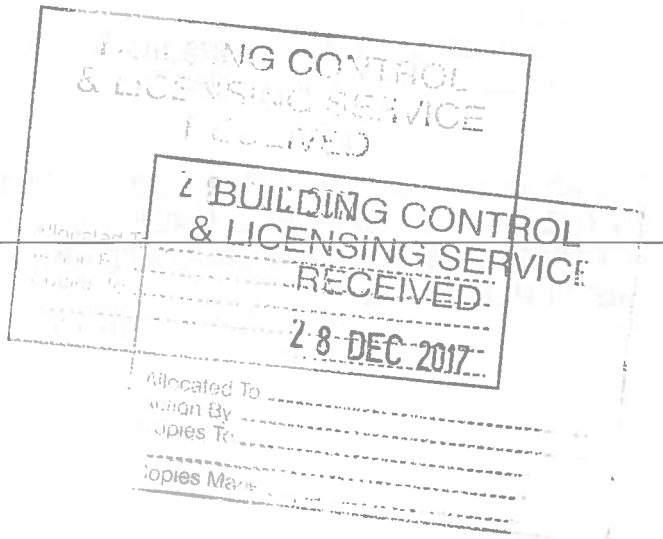
13 KirkGate HD1 1QS

Post town HUDDERSFIELD Post code HD1 1QS

Telephone number (if any)

Description of premises (please read guidance note 1)

News agent



Part 2

Full name of proposed designated premises supervisor

Mohammed Rashidzadeh

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

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

ACHTT

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

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

.....

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

Mohammed Rashidzadh
 [full name of prospective premises supervisor] of

~~10 New Lath Close~~ 10 NEW LATH CLOSE
 [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 RYAN'S NEWSAGENT [type of application].

by RAIKAN HIWA RYAN'S NEWSAGENT
 [name of applicant]

relating to a premises licence PR(A)1628
 [name of existing licence, if any]

for RYAN'S NEWSAGENT

[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

RYAN'S NEWSAGENT RAIKAN HIWA
 [insert name of applicant]

concerning the supply of alcohol at

Above.
 [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 KMC PL4509 [insert personal licence number, if any]

Personal licence issuing authority Kirklees Council

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

Signature: 

Name (please print): Mohammed Rashidzadh

Dated: 28/12/2017



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

03/01/2017.

Objection to D.P.S. Change .

Dear Licensing.

We wish to make a formal objection to the transfer of the D.P.S for Ryan's Newsagent 13 Kirkgate Huddersfield. Licence number PR(A)1628. The application was made on 28th Dec 2017.

The person who wishes to take up the position of D.P.S. IS Mr Mohammed RASHIDZADEH, a Kirklees personal licence holder.

Mr Rashidzadeh was the D.P.S at International Express up until the 18th Dec 2017.

International Express was the target of a joint operation with trading standards on the 19th Dec 2017, the day after he resigned, where a large amount of Counterfeit and none duty paid tobacco products were discovered in various hidden locations within the shop over 7000 cigarettes and 700 grams of hand rolling tobacco which was counterfeit..

The reason the operation had been put into place was due to the fact on previous occasions the sales of none duty paid tobacco products had been witnessed.

The licence was granted 28th /12/2016, to Mr Rashidzadeh, and also became DPS from that day, so was in day to day control of the building and the business.

On the 22nd July 2017 Trading Standards carried out a test purchase where 200 none duty paid cigarettes were found, along with 200 grams of rolling tobacco.

On the 29th Nov 2017 PC Nichols of West Yorkshire Police witnessed a sale made of none duty paid cigarettes.

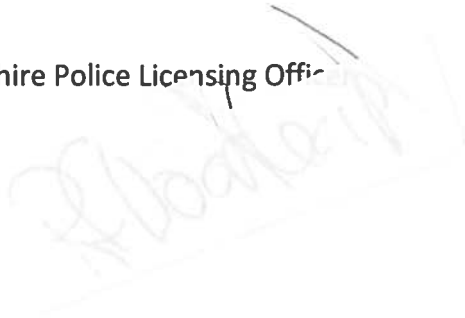
On the 7th Dec 2017 Pc Nichols again witnessed a sale of none duty paid cigarettes from the shop.

On the 18th Dec 2017 a plain closed trading standards officer made a purchase of none duty paid tobacco products. On the 18th Dec 2017 Mr Rashidzadeh resigned as DPS from International express.

On the 19th the joint operation was put into effect where the 7000 cigarettes and the hand rolling tobacco was discovered.

I feel that Mr Rashidzadh is complicit in the sales of illegal, none duty paid products, and if he takes over the responsibility of being D.P.S. of 13 Kirkgate, that shop too will become another outlet for illegal activities.

Richard Woodhead, West Yorkshire Police Licensing Officer

A handwritten signature in blue ink, appearing to read 'R Woodhead', is written over a faint horizontal line. The signature is slanted and includes a vertical stroke at the end.

RESTRICTED

Objection to Mr Mohammed Rashidzadeh Becoming D.P.S. for Ryans Store, 13 Kirkgate Huddersfield

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, at the time the intelligence was received, Mr Rashidzadeh was the DPS for this shop. 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 d.p.s. 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.

West Yorkshire police also have an intelligence report from the 4th June 2017 stating that illegal cigarettes from International Express were been sold from this shop..

Since 13th April 2016 the shop has had six assaults and three public order offences committed within the premises while Mr Rashidzadeh was the DPS and in day to day control.

In July 2017 trading standards attended the shop where 10 packets of none duty paid cigarettes were found.

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 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 18th Dec 20196 Mr Rashidzadeh contacted the licensing office want to resign as DPS of the International Express.

RESTRICTED

Mr Rashdzadeh 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. If he is given the opportunity to run another shop in the town centre, and become responsible for the day to day control of that shop he will carry on with the sale of illegal goods. He has also been 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: