

Report



Licensing Sub-Committee

Part 1

Date: 25 April 2017

Item No: 04

Subject Licensing Act 2003: Application for the review of Premises Licence at Eastern European Food 155 Commercial Road, Newport NP20 2PJ.

Purpose The consideration and decision in respect of a Review application under Licensing Act 2003

Author Senior Licensing Officer, William Stephen Lewis

Ward As indicated in the report

Summary The Licensing Committee have statutory and delegated powers to take decisions in relation to licensing applications. The Licensing Committee will make the decision on the application made pursuant to the relevant legislation under which the application has been made.

Proposal To make a decision on the application as detailed within this report.

Contact Senior Licensing Officer

Action by Head of Law and Regulation

Timetable Statutory Consultation Period

Signed

Introduction

This review of the Premises Licence was scheduled to be heard by Newport Licensing Sub-Committee on Tuesday 04th April 2017. The report was published and served on all parties. Mr Feryad Abdul Kadir contacted the Licensing Department to indicate that he was going to be in Kurdistan between 29th March and 19th April 2017, he produced copies of the airline booking and as a consequence the hearing was adjourned.

Additionally, on 28th March 2017, two weeks after the end of the consultation period in respect of the review application which ended on 14th March 2017, information was received by the Licensing Authority from Newport Police Licensing Officer, PC Andrew Lewis who had on that day been advised of details of an investigation conducted by Police concerning Feryad Abdul Kadir. On 30th March 2017 Heddle Gwent Police served on the Licensing Authority a representation together with supporting evidence. This representation although served after the end of the consultation period was accepted as it was 'new' information concerning Mr Kadir and the premises.

As a result of the adjournment and the submission of new information by Heddle Gwent Police a letter (shown at Appendix 7) together with the Police Representation and supporting evidence was personally served on Mr Feryad Abdul Kadir by an officer of Newport City Council Licensing Authority on Monday 03rd April 2017 by leaving it at the premises with Mr Abubakir Rasul who was in charge during Mr Kadirs absence.

1. Application (presented as follows)

- 1.1 On 14th February 2017 an application under Section 51 of the Licensing Act 2003 was served on the Licensing Authority by Ruth Harris the Principal Trading Standards Officer of Newport City Council, a 'Responsible Authority' under the 'Act' to review the Premises Licence issued in respect of Eastern European Food 155 Commercial Road, Newport NP20 2PJ. (Location and street images included at Appendix 1).
- 1.2 A copy of the application (included at Appendix 2) details that the review has been requested as a consequence of the undermining of the Licensing Objective of 'the prevention of crime and disorder'. The review application provides detail of criminal activity at the premises associated with the sale of illegal tobacco and the prosecution and conviction of persons connected to the premises.
- 1.3 Particular reference is given to the existing Premises Licence reference number 14/02733/LAPVPT (included at Appendix 5) held by Maleek (Npt) Ltd where 'Companies House' detail that Feryad Abdul Kadir is a Director of the company. He is also detailed on the Premises Licence as the Designated Premises Supervisor (authorised to sell alcohol). Mr Kadir was sentenced to serve a 20 month in prison (suspended) for two years.
- 1.4 It is also relevant within the context of this application for review that another of the defendants was Mr Tahar Mohammed who was the holder of the Premises Licence and the Designated Premises Supervisor between October 2010 and December 2013. Tahar Mohammed was sentenced to serve 3 years imprisonment.
- 1.5 In accordance with the provisions of section 51(3)(a) of the Licensing Act 2003 a copy of the Review Application was served on all of the Responsible Authorities defined under the Licensing Act and an officer of Newport City Council Licensing Authority attended at the premises on 14th February 2017 and served a copy of the Review Application on a responsible person working at the premises. At the same time a blue notice (copy included at Appendix 3) advertising the application to review the Premises Licence was displayed in the window of the premises thereby

inviting representations to be made by interested parties during the consultation period of the application which terminated on 14th March 2017.

- 1.6 In accordance with statutory provisions of the Licensing Act 2003 the application for review was also published on Newport City Council website and a review notice was displayed in the reception at the Information Station.

2. Premises Licence History

- 2.1 A Premises Licence under the Licensing Act 2003 was granted on 27th August 2008, this licence authorised the sale for alcohol 'off the premises' between the hours of 0900 and 2300 on each day of the week.
- 2.2 On 11th October 2010 the Premises Licence was transferred to Mr Tahir Mohammed who at the same time specified himself as the Designated Premises Supervisor.
- 2.3 On 07th August 2013 Newport Trading Standards applied for a review of the Premises Licence as a consequence unlawful sale of alcohol to underage persons.
- 2.4 Tahir Mohammed appeared at a review hearing before Newport City Council Licensing Sub-Committee on 26th September 2013. The Sub-Committee determined that the Premises Licence Holder had failed in his obligations of promoting the Licensing Objectives and attached conditions to the Premises Licence which directly addressed measures to attend to prevention of sales of alcohol to underage persons.
- 2.5 On 06th December 2013 the Premises Licence was subject of a further transfer to Choman Anwar Omar who was also specified as the Designated Premises Supervisor.
- 2.6 On 19th December 2014 the Premises Licence was subject of a further transfer to Maleek(Npt)Ltd where Feryad Abdul Kadir was specified as the Designated Premises Supervisor, this is the current Premises Licence.

3. Promotion of the Licensing Objectives.

The Licensing Objectives which underpin the Licensing Act 2003 are achieved by the compliance with:

- the 'mandatory conditions' of a Premises Licence,
- conditions attached to the operating schedule shown in Part A of a Premises Licence
- the statutory requirements of the Licensing Act 2003.

4. Presentation of the application by Responsible Authority

The application for this review was requested by Trading Standards and an officer will present to the Licensing Sub-Committee details of the investigation and outcome contained within the application (included at Appendix 2) of this report.

5. Representations from Responsible Authorities to the application for review.

Representation of Licensing Authority

- 5.1 The application by Trading Standards has attracted a representation (included at Appendix 4) from Mr Alastair Dearling the Principal Licensing Officer of Newport City Council exercising his

power as a 'responsible authority' under the provisions of The Police Reform and Social Responsibility Act 2011, supporting the application for the review of the Premises Licence.

Representation from Heddlu Gwent Police.

5.2 Heddlu Gwent Police served a representation on the Licensing Authority on 30th March 2017 (included at Appendix 5 of this report) relating to a breach of licence conditions and a course of conduct that they assert undermine the Licensing Objectives.

6. Policy Considerations regarding a review of a Premises Licence

Section 33 of Newport City Councils Statement of Licensing Policy as regards this application includes:

The Licensing Authority can only review a licence where it is alleged by a "responsible authority", or other person that the licensing objectives are being breached. Responsible authorities will aim to give licence holders early warning of any concerns identified at the premises. Only Responsible Authorities or other local persons (e.g. local residents, local organisations and councillors) can apply for the review of a licence. At any subsequent hearing, the Sub-Committee will consider evidence and make a determination. It views particularly seriously applications for the review of any premises licence which involves the:

- use of licensed premises for the sale and distribution of controlled drugs and the laundering of the proceeds of drugs crimes;
- use of licensed premises for the sale and distribution of illegal firearms;
- evasion of copyright in respect of pirated films and music;
- underage purchase and consumption of alcohol;
- use of licensed premises for prostitution or the sale of unlawful pornography;
- use of licensed premises for unlawful gaming;
- **use of licensed premises as a base for organised criminal activity;**
- use of licensed premises for the organisation of racist, homophobic or sexual abuse or attacks;
- **use of licensed premises for the sale of smuggled tobacco or goods;**
- use of licensed premises for the storage or sale of stolen goods;
- the police being frequently called to attend to incidents of disorder;
- prolonged and/or repeated instances of public nuisance;
- serious risk to public safety have been identified and the management is unable or unwilling to correct;
- serious risk to children.

The Licensing Sub-Committee will consider all evidence provided at the hearing and apply appropriate weight to that evidence when making its decision. It will consider all sanctions at its disposal by virtue of the Act and guidance, including taking no action, if appropriate. In cases where a licensing objective is seriously undermined, the revocation of the licence, even in the first instance, will be considered where appropriate to ensure the licensing objectives are promoted.

7. Legal Considerations

The decision must be taken following consideration of the representations received with a view to promoting the licensing objectives which are:

- Prevention of crime and disorder
- Public Safety
- Prevention of Public Nuisance

- Protection of Children from Harm

In each case the Sub-Committee may make the following determination

- a. To refuse the application (in which case there shall be no action taken in respect of the Premises Licence), **OR**
- b. To grant the application and make what changes the sub-committee consider necessary in the promotion of the Licensing Objectives such as:
 - Attaching new conditions or amending existing conditions
 - Amending the times during which licensable activity is authorised.
 - Remove the Designated Premises Supervisor
 - Suspension of the Premises Licence for a period not exceeding 3 months
 - Revocation of the Premises Licence

All decisions taken by the Sub-Committee must

- a. be within the legal powers of the Council and its Committees;
- b. comply with any procedural requirement imposed by law;
- c. be undertaken in accordance with the procedural requirements imposed by the Council eg. standing orders and financial regulations;
- d. be fully and properly informed;
- e. be properly motivated;
- f. be taken having regard to the Council's fiduciary duty to its taxpayers; and
- g. be reasonable and proper in all the circumstances.

8. Issues for discussion

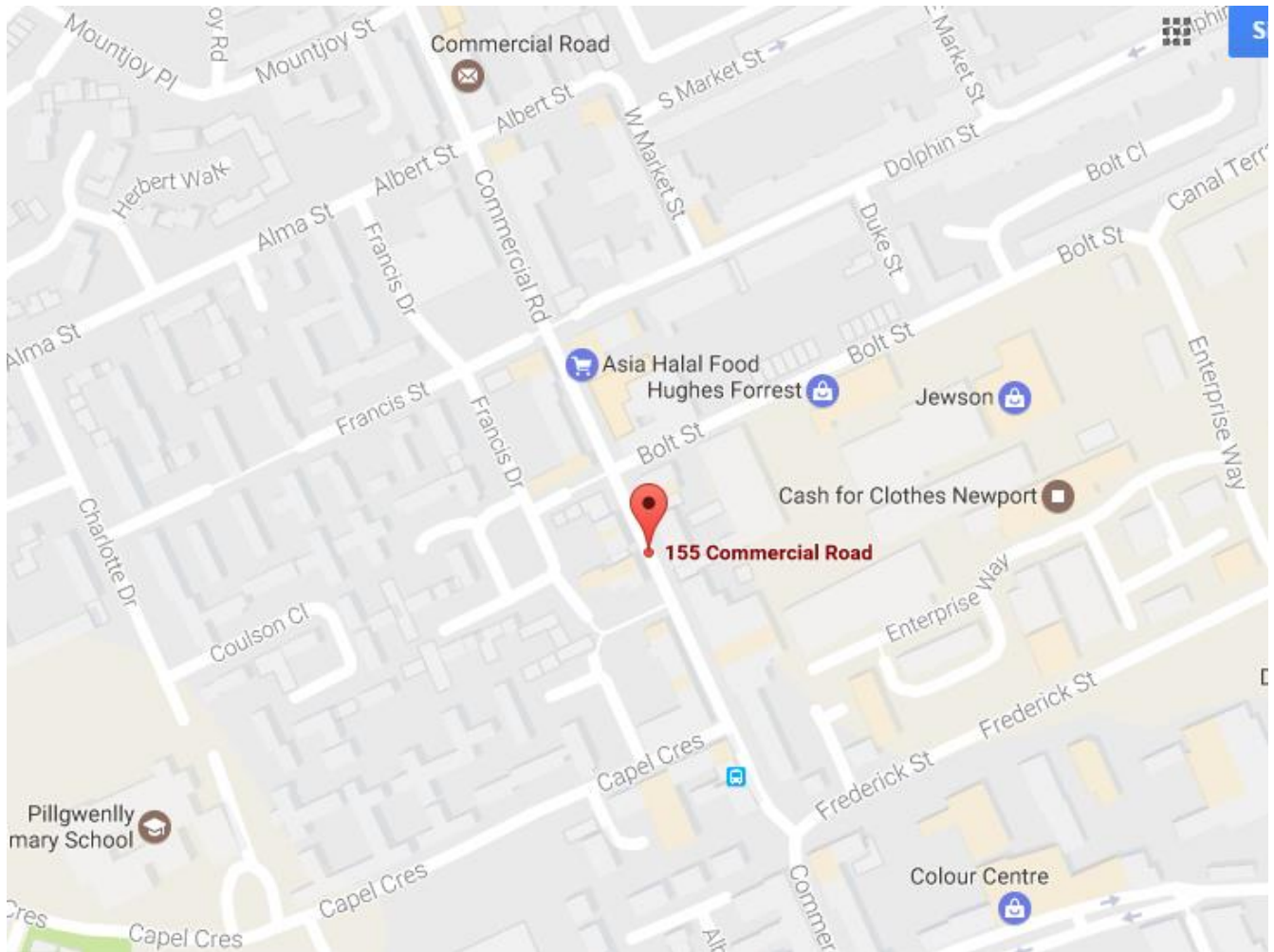
- a. The review application by NCC Trading Standards.
- b. The representation served by NNC Licensing Authority
- c. The response by the holder of the Premises Licence to the application.
- d. Any other evidence or matters presented by all parties and any mitigating circumstances.

9. Appendices

1. Street map and images (courtesy of Google Maps)
2. Application by Newport City Council Trading Standards for the review of a premises licence under the Licensing Act 2003
3. Copy of Blue Notice advertisement of review
4. Representation from Newport City Council Licensing Authority
5. Representation from Heddlu Gwent Police
6. Copy of Part A of the existing Premises Licence
7. Copy of Letter served on at premises 03/04/17

Appendix 1

Street map and images (courtesy of Google Maps)





Appendix 2

Application for the review of a premises licence under the Licensing Act 2003

**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 Ruth Harris

(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

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

Maleek (NPT) Ltd trading as Eastern European Food
155 Commercial Road

Post town Newport

Post code (if known) NP20 2PJ

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

Feryad Mohammed Abdul-Kadir

Number of premises licence or club premises certificate (if known)

14/02733/LAPVPT

Part 2 - Applicant details

I am

Please tick yes

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)



(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ruth Harris Principal Trading Standards Officer Newport City Council Civic Centre Newport South Wales NP20 4UR
Telephone number (if any) 01633 656656
E-mail address (optional) trading_standards@newport.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 1)

Maleek (NPT) Ltd t/a Eastern European Foods of 155 Commercial Road, Newport, NP20 2PJ has been identified as a shop in Newport where illegal and smuggled cigarettes and tobacco products have been available for sale.

In one of the largest Trading Standards investigations in Wales of its kind, Newport Trading Standards have successfully proved that Feryad Mohammed Abdul-Kadir, sole director and designated premises supervisor for Maleek (NPT) Ltd used his business as an outlet for the sale of illegal tobacco.

Furthermore, Abdul-Kadir actively took part in the criminal act of supplying illegal tobacco himself.

The grounds for the review are therefore based on failures of the licencing objectives; the prevention of crime and disorder.

In June 2013 the Home Office published "Amended Guidance Issued under Section 182 of the Licensing Act 2003". In the section "Reviews arising in connection with crime"; at paragraph 11.27 it states that there "is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises....for the sale of smuggled tobacco and alcohol".

Paragraph 11.28 directs licensing authorities and law enforcement agencies acting as responsible authorities to use review procedures effectively to deter such crime and where "reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further

crime, it is expected that revocation of the licence – even if the first instance – should be seriously considered".

In light of the above the Trading Standards Section feels that revocation of the licence is considered as a potential outcome to the review.

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

On 21 April 2015 officers from Newport Trading Standards discovered 225,820 illegal cigarettes and 112.4 kg of illegal hand-rolling tobacco in a self-storage unit in Newport. Evidence showed the unit was being rented and controlled by Tahar Mohammed, a previous owner of International Food Market, 155 Commercial Road, Newport, NP20 2PJ. At the time of the visit the last known director of International Food Market, Choman Omar, was currently serving a custodial sentence following a successful prosecution by Newport Trading Standards in 2014 for possessing and supplying illegal tobacco from the shop.

On the same day officers visited the new business at 155 Commercial Road, namely Maleek (NPT) Ltd trading as Eastern European Foodstore which had been operating since December 2014. During the visit empty boxes identical to those found to contain illegal tobacco at the storage unit were found in the stock room and on the shop floor. The director of the company, Feryad Mohammed Abdul-Kadir denied knowing Tahar Mohammed however, when officers examined his mobile phone, he had made and received calls from Tahar Mohammed several times throughout that day.

On 10 June 2015 officers from Newport Trading Standards executed a warrant of entry 31 Hawthorne Close, Pucklechurch, the home of Tahar Mohammed. On this occasion 508,020 illegal cigarettes and 194.8 kg of illegal hand-rolling tobacco was found in the garage associated with the premises and a vehicle which was parked immediately in front of the garage. In addition, links to the business based at 155 Commercial Road in Newport were found and over £40,000 in cash was discovered under Mohammed's bed.

On 15 September 2015 officers from Newport Trading Standards executed a warrant on the residential flat situated immediately above the shop at 155 Commercial Road. When floorboards were removed in the corner of one of the rooms a chute was found which connected directly down into the stock room of the shop below. Next to the chute was a baby monitor. On this occasion 13,308 illegal cigarettes and 8 kg of illegal hand-rolling tobacco was discovered in the wardrobe of the room where the chute was situated.

The owner and landlord of the flat was Tahar Mohammed; the occupant of the flat was Richard Jendrejczak, an employee of Maleek (NPT) Ltd trading as Eastern European Foods.

On 13 May 2015; 21 July 2015; and 23 July 2015 illegal tobacco was purchased from Maleek (NPT) Ltd trading as Eastern European Foods at 155 Commercial Road, Newport. On each occasion a video recording was made of the sale taking place; Feryad Mohammed Abdul-Kadir made one of these sales and Burham Karim made 2 sales.

Overall the investigation revealed a total of 747,148 illegal cigarettes and 315.8 kg of illegal hand rolling tobacco. The estimated retail price of this tobacco if it was genuine would be £427,251.92. The amount of excise duty and VAT which has been evaded has been calculated to be £308,986.82.

On 9 December 2016, Feryad Mohammed Abdul-Kadir, Richard Jendrejczak & Burham Karim were sentenced for their part in participating in a fraudulent business, namely the supply, and possession for supply, of illegally labelled and/or imported tobacco products, contrary to Section 9 of the Fraud Act 2006;

Feryad Mohammed Abdul-Kadir was sentenced to 20 months in custody (suspended for 24 months), 250 hours unpaid work, 8 days rehabilitation activity, £100 victim surcharge and £1000 towards prosecution costs;

Burham Karim was sentenced to 12 in custody (suspended for 24 months), 200 hours unpaid work, £100 victim surcharge and £1000 towards prosecution costs; and

Richard Jendrejcek was sentenced to 8 months in custody (suspended for 24 months), 200 hours unpaid work, 30 days rehabilitation activity, £100 victim surcharge and £1000 towards prosecution costs.

On 25 January 2017, Tahar Mohammed was sentenced to 3 years imprisonment.

When passing sentence HHJ David Wynn Morgan, stated that this was a lucrative business; he emphasised he was passing sentence on the evidence which the prosecution had proved however he acknowledged that this was significantly less than the amount of actual business which had taken place (i.e. the amount of tobacco and duty evaded figures which had been taken into account were based on the tobacco found "in stock" but, in reality, the criminal benefit from the actual sales was bound to be far higher).

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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

Please tick yes

- 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 R. Harris

Date 14 February 2017

Capacity Principal Trading Standards officer

Contact name (where not previously given) and postal 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 using an e-mail address 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.

Appendix 3

Copy of Blue Notice to advertise the application for review

LICENSING ACT 2003 - SECTION 51

NOTICE OF APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

The Licensing Authority of Newport City Council, Information Station, Old Station Building, Queensway, Newport, NP20 4AX

HEREBY GIVE NOTICE THAT on 15 /2/ 2017 an application under section 51 of the Licensing Act 2003 was received by Newport City Council, Licensing Authority, to review the Premises Licence in respect of

**International Food Market Maleek (NPT) LTD
155 Commercial Road, Newport, Np20 2PJ.**

This application has been served by Newport City Council Trading Standards Department on the grounds that the licensing objectives of,(a) the prevention of crime and disorder, are being undermined.

(Due to supply of illegal tobacco)

Any of the responsible authorities under the Licensing act 2003 or any other person who wishes to make representation in respect of this review may do so in writing to:

**The Licensing Section, Newport City Council, PO BOX 883, Civic Centre, Newport, NP20 4UR,
or by email to:
environment.licensing@newport.gov.uk**

**Representations in writing should be received before midnight on
15 March 2017**

The full application may be viewed at, Information Station, Old Station Building, Queensway, Newport, NP20 4AX between the hours of 8.30 am and 5.00 pm Monday to Friday.

Under section 158 of the Licensing Act 2003, it is an offence to knowingly or recklessly make a false statement in connection with an application. The maximum fine for which a person is liable of conviction is up to £5,000 (level 5 on the standard scale).

Appendix 4

Copy of representation from Licensing Authority supporting the application for review.

Newport City Councils Licensing Authority

RELEVANT REPRESENTATIONS

Application for the review of Premises Licence
Licensing Act 2003

Representations by Newport City Council Licensing Authority (acting as a responsible authority) to be made within 28 Days of receipt of the a premises licence review.

Date representations sent to Licensing Authority: 1/3/2017

Name of authority: Newport City Council Licensing (acting as a responsible authority)

Premises Name and Address:

Maleek (NPT) Ltd trading as Eastern European Food, 155 Commercial Road, Newport, NP20 2PJ.

Applicant Address: As above

Under the provisions of The Police Reform and Social Responsibility Act 2011, which allows Licensing Authorities to engage in the role as a responsible authority under the Licensing Act 2003 Newport City Council Licensing Authority wish to make representation in support of the application for review made by Newport City Council Trading Standards in respect of a Premises Licence issued to Maleek (Npt) Ltd at 155 Commercial Road, Newport.

The application has been made as a consequence of the criminal activity as advised by Trading Standards and previous matters pertaining to Licensing Enforcement activities undertaken by the Licensing Department that provide evidence of an undermining the Licensing Objectives of:

- Prevention of crime and disorder
- Public Safety

In June 2013 the Home Office Published "Amended Guidance issued Under Section 182 of the Licensing Act 2003. In the section "Reviews arising in connection with crime" at Paragraph 11.27 it states that there "is certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously. These are the use of licenced premises for the sale of smuggled tobacco and alcohol.

Paragraph 11.28 directs licensing authorities and law enforcement agencies acting as responsible authorities to use review procedures effectively to deter such a crime where "reviews arise and the Licensing authority determines that a crime prevention objectives is being undermined through the premises being used to further crime, it is expected that revocation of the licence-even if the first instance-should be seriously considered.

Virtually all illicit cigarettes failed fire safety tests conducted by trading standards officers in the first national study to consider the potentially deadly issue. The findings form part of the National Tobacco Control Survey, published by the Chartered Trading Standards Institute stipulated:

“During the tests 98 per cent of the samples failed to self-extinguish when left unattended posing an increased risk of furniture, bedding and even clothes catching fire. More than a third of fire deaths in homes were caused by smokers’ materials, but it is not known how many of these are caused by illicit cigarettes.

All cigarettes, legal or otherwise can have a significant impact on a person’s health, though counterfeits tobacco are not governed or controlled and may contain further products that can be further detrimental to a person’s health”

It clear from the Trading Standards conviction that the licence holder (who is also the Designated Premises Supervisor) is clearly not promoting the Licensing Objectives.

This was also apparent when Licensing Officers visited the premises on the 15 September 2015, A Licensing Act 2003 compliance check was undertaken at the premises and it was noted the premises was failing to comply with the following conditions attached to the premises licence operating schedule:

2SO01 CCTV cameras shall be installed and in place at the premises which record the entire premises.

2SO02 All CCTV cameras shall be operational at all times whilst the premises is trading. All recordings shall be kept for a minimum of 31 days and made available to an Authorised Officer on request.

And the following condition which was attached by Licensing Sub-Committee at a review hearing on 26th September 2013:

A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003. Staff members will not be permitted to serve alcohol until they have received the training.

Mr Feryad Mohammed Abdul-Kadir was informed it would be unlawful for him to sell alcohol unless he complied with all the conditions attached to the premises licence and the alcohol was also required to be “covered up”, this was also translated to Mr Abdul Kadir by member of staff.

On the 3rd October 2015 at 21:20 a test purchase was undertaken at the premises by Licensing Officer and was able to purchase a bottle of echo falls wine for £4.49. After the sale was made an inspection was undertaken at the premises to determine if the sale of alcohol was in compliance with premises conditions.

The DPS Mr Abdul-Kadir was not present at the shop and when the member of staff (who sold the wine) was questioned if he had received training, he stipulated he had not. He was also asked to demonstrate that the CCTV was working in accordance with the licence condition. He was unable to do so.

Licensing Officers returned to the premises on the 5th October 2015 and determined that CCTV was not working on the evening of the 3rd October 2015. Further visits took place on the 15th October 2015 and again it was evident that the CCTV was not working and that no staff training had taken place. The shop was revisited on the 19th October 2015 and the CCTV was still not working. It was not until the 26th October 2015 that the CCTV was demonstrated to be working.

It is clear that despite being warned by Officers not to sell alcohol until such time the premises complied with his premises conditions Mr Abdul-Kadir simply ignored this advice, demonstrating clear disregard to Licensing Laws.

The Licensing authority (acting as responsible authority) respectfully requests that the Licensing Committee considers the revocation of the premises licence. Though if this is not the case the committee to consider attaching the below conditions so as to promote the Licensing Objectives:

- CCTV will be installed inside and outside the premises. The cameras will cover all internal areas accessible to the public and any storage/stock rooms. The outside camera will cover the area immediately outside the premises. The date and time settings on the system must be correct at all times and the CCTV system must be capable of recording images to a suitable medium that allows replay. Recordings must be retained for a minimum of 31 days. All Staff shall be trained in the maintenance and operation of the CCTV system with a record kept of the date and name of person trained. A trained member of staff should be on duty to operate the system whenever the premises are open. Recordings shall be made available for inspection and copies provided to the police and other responsible authorities as reasonably requested.
- Whenever a Designated Premises Supervisor is not at the premises, another person (who is the holder of a Personal Licence) shall be nominated by the Designated Premises Supervisor as a Responsible Person. This information identifying the nominated person shall be displayed on a notice prominently displayed at the sales counter and that person must have the contact details of the designated premises supervisor.
- Clear notices shall be prominently displayed throughout the premises that provide the time during which alcohol can be sold is restricted to between 09:00 hours and 23:00 hours on any day.
- Alcohol shall not be displayed for sale between the hours of 23:00 and 09:00hrs on any day, by the use of shutters or blinds which shall cover all alcohol products displayed in the shop premises.
- A clear audit record of tobacco products acquired for the purpose of sale in the shop shall be kept for a minimum of 2 years. This audit record shall include the quantity and product details of tobacco bought, the person or company the tobacco was bought from and full invoice of the tobacco products acquired. These audit records shall be provided for immediate inspection by any Officer the Licensing Authority or any Responsible Authority.
- The Designated Premises Supervisor/Responsible Person or any other member of staff shall record details in an incident log of any person who enters the premises and attempts to sell or deliver illegal tobacco products and this must be reported to Newport City Councils Trading Standards or Newport City Council licensing team as soon as is practicable and in any case within 14 days of the occurrence.
- All staff should be trained in respect of the laws governing the trade of illegal tobacco and the consequences of the selling of illegal tobacco products. This training should be documented and approved by the Licensing Authority. All members of staff will be required to sign and date that they been trained and refresher training shall be given every 6 months.

Yours Sincerel ,

Alastair Dearling
Prif Swyddog Trwyddedu / Principal Licensing Officer

Y Gyfraith a Rheoleiddio / Law & Regulation
Cyngor Dinas Casnewydd / Newport City Council
01633656656 / 01633851328
Alastair.Dearling@newport.gov.uk

Appendix 5

Copy of representation and witness statement from Heddlu Gwent Police supporting the application for review.

HEDDLU GWENT POLICE

RELEVANT REPRESENTATIONS **PREMISES LICENCE /CLUB PREMISES CERTIFICATE or VARIATION OF THE ABOVE** **S.18 & 72 LICENSING ACT 2003**

Representations by the Police to be made within 28 Days of receipt of the application.

Date application received: **15th February 2017**

Date representations sent to Licensing Authority: **30th March 2017**

Date representations sent to applicant:

Name of authority: **Newport City Council**

Premises Name and Address: **International Food Market, 155 Commercial Road, Newport NP20 2PJ**

Applicant Name:

Applicant Address:

Representations made on the following grounds due to undermining of the following one or more of the Licensing Objectives.

- 1. The Prevention of Crime and Disorder**
- 2. Public Safety**
- 3. The Prevention of Public Nuisance**
- 4. The Protection of Children from Harm**

Gwent Police wish to make representations with regards to the review of 155 Commercial Road, Newport.

The representations are that the Designated Premise Supervisor of these premises has undermined the Licensing Objective of the Prevention of Crime and Disorder. These representations are evidenced in a statement produced by PC 257 Andrew Lewis.

OBJ 2.1

PC 257 Andrew Lewis
East Gwent Licensing Department

RESTRICTED (when complete)

WITNESS STATEMENT

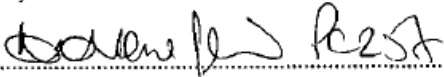
(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN

Statement of: Andrew Lewis.....

Age if under 18: Over 18..... (if over 18 insert 'over 18') Occupation: PC 257.....

This statement (consisting of page(s) 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 anything in it, which I know to be false, or do not believe to be true.

Signature:  PC257 Date 29/03/2017.....

Tick if witness evidence is visually recorded (supply witness details on rear)

I am Police Constable 257 Andrew Lewis of Heddlu Gwent Police and am currently employed in the role of Licensing Officer for The East Local Policing Unit. I have been a licensing officer since 2015 and my role covers all aspects of the late night economy from dealing with the administration of applications through to working with licensed premises to ensure they are operated in a compliant and safe manner.

I am aware that Newport Licensing Authority are in receipt of an application for a review of 155 Commercial Road, Newport, NP20 2PJ (International Food Market).

On Tuesday 28th March 2017 I was made aware of information which I believe is relevant to this review.

The information is as follows:

CID officers attended 155 Commercial Road, Newport on 9th December 2016 and requested that they be given access to the premises CCTV as they believed that there may have been footage on the system that would assist with their enquiries. This access was denied by Abubakir Rasul. Officers left their details so that they could be contacted as a matter of urgency. The officers were also given the details of the Designated Premises Supervisor Faryad Mohammed of 44 Beeches Road, Pontypool. Officers explained that they would return with a Magistrates Court Warrant to seize the CCTV if contact wasn't made. Later that afternoon officers reattended at the premises with a warrant and seized the CCTV hard drive.

This hard drive has been examined by the Joint Scientific Investigation Unit, it was found that the entire content of the hard drive had been wiped of all content an hour after the Police Officers initially attended the premises.

These actions of the DPS and his staff show a clear breach of Condition 6 of the Premises License for

CRIME NUMBER

MG 11

155 Commercial Road, Newport and the undermining of the Licensing Objective relating to the Prevention Of Crime and Disorder.

Signature: David L. Keast Signature witnessed by:

PTO



Appendix 6

Copy of the Premises Licence 14/02733/LAPVPT

Schedule 12
Part A
(THIS PART OF THE LICENCE
MUST BE KEPT AT THE
PREMISES AT ALL TIMES
AND PRODUCED UPON
REQUEST OF AN
AUTHORISED OFFICER)
Premises Licence
City of Newport



Premises Licence Number	14/02733/LAPVPT
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Part 1 – Premises Details

Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code	
International Food Market 155 Commercial Road Newport South Wales NP20 2PJ	
Telephone number	01633 256058

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Sale by retail of Alcohol

Times the licence authorises the carrying out of licensable activities
Sale by retail of Alcohol Monday to Sunday inclusive 09:00 - 23:00

The opening hours of the premises
Monday to Sunday inclusive 09:00 - 23:00
Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.

Where the licence authorises supplies of alcohol whether these are on and / or off supplies
Alcohol is supplied for consumption off the Premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Maleek (Npt) Ltd
155 Commercial Road
Newport
South Wales
NP20 2PJ

Business Phone Number 01633 256058

Registered number of holder, for example company number, charity number (where applicable)

Registered Business Number 09333558

Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol

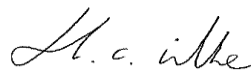
Mr Feryad Abdul-Kadir
44 Beeches Road
Trevethin
Pontypool
NP4 8HJ

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol

Party Reference: PA0763 Licensing Authority: Torfaen County Borough Council

This Premises Licence is issued by Newport City Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.

Dated this 19th December 2014



Helen Wilkie
Public Protection Manager

Mandatory conditions

1. No supply of alcohol may be made under the premises licence:
 - i) at a time when there is no designated premises supervisor in respect of the premises licence; or
 - ii) 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. Where at specified times one or more individuals may be at the premises to carry out a security activity, each individual must be licensed by the Security Industry Authority.

For the purposes of this section:

- i) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies; and
 - ii) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.
4. (1) 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.
 - (2) 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.
 - (3) 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.

New Mandatory condition for on and off sales from 28 May 2014

- (1) 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.
- (2) In this condition:-
 - (a) "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 on the date of the sale or supply of the alcohol;
 - (b) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (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" means value added tax charged in accordance with the Value Added Tax Act 1994.

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Conditions consistent with the Operating Schedule

5. CCTV cameras shall be installed and in place at the premises which record the entire premises.
6. All CCTV cameras shall be operational at all times whilst the premises is trading. All recordings shall be kept for a minimum of 31 days and made available to an Authorised Officer on request.
7. All spirits and tobacco products shall be located behind the counter area. All other alcohol products shall be located opposite the counter at all times.
8. All fire safety equipment and features as indicated on the plan reference number P/08/02118/3/LAPRE shall be provided and maintained in good working order. All fire fighting equipment shall be located so as to be readily available for use and shall be tested annually by a competent person.
9. The means of escape provided for all persons on the premises shall be maintained unobstructed, immediately available and clearly identifiable and all exit doors which may need to be used by the public shall be kept unlocked at all times whilst the premises are in use. All exit signs shall be maintained in good repair and shall be properly illuminated.

Conditions attached after a hearing by the licensing authority

1. A 'Challenge 21' policy shall be operated at the premises at all times. All staff shall check identification of all people who appear to be less than 21 years old. This check shall be made by examining either a passport, photographic driving licence or a PASS approved proof of age card. No other form of identification shall be accepted.
2. Publicity materials notifying customers of the operation of the Challenge 21 scheme shall be displayed at the premises, including a Challenge 21 sign of at least A5 size at each point of sale.
3. The Premises Licence Holder shall operate and maintain an up-to-date Register of Refusals of Sale of Alcohol, indicating the date, time and reason for refusal which shall be made available for inspection by any Responsible Authority under the Licensing Act 2003. The DPS shall check the book once a week ensuring that it is complete and up to date. The DPS will sign the book each time it is checked.
4. A documented training scheme shall be introduced for all staff. The scheme shall be made available for inspection at the request of any Responsible Authority under the Licensing Act 2003. Staff members will not be permitted to serve alcohol until they have received the training.

Plans

Please see attached plans (reference number 08/02118/LAPRE)

Appendix 7. Copy of letter dated 03rd April 2017 informing Mr Kadir of adjournment date and of Police Representation.

Ask for/*Gofynnwch* **William Lewis**
Our Ref/*Ein Cyf*
Your Ref/*Eich Cyf*
Tel/*Ffôn* 01633 656656
Direct Dial/*Rhif* 01633 851328
DX 99463 Newport (Gwent) 3
E-Mail/*E-Bost* william.lewis@newport.gov.uk
Internet/*Rhyngrwyd* www.newport.gov.uk/

**Law and Regulation
Y Gyfraith a Rheoleiddio**



Feryad Abdul Kadir
Eastern European Foods
155 Commercial Road
Newport
South Wales
NP20 2PJ

Licensing Service/
Gwasanaeth Trwyddedu
PO Box 883/Bwlch Post 883
Civic Centre/Canolfan
Ddinesig
Newport/Casnewydd
South Wales/De Cymru
NP20 9LR

03rd April 2017

Dear Mr Kadir

PREMISES LICENCE REVIEW – EUROPEAN FOOD STORE

I refer to the pending application for a review of the Premises Licence in respect of premises at 155 Commercial Road, Newport trading as Eastern European Food for which a Premises Licence is issued to Maleek Ltd where you are the director of the company and you are specified on the Premises Licence Holder as the Designated Premises Supervisor.

A Hearing Report in respect of the review application that was scheduled to be heard by Newport City Council Licensing Sub-Committee on 04th April 2017 was served upon you on or about 23rd March 2017 and consequent to your provision of verification that you would be out of the country on the hearing date you were advised that the matter would be re-scheduled to a later date and that you would receive notification.

After making the arrangements for rescheduling the hearing the Licensing Authority were contacted by Heddlu Gwent Police regarding the application for the review indicating their wish to make representation in support of the review.

This representation was served on the Licensing Authority on 30th March 2017 and relates to new information concerning yourself and your premises which became apparent after the consultation period of the review application ended on 14th March 2017.

As a consequence of your unavailability to attend the hearing scheduled for the 04th April 2017 the application is re-scheduled to take place at **10:00am on Tuesday 25th April 2017 at the Civic Centre, Newport**. Please find enclosed copies of the representation form and supporting evidence from Heddlu Gwent Police which shall be included in the revised hearing report that you will be subsequently served.

Yours sincerely,

William S Lewis, Senior Licensing Officer