

17 February 2017

LICENSING SUB-COMMITTEE (ALCOHOL AND REGULATED ENTERTAINMENT) – 1 MARCH 2017

A meeting of the Licensing Sub-Committee (Alcohol and Regulated Entertainment) will be held at 11.30am on Wednesday 1 March 2017 in Committee Room 1, Town Hall, Rugby.

Adam Norburn
Executive Director

A G E N D A

PART 1 – PUBLIC BUSINESS

1. Declarations of Interest.
 - (a) To receive declarations of –
 - (b) non-pecuniary interests as defined by the Council's Code of Conduct for Councillors;
 - (c) pecuniary interests as defined by the Council's Code of Conduct for Councillors; and
 - (d) notice under Section 106 Local Government Finance Act 1992 – non-payment of Community Charge or Council Tax.

Note: Members are reminded that they should declare the existence and nature of their non-pecuniary interests at the commencement of the meeting (or as soon as the interest becomes apparent). If that interest is a pecuniary interest the Member must withdraw from the room unless one of the exceptions applies.

Membership of Warwickshire County Council or any Parish Council is classed as a non-pecuniary interest under the Code of Conduct. A Member does not need to declare this interest unless the Member chooses to speak on a matter relating to their membership. If the Member does not wish to speak on the matter, the Member may still vote on the matter without making a declaration.

2. Application to vary a premises licence under the Licensing Act 2003 – Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB.

Any additional papers for this meeting can be accessed here via the website.

Membership of the Sub Committee:

Councillors Miss Lawrence (Chairman), Cranham and Mrs Garcia

If you have any general queries with regard to this agenda please contact Linn Ashmore, Democratic Services Officer (01788 533522 or email linn.ashmore@rugby.gov.uk).

Any specific queries concerning reports should be directed to the listed contact officer.

If you wish to attend the meeting and have any special requirements for access please contact the Democratic Services Officer named above.

AGENDA MANAGEMENT SHEET

| | |
|--|--|
| <i>Name of Meeting</i> | Licensing Sub-Committee (Alcohol and Regulated Entertainment) |
| <i>Date of Meeting</i> | 1 March 2017 – 11.30am |
| <i>Report Title</i> | Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 - Wisla Polski Sklep 8 North Street, Rugby, CV21 2AB. |
| <i>Ward Relevance</i> | Benn |
| <i>Prior Consultation</i> | The statutory consultations have been carried out. |
| <i>Contact Officer</i> | Penny Clarke, Tel: 01788 533662 |
| <i>Report Subject to Call-in</i> | This report is not subject to Call-In because it is a report to a regulatory committee. |
| <i>Report En-Bloc</i> | Not applicable |
| <i>Forward Plan</i> | Not applicable |
| <i>Corporate Priorities</i> | Not applicable |
| <i>Statutory/Policy Background</i> | The Council has a statutory duty under the Licensing Act 2003 to determine applications under the Act and, where required, to hold hearings into those applications. The Council's Statement of Licensing Policy aims to promote the licensing objectives. |
| <i>Financial Implications</i> | There are no financial implications arising from this report |
| <i>Risk Management Implications</i> | There are no risk management implications arising from this report |
| <i>Environmental Implications</i> | There are no environmental implications arising from this report |

Legal Implications

The Licensing Authority is required to carry out its functions with a view to promotion of the licensing objectives and having regard to the Statutory Guidance and the Authority's Statement of Licensing Policy. The Licensing Objectives are:

The Prevention of Crime and Disorder
Public Safety
The Prevention of Public Nuisance
The Protection of children from harm

There is a right of appeal to the magistrate's court against any decision made by the Sub-Committee.

Summary

An application to vary a premises licence to specify an individual as designated premises supervisor for Wisla Polski Sklep, 8 North Street, Rugby was submitted by the premises licence holder, Mr Hasan Azizi, on 25th January 2017. The application was to name himself as the new designated premises supervisor.

The Police have served notice under section 37(5) of the Licensing Act on the basis that the application, if approved would undermine the crime prevention licensing objective.

The Sub Committee is required to determine the application.

Options

The Sub Committee has the following options:

- approve the application to vary the designated premises supervisor; or
- reject the application.

Recommendation

The Sub Committee is requested to determine the application.

Reasons for Recommendation

The Sub Committee is required by law to determine the application after first holding a hearing at which all parties are given an opportunity to present their case.

Rugby Borough Council

**Licensing Sub-Committee (Alcohol and Regulated Entertainment) –
1 March 2017 11.30am**

Report of the Head of Environment and Public Realm

**Application to vary a premises licence to specify an individual as
designated premises supervisor under the Licensing Act 2003
Wisla Polski Sklep 8 North Street, Rugby, CV21 2AB**

Recommendation:

The Sub Committee is requested to determine the application.

1. SUMMARY OF APPLICATION

- a) Date of application: 25th January 2017
- b) Applicant(s): Mr Hasan Azizi
- c) Premises to which application relates: Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB
- d) Type of application and statutory reference: Application under section 37 of the Licensing Act 2003 to vary a premises licence to specify an individual as designated premises supervisor under the.

2. THE APPLICATION

- 2.1 This is an application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003 Section 37. A copy of the application is attached at Appendix 1 to this report and a copy of a plan showing the location of the premises is attached as Appendix 2.
- 2.2 The applicant is the premises licence holder, Mr Hasan Aziz, who wishes to have himself named on the licence as the designated premises supervisor.
- 2.3 The only person(s) able to make a representation for this type of application is the Chief Officer of Police who may give notice to the licensing authority if he is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention licensing objective.
- 2.4 Sgt S Powell has submitted such a notice on behalf of the Chief Officer of Police and a copy is attached at Appendix 3. This identifies a number of concerns ranging from the discovery of counterfeit cigarettes at the premises to failure to comply with licence conditions.

3. OPTIONS AVAILABLE TO THE SUB COMMITTEE

- 3.1** The Sub Committee must reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so.
- 3.2** Alternatively, if the Sub Committee does not consider it appropriate for the promotion of the crime prevention objective to reject the application, then it must grant the application.

4. POLICY CONSIDERATIONS

- 4.1** This matter must be considered on its merits and the determination must be reasonable and proportionate, having regard to the Council's Statement of Licensing Policy and with the focus on the promotion of the licensing objectives.
- 4.2** The Sub-Committee may not however in this case take into account any submissions which do not relate to the crime prevention objective (Hearings Regulations – paragraph 19(b)).
- 4.2** Paragraphs 8.1 to 8.11 of the Council's Statement of Licensing Policy relate to the Prevention of Crime and Disorder licensing objective.

5. OTHER CONSIDERATIONS

- 5.1** The application had immediate effect once submitted, meaning that Mr Azizi was (and is) deemed to be the designated premises supervisor while the application is determined, as he had ticked the appropriate box on the application form.
- 5.2** Should the Sub-Committee reject the application the applicant has a right of appeal to the magistrates' court. Should the Sub-Committee grant the application the Police have a right of appeal to the magistrates' court.



Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR

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 HASAN AZIZI

(full name(s) of premises licence holder)

being the premises licence holder, apply 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

RY/CV21/0643-PS

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description
7-8 NORTH STREET

| | |
|----------------------------------|--|
| Post town <u>Rugby</u> | Post code (if known) <u>CV21 2AB</u> |
|----------------------------------|--|

Telephone number (if any) 07474433455

Description of premises (please read guidance note 1)
retail shop

Part 2

Full name of proposed designated premises supervisor

HASAN AZIZI

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

151014591PERS

Full name of existing designated premises supervisor (if any)

ASSG HEMN HASSAN

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

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 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 25/10/17
.....

Capacity PREMISES LICENCE HOLDER
.....

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other 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 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 by e-mail your e-mail 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.



Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby, CV21 2RR

Consent of individual to being specified as premises supervisor

HASANA ZIZI

[full name of prospective premises supervisor]

of 7.8 North Street
CV21 2AB

[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

7.8 North Street

[type of application]

by

MY SELF

[name of applicant]

relating to a premises licence

RY, CV21 0843

[number of existing licence, if any]

for

7.8 North Street

[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

My self
[name of applicant]

concerning the supply of alcohol at

7.8 North Street
[name and address of premises to which 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

15101459, PRS
[insert personal licence number, if any]

Personal licence issuing authority

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

Signed



Name (please print)

HASAN AZIZI

Date

25/1/19



8 North Street, Rugby

Date
13.02.2017

Scale
1:1,250
when printed @ A1

© Crown copyright & database rights 2017
Ordnance Survey 100019417



Licensing

04th February 2017

Our Ref: Wisla Polski Sklep

PS 1513 Powell
Rugby Police Station
Newbold Road
Rugby
CV21 2DH

Rugby Borough Council Licensing Department.

I Police Sergeant 1513 Stuart Powell, Warwickshire Police submit this representation to the Licensing Authority, Rugby Borough Council, on behalf of the Chief Constable of Warwickshire police.

The grounds for this representation are made under the Licensing Act 2003 Section 38(4).

Warwickshire Police feel that under exceptional circumstances that Mr Hasan Azizi is not suitable to become the Designated Premises Supervisor for the premise known as Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB.

The reasons are as below:

On the 14th September 2016 Warwickshire County Council Trading Standards Officers conducted an advice visit to the premises after receiving intelligence that illicit tobacco was being sold at the premises. The intelligence that was received was deemed to be very reliable. On arrival at the premises officers spoke to Mr Hasan AZIZI born 16/12/1995, who identified himself as the owner of the business. Mr Hasan AZIZI was advised by Trading Standards at that time on underage sales and the health risks associated with counterfeit and illicit tobacco.

On the 8th December 2016, acting on intelligence reports, officers from Warwickshire Trading Standards Service and Warwickshire police conducted an inspection of the premises with the aid of a tobacco sniffer dog. During the visit Mr Hasan Azizi was present. Despite the advice given on the 14th September 2017 a concealment was located within the stock room of the shop. The concealment was very sophisticated, as it used a number of electro magnets which were operated by a key fob release mechanism. The concealment was made to look like the surrounding shop fittings. Upon opening the door it was obvious that items had been placed to misdirect the tobacco detection dog, the items included fresh peeled garlic and potpourri. The total numbers of Items seized were **20640** cigarettes.

At the time a vehicle belonging to Hasan AZIZI was also searched. Paperwork related to a shop in Norwich was found, the premises are suspected to be linked to the sale of illicit tobacco.

On the 18th January 2017, Warwickshire Trading Standards Service received a complaint from a member of the public relating to the sale of tobacco from the premises, the complaint also referred to the sale of tobacco to underage children.

During the investigation Mr Hasan AZIZI was asked to provide the passcode for the CCTV unit that was seized from his premises. Mr Hasan AZIZI declined to give Trading standards officers the pass code stating that he did not know it. This is contrary to Licence Condition annex 2, condition 1.



www.warwickshire.police.uk
www.westmercia.police.uk



@warkspolice
@wmerciapolice



warwickshire police
west mercia police

Warwickshire Trading Standards Service had a sample of the tobacco analysed and it has now been confirmed as counterfeit.

On the 25th January 2017 officers from the Licensing authority and Warwickshire Police attended the Wisla Polski Sklep on a routine visit. Mr Hasan AZIZI was present at the time of the visit. Numerous breaches of the Licensing conditions were found:

1. There was no DPS in place. Mr Asso Hemn HASSAN was the named DPS. Mr Hasah AZIZI stated that Mr HASSAN had not been connected to the address since he took over in September 2016.
2. There is no external CCTV as required. There were no training records available at the time of the inspection even though there are employees working at the premises.
3. Alcohol was being displayed with non alcoholic products- In the fridge opposite the cash till there were alcoholic drinks mixed in with non alcoholic drinks, below and to the side. Next to the till area was a shelf unit displaying spirits and wine. This was again mixed in with non alcoholic children's party bottles featuring 'disney' characters. There were also crisps on the next shelf.
4. There was no refusal or incident book available for inspection.

Mr Hasan AZIZI has been the Premise Licence Holder since September 2016. During this time he has been involved in criminal activity selling illegal cigarettes from the premises. He has also failed in his obligations to comply with the licensing conditions and although alcohol was being sold there was no DPS in place to authorise this.

PS 1513 Stuart Powell
Rugby SNT
Warwickshire Police