



**West Midlands Police Evidence Bundle For The Premises
Licence Transfer And Transfer of DPS at DC Minimarket
138 Church Road, Yardley B25 8UT**

PAGE(S)	DOCUMENT(S)
1 & 2	Statement of Licensing Officer Chris Jones
3	Email to agent for documents of business transfer
4 & 5	Email to chase requested documents
6 to 9	Email from agent to objection to the transfer
10 & 12	Decision notice from Committee C – 4th November 21

WITNESS STATEMENT

Crime Number:.....

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

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Statement of: Christopher Jones 55410

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Licensing officer

This statement (consisting of 02 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 in it, anything which I know to be false, or do not believe to be true.

Signature: Date: 9th December 2021Tick if witness evidence is visually recorded ☐ (supply witness details on rear)

I am the above person, employed by West Midlands Police as a Licensing Officer stationed at Lloyd House. The team I work in has responsibility for all the licenced premises that operate within the Birmingham City Council area. I am making this statement in relation to West Midlands Police objection to a premises licence transfer and transfer of DPS at DC Mini Market 138 Church Road Yardley. B25 8UT.

These applications were submitted to West Midlands Police on 22nd November 2021.

The applicant Sharifnejad Abubakr is applying to become the DPS and premises licence holder transferring from Mohammad Sheikehpour.

The premises licence at this shop was revoked by Licensing Committee C on 4th August 2021, after a licence review application made by Birmingham Trading Standards due to counterfeit and illicit tobacco productions being found on the premises. At this hearing the DPS was also removed by the committee.

West Midlands Police supported Trading Standards call for a licence review hearing and also made representations at the hearing.

Mr Sheikehpour (as he was both the premises licence holder and DPS at the time of the review) is currently appealing this decision by the licensing committee which is due to be heard at Birmingham Magistrates Court on 6th January 2022.

Due to the fact that the premises licence has been revoked and the DPS removed, albeit being appealed, West Midlands Police have concerns that the application for the transfers submitted on 22nd November 2021 may not be all they appear.

West Midlands Police are concerned that the current applicant may be just a figurehead.

That the premises may be trying to bypass and get around the fact that the licence has been revoked with the DPS removed and the forthcoming court appearance.

That the original owner / DPS (Mr Sheikehpour) will still be overall ownership and management of the premises.

To allay these concerns West Midlands Police asked the applicant, via their agent to supply documentation that the transfer applications were legitimate and therefore that the premises was not trying to circumvent the Licensing Act protocol.

The documents requested were; signed lease or ownership of the premises, signed solicitors letters / documents for the transfer of the business, copies of money transfers between the two parties and a copy of the business rates with who has responsibility for the payment of the rates.

These documents have not been forthcoming from the applicant.

As the applicant has not produced the documentation that West Midlands Police requested an objection to the transfers was made to Birmingham City Council on 3rd December 2021.

Page 3 of this bundle is an email I sent on 23rd November 2021 to the applicant's agent requesting the documentation – one day after receiving the application.

Page 4 & 5 of this bundle is an email I sent on 1st December 2021 to the applicant's agent requesting an update from my original email as I had not received a reply.

I spoke with the applicant's agent on 2nd December 2021 who informed me that he was still waiting on an update from his client.

Page 6 to 9 of the evidence bundle is the email from the applicant's agent to my objection who was awaiting further instructions from his client.

Page 10 to 12 of the evidence bundle is Licensing Committee's C decision notice from the original review of the premises licence on 4th August 2021.

Signature:  Signature witnessed by:

OFFICIAL (when complete)

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Christopher Jones

From: bw licensing
Sent: 23 November 2021 12:20
To: [REDACTED]
Subject: DC Mini Market - 138 Church Rd Birmingham Transfer
Importance: High
Categories: High Risk

Tony,

Thank you for your time earlier.

The premises licence was revoked by the licensing committee after a hearing on 4th August 2021. The premises is currently appealing this decision. (As far as I am aware.)

The hearing was as a result of a trading standards visit whereby illicit & counterfeit cigarettes and tobacco products were found on the premises, detected by a specialist detection dog.

West Midlands Police would not agree to this transfer application without proof that current premises licence holder has no part in the ownership or management of the premises.

West Midlands would require proof of the legitimate transfer of the business;

- Signed lease / ownership of the premises
- Signed solicitors letters / documents for the transfer of the business
- Copies of money transfers between the two parties.
- Copy of the business rates and who has responsibility for the payment.

Many thanks

Regards

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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Christopher Jones

From: Christopher Jones
Sent: 01 December 2021 16:52
To: [REDACTED]
Cc: bw licensing
Subject: FW: DC Mini Market - 138 Church Rd Birmingham Transfer

Importance: High

Categories: High Risk

Good Afternoon Tony,

Have you an update from your client regarding the below email and documents required?

The representation date end is 6th December 21. I would have to make any representation to the council no later than this Friday 3rd December 21.

Many thanks

Regards

Chris Jones 55410

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Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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Christopher Jones

From: [REDACTED]
Sent: 03 December 2021 13:16
To: bw licensing
Subject: [External]: Re: WMP objection to the transfer/variation application DC Mini market Yardley
Categories: High Risk

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hello Chris

I have forwarded this email to my client and await instructions.

Thanks for your patience

Tony

Sent: Friday, December 03, 2021 at 12:16 PM
From: "bw licensing" <bw_licensing@westmidlands.police.uk>
To: "'Licensing@birmingham.gov.uk'" <Licensing@birmingham.gov.uk>
Cc: [REDACTED]
Subject: WMP objection to the transfer/variation application DC Mini market Yardley

Good Afternoon Licensing,

West Midlands Police object to these applications under the prevention of crime & disorder and public safety licensing objectives.

This shop recently had it's premises licence revoked and DPS removed by Licensing Committee C on 4th August 2021 after a licence review application by Trading Standards due to counterfeit and illicit tobacco products being found on the premises.

I believe that the premises are currently appealing this decision and this is being heard at Birmingham Magistrates Court on 6th January 2022.

Due to the above West Midlands Police have concerns that these transfer applications may not be as it seems, that the current applicant may just be a 'figurehead', that the premises are attempting to bypass and get around the fact that the premises licence has been revoked and a forthcoming court appearance with the original owner / DPS still in overall ownership and management of the premises.

To allay the above concerns West Midlands Police have asked, via their agent, that the applicant supplies documentation that the transfer applications are legitimate and therefore that the premises is not trying to circumvent the Licensing Act protocol.

The documents requested were:

- Signed lease / ownership of the premises
- Signed solicitors letters / documents for the transfer of the business
- Copies of money transfers between the two parties.
- Copy of the business rates and who has responsibility for the payment.

These have not been forthcoming from the applicant.

The above shows that the circumstances surrounding this application are exceptional and that the grounds for the objection by West Midlands Police meet the exceptional circumstance.

If West Midlands Police receive the requested documentation, to our satisfaction this objection may be withdrawn.

I have copied the applicant's agent into this email.

Regards and thanks

Chris Jones 55410

Birmingham Central Licensing Team West Midlands Police
Tel: 101 (ext. 801 1628) - DD: 0121 626 6099

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From: [REDACTED] [mailto:[REDACTED]] **On Behalf Of** Licensing

Sent: 22 November 2021 11:09

To: bw licensing; 'Alcohol@homeoffice.gsi.gov.uk'

Subject: [External]: FW: Fw: Transfer/variation application DC Mini market Yardley

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Good afternoon,

Please see attached application for your consideration.

Regards,

Karen Knight

From: [REDACTED] [mailto:[REDACTED]]

Sent: Thursday, November 18, 2021 5:37 PM

To: Licensing

Subject: Fw: Transfer/variation application DC Mini market Yardley

Hello again

Here is now the second email for the variation application

Kind regards

[REDACTED]

Sent: Thursday, November 18, 2021 at 5:31 PM
From: [REDACTED]
To: "Licensing" <licensing@birmingham.gov.uk>
Subject: Transfer/variation application DC Mini market Yardley

Good afternoon

Please see attachments for transfer and variation of licence 4810.

This email will be the transfer part, the second email will have the variation as my first attempt blew the maximum of data allowed.

Here I go

Kind regards

[REDACTED] - AC Consultancy

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BIRMINGHAM CITY COUNCIL

LICENSING SUB-COMMITTEE - C

WEDNESDAY 4 AUGUST 2021

DC Minimarket, 138 Church Road, Yardley, Birmingham B25 8UT

That, having reviewed the premises licence held under the Licensing Act 2003 by Mohammed Sheikehpour, in respect of DC Minimarket, 138 Church Road, Yardley, Birmingham, B25 8UT upon the application of the Chief Officer of Weights and Measures, this Sub-Committee hereby determines that:

- the Licence be revoked, and that
- Mohammed Sheikehpour be removed as Designated Premises Supervisor

in order to promote the objectives of the prevention of crime and disorder, and public safety, in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns expressed on behalf of the Chief Inspector of Weights and Measures, as outlined fully in the Report. Mr Sheikehpour was both the licence holder and the designated premises supervisor for DC Minimarket.

Officers of the Trading Standards department of the City Council attended the meeting and told the Sub-Committee that on 12th March 2021, officers attended at DC Minimarket, accompanied by a tobacco detection dog and handler. Upon receiving an indication from the tobacco detection dog, they dismantled a display unit in the shop, and found 107 packets of illicit tobacco concealed behind it. Some of the packets were non-duty paid products; the rest were counterfeit products. All of this concealed stock was therefore not legal for supply in England. Samples of some of the seized products were sent to the relevant brand manufacturers for analysis; the manufacturers confirmed that those products were counterfeit.

The application for review was supported by West Midlands Police, who advised the Sub-Committee that illicit goods subvert the normal supply chains of legitimate trade. The supply of such goods is controlled by criminal organisations who seek to maximise profit by avoiding legitimate controls and systems. The Sub-Committee was aware that the purchase and sale of counterfeit products is usually made via cash transactions - therefore with no traceability, and of course no UK duty being paid.

Traders acting unscrupulously in offering counterfeit tobacco for sale cannot have any idea of the provenance of these goods, or even if they are fit for their intended use. The Sub-Committee considered that the only intention behind such practices was to maximise profit by tricking consumers; it was doubly unsatisfactory that that no duty would have been paid on the products either.

The Sub-Committee was also aware that the victim in the sale of illicit/counterfeit tobacco is not only the consumer, but the brand itself. These underground activities cause damage to brand manufacturers, destroying consumer confidence in their products and putting their businesses at risk in these uncertain times. A representative of the tobacco brand JT International Group addressed the Sub-Committee to confirm that this was indeed the case; he observed that brands wanted a deterrent for unscrupulous traders, and support for legitimate businesses.

The illicit tobacco trade was of course also detrimental to other retailers who, in offering genuine products, found themselves unable to compete fairly with those shops which chose to break the law by stocking counterfeit goods.

The Sub-Committee therefore considered that counterfeit products damaged the reputation of successful businesses, both manufacturers and retailers; as such, the Sub-Committee took a very dim view of it.

The trade in illicit tobacco was also a drain on the public purse, as West Midlands Police and Trading Standards had to allocate resources to investigate and deal with a criminal activity which had been undertaken, for profit, by a person who should have been more than aware of the standards expected of all licence holders in Birmingham. The Police in particular observed that they had no confidence whatsoever in Mr Sheikehpour to uphold the licensing objectives.

An Enforcement Officer of the Licensing department of the City Council then addressed the Sub-Committee to confirm that there had been a lack of compliance with the licence conditions in general - such as the requirements relating to CCTV, keeping records, and training. The Sub-Committee considered that Mr Sheikehpour should have been aware of his obligations relating to the licence as he was both the licence holder and the designated premises supervisor.

Mr Sheikehpour, via his solicitor, asked for a chance to prove that he could trade in a responsible manner, and offered to welcome the responsible authorities into the shop in order to work in partnership with them in future.

The Sub-Committee looked at all options when making their decision, and placed particular emphasis on the need to ensure that they had confidence that the management of the shop would not engage in, and encourage, criminal activity; criminal activity affected not only consumers in Birmingham, but also respectable businesses and companies.

The Members of the Sub-Committee gave consideration as to whether they could modify the conditions of the licence as suggested by Mr Sheikehpour's solicitor, or suspend the licence for a specified period, but were not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination, for the reasons set out above.

The operation had been managed in a way that was not merely irresponsible, but also illegal. The findings had shown a lack of professional supervision and control by Mr Sheikehpour as the licence holder, and he had demonstrated that he was incapable of upholding the licensing objectives. After hearing all the evidence, the Sub-Committee determined that the purchase and sale of illicit and/or counterfeit

tobacco was indeed so serious that it could not be tolerated. The Sub-Committee therefore resolved to revoke the licence.

A determination to revoke would follow the Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003. There were no compelling reasons to depart from the Guidance on this occasion.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under s182 of the Licensing Act 2003 by the Secretary of State, the application for review, the written representations received and the submissions made at the hearing by those representing the Chief Inspector of Weights & Measures, West Midlands Police, Licensing Enforcement and the brand manufacturer JT International Group, and also by the licence holder's solicitor.

All parties are reminded that under the provisions contained within Schedule 5 to the Licensing Act 2003, there is the right of appeal against the decision of the Licensing Authority to the Magistrates' Court, such an appeal to be made within twenty-one days of the date of notification of the decision.

The determination of the Sub-Committee does not have effect until the end of the twenty-one day period for appealing against the decision or, if the decision is appealed against, until the determination of the appeal.