

BIRMINGHAM CITY COUNCIL

PUBLIC REPORT

Report to:	Licensing Sub Committee B
Report of:	Acting Director of Regulation & Enforcement
Date of Meeting:	Tuesday 24th January 2017
Subject:	Licensing Act 2003 Premises Licence – Review
Premises:	International Supermarket, 117 Villa Road, Birmingham, B19 1NH
Ward affected:	Lozells and East Handsworth
Contact Officer:	David Kennedy, Principal Licensing Officer, 0121 303 9896, licensing@birmingham.gov.uk

1. Purpose of report:
To consider an application to review a Premises Licence.

2. Recommendation:
To consider and determine the review application.

3. Brief Summary of Report:
Review application received on 28 th November 2016 from the Chief Inspector of Weights and Measures in respect of International Supermarket, 117 Villa Road, Birmingham, B19 1NH. Representations have been received from West Midlands Police, as a responsible authority, and from other persons.

4. Compliance Issues:
4.1 Consistency with relevant Council Policies, Plans or Strategies:
The report complies with the City Council's Statement of Licensing Policy and the Council's Corporate Plan to improve the standard of all licensed persons, premises and vehicles in the City.

5. Relevant background/chronology of key events:

The Chief Officer of Weights and Measures applied on 28th November 2016 for a review of the Premises Licence under Section 51 of the Licensing Act 2003 for International Supermarket, 117 Villa Road, Birmingham, B19 1NH.

A representation has been received from West Midlands Police, as a responsible authority. See Appendix 1.

A representation has been received from other persons, which is attached at Appendix 2.

Review application is attached at Appendix 3.

Since the review application was submitted an application was made by Girmay Sibhatu on 4th January 2017 to transfer the premises licence from Najibullah Asakzai. This applicant requested that the transfer was to have immediate effect.

The Premises Licence is attached at Appendix 4.

Site location plans are attached at Appendix 5.

When carrying out its licensing functions, a licensing authority must have regard to Birmingham City Council's Statement of Licensing Policy and the Guidance issued by the Secretary of State under s182 of the Licensing Act 2003.

The Licensing Authority is also required to take such steps as it considers appropriate for the promotion of the licensing objectives, which are: -

- a. The prevention of crime and disorder;
- b. Public safety;
- c. The prevention of public nuisance; and
- d. The protection of children from harm.

6. List of background documents:

Copy of the representations as detailed in Appendices 1 & 2
Review Application Form, Appendix 3
Copy of Premises Licence, Appendix 4
Site location plans, Appendix 5

7. Options available

Modify the conditions of Licence
Exclude a Licensable activity from the scope of the Licence
Remove the Designated Premises Supervisor
Suspend the Licence for a period not exceeding 3 months
Revoke the Licence
No Action

Where the authority takes a step to modify conditions or exclude a licensable activity, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Appendix 1



Birmingham Central Police Station
Steelhouse Lane
Birmingham
B4 6NW

Birmingham City Council
Licensing Dept
Birmingham

Crimestoppers: 0800 555 111
Our Reference: Villa Road
Your Reference:

Date: 16th Dec 2016

Dear Sirs,

West Midlands Police are in receipt of the application made by the Chief Inspector of Weights and measures to review the following licensed premise -

International Supermarket
117 Villa Road
Lozells
B19 1NH

West Midlands Police fully support the grounds as stated in the review application and wish to join in with this application. These premises are well known to West Midlands Police, in June 2016 West Midlands Police applied for an expedited review of the premises following a serious disorder inside the premises.

Although the DPS and PLH were changed it is still very evident that these premises are being used to furnish serious criminal activities, with the premises this time being found to have concealed large quantities of both counterfeit and illegal cigarettes and tobacco.

The Sec 182 guidance makes very clear reference to premises that are used to sell illegal, counterfeit goods and non duty paid tobacco, and encourages local authorities to consider revocation even on the first instance. With the number of items seized being so large, West Midlands Police will be making the case for revocation to be the only course of action.

West Midlands Police wish to join this review application on the grounds of Crime and Disorder and Public Safety and will be present at the full review hearing

kind regards

Pc 4075
Abdool Rohomon
Licensing Officer
Birmingham West NPU



Preventing crime, protecting the public and helping those in need
www.west-midlands.police.uk

Appendix 2

From: Heath Thomas
Sent: 09 December 2016 15:31
To: Licensing
Subject: Representation in respect of International Supermarket, 117 Villa Road, Birmingham B19 1NH

Dear Sirs

I am instructed on behalf of Mr Mahir Akgul of 233 Lozells Road, Birmingham B19 1RJ to lodge a representation regarding the review of the above premises licence.

The premises licence holder, Mr Najibullah Asakzai, is associated with licensed premises known as European Food Express, 202 High Street, Dudley as well as International Supermarket, 117 Villa Road, Birmingham B19 1NH. Both of these premises have been used to engage in criminal activity, namely the sale of smuggled tobacco. Evidence relating to the sale of illegal tobacco from International Supermarket will be produced before the Licensing Sub-Committee.

This type of activity should be treated particularly seriously. The crime prevention objective is being undermined by this premises licence holder and as such we will be requesting that the committee use its powers to revoke the premises licence.

Yours faithfully

Heath Thomas

Partner
Licensing & Regulatory
For and on behalf of Harrison Clark Rickerbys Limited



With you every step of the way

Appendix 3

Head of Licensing, Licensing Section, PO Box 17013, Birmingham B6 9ES

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 Phillip Quinn (on behalf of Donna Bensley Chief Inspector of Weights & Measures)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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

International Supermarket
117 Villa Road
Lozells

Post town **BIRMINGHAM**

Post code (if known) **B19 1NH**

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

Mr NAJIBULLAH ASAKZAI

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

4571

Part 2 – Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

☐

2) a responsible authority (please complete (C) below)

yes ✓

3) a member of the club to which this application relates (please complete (A) below)

☐

Please tick ✓ yes

Surname

Please tick ✓ yes

9

[illegible]

11/11/2019 11:11:11 AM

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address; Phillip Quinn Enforcement Officer for and on behalf of Donna Bensley Chief Inspector of Weights & Measures Birmingham Trading Standards Birmingham City Council PO Box 16586 Birmingham B33 0TD Our Reference WK/8430488
Telephone number (if any)
E-mail address (optional)

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

Please select one or more of the
following (x)

- 1) the prevention of crime and disorder (x)
- 2) public safety (x)
- 3) the prevention of public nuisance (x)
- 4) the protection of children from harm (x)

Please state the ground(s) for review (please read guidance note 2)

On 2 February 2016 Birmingham Trading Standards Service received information from a West Midlands Police Officer concerning a number of incidents dating from 26 January 2016 at Villa Supermarket 117 Villa Road Birmingham B19 1NH.

The information stated that the officer had viewed 30 minutes of CCTV footage of the premises depicting the sale of alcohol to a drunk male.

The footage also showed single cigarettes being sold to five separate customers

There were two occasions where a staff member got a cigarette style pack from underneath the shop window having to get down on his hands and knees to retrieve the goods.

On a further occasion similar items were taken from beneath the counter. On all three occasions cigarettes were not taken from the tobacco gantry.

Often single cigarettes are sold to children as they have less money available to buy full packets.

The officer also reported a male attempting to sell items to shop staff that were potentially stolen goods (Reference WK/008236832- M3 complaint form)

On 6 July 2016 Birmingham Trading Standards received anonymous information alleging that counterfeit cigarettes and polish cigarettes were being supplied from International Food Store 117 Villa Road Birmingham B19 1NH. The information also alleged that cigarettes were being sold to children. (Reference WK/008354183- M3 complaint form)

On 15 July 2016 Birmingham Trading Standards Service received anonymous information alleging that illegal cigarettes and cigarettes from other countries were being supplied from International Food Store 117 Villa Road Birmingham B19 1NH. (Reference WK/008361385- M3 complaint form)

On 12 September 2016 officers of Birmingham Trading Standards Service in company with a child acting as a volunteer attempted to make a test purchase from the retail premises at 117 Villa Road in order to test compliance of the law in relation to the supply of cigarettes to children. On this occasion the test purchase had to be aborted because of the presence of a number of drunken people who were loitering outside the premises. It was the view of the officers that it would be unsafe to send the volunteer into the shop. (Reference WK/008398981- M3 job form)

On 19 September 2016 an officer of Birmingham City Council's Licensing section received information alleging that illegal cigarettes were being sold from the premises and that cigarettes were being sold to children. The complainant provided video evidence that they allege depicts the supply of illicit cigarettes. (Reference WK/008408810- M3 complaint form)

On 20 September 2016 Birmingham Trading Standards Service received information from an officer of Sandwell Trading Standards Service alleging that counterfeit cigarettes were being supplied and that cigarettes were being sold to children from International Food Store 117 Villa Road Birmingham B19 1NH. (Reference WK/008411313- M3 complaint form)

On 19 October 2016 Birmingham Trading Standards Service conducted a co-ordinated exercise with West Midlands Police which involved visiting a number of premises to check for alcohol and tobacco compliance. One of the premises visited was Villa Supermarket 117 Villa Road Birmingham B19 1NH. An inspection of the premises was conducted with the assistance of a dog handler and a dog that is trained to detect illicit and concealed tobacco.

The inspection revealed a total of 1652 packets of counterfeit and illicit cigarettes and 26 packets of illicit hand rolling tobacco. The majority of these items were found hidden in the ceiling cavity in the shop. A smaller amount was found hidden in a concealed area that was behind the shop counter.

Mr Saimok Zohrabnejad was present at the time of the inspection.

Mr Najibullah Asakzai, the Premises License Holder and current Designated Premises Supervisor was not present at the time of the inspection.

Photographs taken at the time of the visit are included. (Reference- Photographs)
(Reference WK/008430488- M3 job form)

On 20 October 2016 Mr Nawzad Howla contacted an officer of Birmingham Trading Standards Service in relation to the seizure of cigarettes the previous day.

Mr Howla stated the following

- 1-He is a previous owner of Villa Supermarket 117 Villa Road Birmingham B19 1NH.
- 2-That his licence to sell alcohol at that premises was revoked in June 2016.
- 3-That he sold the business around June or July 2016.
- 4-That he left the seized items at the premises because he did not want to take them to his home.
- 5-That the seized items are all his property and have nothing to do with the current owners of the business.

Please provide as much information as possible to support the application (please read guidance note 3)

The premises that is the subject of this application for review of its licence to sell alcohol is known as both Villa Supermarket and International Food Store 117 Villa Road Birmingham B19 1NH

On 19 October 2016 officers of Birmingham Trading Standards Service carried out an inspection of Villa Supermarket and seized 1652 packets of illicit cigarettes and 26 packets of illicit hand rolling tobacco.

However since February 2016 Birmingham Trading Standards Service have received 5 separate pieces of information alleging that the premises is at the centre of an array of illegal activity that ranges from being a place that stolen goods can be bought and sold to selling cigarettes to children.

An additional point of note is that on 12 September 2016 officers from Birmingham Trading Standards Service were to attempt a test purchase of tobacco with an underage volunteer; they decided to abort the test purchase because they were concerned about the safety of the volunteer due to the presence of drunken people who were loitering outside the premises. This was at a time when the premises were not licensed to sell alcohol.

As stated during the inspection on 19 October 2016 a total of 1678 packets of illicit cigarettes/tobacco were seized. The vast majority of these items were found hidden in the ceiling cavity of the shop. The remainder were found concealed in a cavity behind the counter of the shop. The fact that these items were concealed in the way that they were indicates that the proprietor of the business knew that the goods were illegal product and was aware that the items should not be on the premises.

On 27 June 2016 this premises was subject to an expedited review that was requested by West Midlands Police. The Premises License Holder at this time was Mr Nawzad Howla. The result of this was a revocation of the premises licence due to serious disorder in and around the premises. (A copy is attached reference PQ/ER /1.

The current Premises Licence Holder is Mr Najibullah Asakzai. The Licence was granted on 29 September 2016 but records show that the representation start date to be 1 August 2016. As previously stated this service has received two separate pieces of information alleging wrong doing at this premises in the period after representation had begun and before the current licence was granted to Mr Asakzai.

It should also be noted that on 19 October 2016, the date of seizure, there were a number of people loitering outside the shop that appeared to be under the influence of alcohol. It would have been impossible for trading standards officers to carry out the inspection without the presence of uniformed police officers who were able to prevent interference from those people and maintain order.

As stated above Birmingham Trading Standards Service was contacted by the previous Premises Licence Holder, Mr Nawzad Howla who said that the seized items were his and had nothing to do with the current owners of the business.

Mr Howla has been asked to supply documentation providing the date that he sold the business. He has failed to supply any documentation or confirm the exact date of the transaction. I would request that the committee to consider the feasibility of Mr Howla's version of events given that the approximate value of the seized items is £5873. It is our contention that the current licence holder was aware of the tobacco products especially when we take account of the complaints made in September to the trading standards and licencing service.

At the time of submitting this review application the current Premises Licence Holder has not

made any comments.

Furthermore, one must ask is it the actions of an honest business to store any type of item in the ceiling cavity?

It is the opinion of the Chief Inspector of Weights and Measures that the premises known as International Supermarket is in breach of the following Licensing objectives

“Crime- Failed to prevent crime and disorder” in that it can be shown that there was a large quantity of illicit cigarettes and tobacco on the premises. Duty would not have been paid on these products and this is considered serious under the Licensing Act 2003.

It is also alleged that stolen goods are potentially bought and sold from the premises.

“ Safety-Failed to promote public safety” in that it can be shown that there was a large quantity of illicit tobacco on the premises.

“Nuisance - Failed to promote and prevent public nuisance” in that on more than one occasion persons have been loitering outside of the premises that appear to be under the influence of alcohol; this can be intimidating for the general public.

“Child-Failed to promote and protect children from harm”- in that it is alleged that they sell cigarettes to children.

It is alleged that they sell single cigarettes; often this is to entice children to purchase them as full packets of cigarettes are expensive.

It is therefore requested that the Committee consider a revocation of the premises licence in this instance.

Have you made an application for review relating to the premises before Please tick ✓ yes
☐

If yes please state the date of that application

Day		Month		Year	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

..... 24/11/2016

Capacity

..... F.O

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

Licensing Act 2003 Premises Licence (Review) - 24th January 2017

International Supermarket 117, Villa Road, Birmingham, B19 1NH.

TRADING STANDARDS – Supporting documents

1. Complaint form Reference WK/008236832
2. Complaint form Reference WK/008354183
3. Complaint form Reference WK/008361385
4. Complaint form Reference WK/008398981
5. Complaint form Reference WK/008408810
6. Complaint form Reference WK/008411313
7. Complaint form Reference WK/008430488
8. Photographs of visit of 19/10/2016
9. Licensing Sub Committee report 27 June 2016- Villa Supermarket
10. Images taken from International Supermarket CCTV. Footage dated 19/10/2016 at 04.36.11am depicting a staff member removing 2 sleeves of cigarettes from the ceiling cavity of the premises.

Complaint Details - WK/008236832



Property			
Address International Supermarket(prev Villa, 117 Villa Road, Birmingham, B19 1NH)			
Telephone		Fax	
Area TSAA - Advice & Assistance			
Worksheet			
Source			
Name [REDACTED]			
Address West Midlands Police, Birmingham West & Central Planning , Licensing Officer, [REDACTED]			
Home Tel [REDACTED]		Work Tel [REDACTED] Mobile [REDACTED]	
Fax [REDACTED]		Email [REDACTED] west-midlands.pnn.police.uk	
Department TS - Trading Standards		Date Recd	22/02/2016 Time 16:06
Application CPTS - Request for Assistance TS		Method	E - E-Mail
Task Group GETS - General Enquiry TS		Recd By	JJO - [REDACTED]
Task GE01 - General Enquiry		Source	WMP - West Midlands Police
Details Could do with a joint visit to this place ASAP - SEE REMARKS SECTION FOR FURTHER INFO			
Message see vis job 8236832			
Officer	CAU - [REDACTED]	Target	Actual
Time Taken	55	First Response	29/02/2016 23/02/2016
Next Action		Completed	06/04/2016 03/03/2016
Due	Allocated 22/02/2016	Outcome	UA01 - Unable to Ascertain Filed
References			
No References set up			
Complaints			
Subject Details			
Title	Initials	Tel	
First Name		Fax	
Family Name		Email	
Section			
Breach	Statute		
TS Category Enforcement	Cost of Goods		
Purchase Date	Purchase Time	Redress Value	
OFT (Goods/Services)	OFT (Method of Selling)		
OFT (Complaint Type)	Country of Origin	GB - United Kingdom	
FSA Type			
Previous Complaints (Last 10 not including this one)			
Reference	Received	Details	Status Outcome Officer
WK/008411313	20/09/2016	C has obtained intel that T is selling illicit tobacco form	Resp JU05 AA6
WK/008408810	19/09/2016	Information on illicit alcohol/ tobacco-- See attachment	Resp JU09 AA6
WK/008333708	10/06/2016	[REDACTED] would like to speak to someone to try and ar	Resp UA01 CAU
WK/008330193	02/06/2016	Detail of review noted. No TS involvement.	Resp NT04 AA6

Complaint Details - WK/008236832



Actions						
Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	AKN	22/02/2016				
PASS - Pass Job	AKN	22/02/2016 16:23				
Comment Passed from officer: TSAL - Trading Standards Allocations to officer: CAU - Martin Williams						
CC - Contact Consumer	CAU	23/02/2016				10
Comment discussed with [REDACTED] - will probably try and visit next week when we visit Venus on Thursday						
VT - Visit Trader	CAU	03/03/2016				45
Comment full inspection of alcohol & tobacco but no probs found as per police rfa						

User Defined Codes
Reason

Remarks

Can this be put on as a job please...

[REDACTED]
Trading Standards Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH

www.birmingham.gov.uk/tradingstandards

CAB Consumer Advice Line: 08454 04 05 06
CAB Website: <http://www.adviceguide.org.uk/>

Fair Regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

From: [REDACTED] [mailto:[REDACTED]@west-midlands.pnn.police.uk]
Sent: Thursday, February 18, 2016 3:47 PM
To: [REDACTED]
Cc: [REDACTED]
Subject: Villa Supermarket, 117 Villa Road
Importance: High

Martin,

I've been viewing some CCTV from the 26th Jan from this premises trying to identify them serving a drunk male that was witnessed by a Police Officer.

I have 30mins of footage and in that time they sell single cigarettes to 5 separate customers. The cigarettes are taken from a pack in the till draw and one under the counter. Each customer places by the looks of it 50p on the counter and immediately the member of staff knows what they want and gets the cigarette.

The times this has been witnessed are:

14:31:18 - 14:38:31 - 14:44:25 - 14:47:22 - 14:48:16

Also on the footage are 2 occasions where the member of staff gets a cigarette style pack from underneath the shop window having to get on his hands and knees to retrieve it and another from under the counter. Both are not taken from the normal stock of cigarettes on display.

Other issues have been identified like a male trying to sell an item to the staff in the shop (possibly stolen) and the drunk male being served which we will deal with.

Could do with a joint visit to this place ASAP.

PCSO [REDACTED] FYI, I'll keep you in the loop re any action/visits we do at the premises.

Regards

[REDACTED]
West Midlands Police
Birmingham West & Central Planning & Licensing Officer
Licensing Officer for: Birmingham City Centre, Oscott, Perry Barr, Handsworth Wood,
Lozells & East Handsworth, Soho, Small Heath, Kingstanding,
Nechells and Aston.

Complaint Details - WK/008236832



Internal: External: Email: [REDACTED]@West-Midlands.pnn.police.uk Twitter: @BrumLicensing		
Related Addresses		
Address	Telephone	Type
No Related Addresses found.		
User Defined Addresses		
No User Defined Addresses found.		
User Defined Text		
No User Defined Text found.		

Complaint Details - WK/008354183



Property			
Address International Food Store, 117 Villa Road, Birmingham, B19 1NH			
Telephone		Fax	
Area TS - Trading Standards			
Worksheet			
Source			
Name AnonAG			
Address Anonag			
Home Tel		Work Tel	
Fax		Email	
Department TS - Trading Standards		Date Recd 06/07/2016 Time 17:32	
Application CPTS - Request for Assistance TS		Method CD - Consumer Direct Helpline	
Task Group A01 - Counterfeiting		Recd By COND - Consumer Direct	
Task 0113 - Tobacco		Source CD - Consumer Direct	
Details counterfeit & illegal cigarettes & underage sales - info only.			
Message international food store & off licence, Villa Road, BIRMINGHAM, B19 1NH			
Officer [REDACTED] Target Actual			
Time Taken 5		First Response 14/07/2016 12/07/2016	
Next Action		Completed 30/09/2016 19/07/2016	
Due Allocated 08/07/2016		Outcome JU07 - Justified Written Warning	
References			
Consumer Direct Referer 13720665			
Complaints			
Subject Details			
Title		Initials	
First Name		Tel	
Family Name international food store & off licen		Fax	
		Email	
Section			
Breach		Statute	
TS Category Enforcement		Cost of Goods	
Purchase Date 05/07/2016		Purchase Time	
OFT (Goods/Services) CH01 - Cigarettes		Redress Value	
OFT (Complaint Type) 08G - Counterfeiting		OFT (Method of Selling) 021 - Trader Premises	
FSA Type		Country of Origin GB - United Kingdom	
Previous Complaints (Last 10 not including this one)			
Reference	Received	Details	Status Outcome Officer
WK/008361385	15/07/2016	info only/ unfair business practice -	Resp JU07 AA6
WK/007607831	28/02/2014	request by Police to visit shop this weekend for Task F	Resp JU05 CAU
Consumer Direct			
Case Classification 07 - Rfrl Potential Criminal no TS			
Case 05 - Trdr Cmp Criminal Breach			
Enquiry			

Complaint Details - WK/008354183



Actions						
Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	JJO	07/07/2016				
PASS - Pass Job	JJO	07/07/2016 09:43				
Comment Passed from officer: TSIN - Trading Standards Inbox to officer: TSDO - Trading Standards Duty Officer						
PLEASE NOTE I HAVE LINKED TO THIS ACTUAL TRADER BUT ON M3 IT STATES CLOSED AND DIDN'T KNOW WHETHER TO OPEN OR NOT.						
PASS - Pass Job	AKN	07/07/2016 13:19				
Comment Passed from officer: TSDO - Trading Standards Duty Officer to officer: TSAL - Trading Standards Allocations						
PASS - Pass Job	AA0	08/07/2016 12:08				
Comment Passed from officer: TSAL - Trading Standards Allocations to officer: [REDACTED]						
allocate , log for intel and visit in due course						
ANPA - Answer Not Possible	AA6	12/07/2016			5	
Comment Will do visit and advise and follow up with dog exercise						
VT - Visit Trader	AA6	19/07/2016				
Comment Trader visited and advised						

User Defined Codes
Reason

Remarks
<p>13720665</p> <p>06/07/2016 16:32:23, SUMMARY:</p> <p>C wishes to remain anon.</p> <p>C wishes to report 2 T's for selling counterfeit ciggarettes and selling underage.</p> <p>C has bought the ciggarattes and someone C knows has been sold the ciggarettes & is underage and was also sold polsh ciggarettes.</p> <p>C wishes to report this too TSS.</p> <p>T2 is keeping their ciggarettes stored at 232 Lozells Road.</p> <p>C is just wanting look to report this to TSS no advice required.</p> <p>ADVICE:</p> <p>offered advice for civil remedies - C declined.</p> <p>Referral tss.</p> <p>thanked C for the info.</p> <p>ACTION: referral tss - counterfeit ciggarettes & underage sales info only no Caller details - no etc.</p>

Related Addresses						
<table border="1"> <thead> <tr> <th>Address</th> <th>Telephone</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td colspan="3">No Related Addresses found.</td> </tr> </tbody> </table>	Address	Telephone	Type	No Related Addresses found.		
Address	Telephone	Type				
No Related Addresses found.						

User Defined Addresses
No User Defined Addresses found.

User Defined Text
No User Defined Text found.

Complaint Details - WK/008361385



Property					
Address International Food Store, 117 Villa Road, Birmingham, B19 1NH					
Telephone		Fax			
Area TSAA - Advice & Assistance					
Worksheet					
Source					
Name AnonAG					
Address Anonag					
Home Tel		Work Tel			
Fax		Mobile			
Department TS - Trading Standards		Date Recd 15/07/2016 Time 14:32			
Application CPTS - Request for Assistance TS		Method CD - Consumer Direct Helpline			
Task Group A02 - Safety		Recd By COND - Consumer Direct			
Task 0206 - Cigarettes / Tobacco		Source CD - Consumer Direct			
Details Info only/ unfair business practice -					
Message International Food Store, Villa Road, BIRMINGHAM, B19 1NN					
Officer [REDACTED]					
Time Taken 40		First Response 22/07/2016			
Next Action		Completed 10/10/2016			
Due		Outcome JU07 - Justified Written Warning			
Allocated 18/07/2016					
References					
Consumer Direct Referer13737918					
Complaints					
Subject Details					
Title		Initials			
First Name		Tel			
Family Name International Food Store		Fax			
		Email			
Section					
Breach		Statute			
TS Category Enforcement		Cost of Goods			
Purchase Date		Purchase Time			
OFT (Goods/Services) CH01 - Cigarettes		Redress Value			
OFT (Complaint Type) 12A - Unfair business/Comm pr		OFT (Method of Selling) 999 - Other			
FSA Type		Country of Origin GB - United Kingdom			
Previous Complaints (Last 10 not including this one)					
Reference	Received	Details	Status	Outcome	Officer
WK/008354183	06/07/2016	counterfeit & illegal cigarettes & underage sales - inf	Resp	JU07	AA6
WK/007607831	28/02/2014	request by Police to visit shop this weekend for Task F	Resp	JU05	CAU
Consumer Direct					
Case Classification 07 - Rfri Potential Criminal no TS					
Case 05 - Trdr Cmp Criminal Breach					
Enquiry					

Complaint Details - WK/008361385



Actions							
Action	Officer	Actual	Target	Time	Value	Number	
0000 - Procedure Started	1WB	15/07/2016					
PASS - Pass Job	1WB	15/07/2016 15:07					
Comment Passed from officer: TSIN - Trading Standards Inbox to officer: TSDO - Trading Standards Duty Officer							
PASS - Pass Job	CJV	18/07/2016 09:23					
Comment Passed from officer: TSDO - Trading Standards Duty Officer to officer: TSAL - Trading Standards Allocations							
Illegal tobacco being sold							
PASS - Pass Job	AA0	18/07/2016 12:54					
Comment Passed from officer: TSAL - Trading Standards Allocations to officer: [REDACTED]							
allocate , note previous anon complaint , can we IDB and arrange visit in due course							
VT - Visit Trader	AA6	19/07/2016				40	
Comment Visited Trader the owner Mr [REDACTED] was not present Trader notice left for his attention 8030							

User Defined Codes
Reason

Remarks
<p>13737918</p> <p>Consumer Contact Method 01 - Daytime telephone</p> <p>15/07/2016 13:10:29, SUMMARY:</p> <p>C wants to remain anonAG -</p> <p>3rd time C has called -</p> <p>C states T are selling illegal cigarettes -</p> <p>T has now bought another store to sell more and illegal alcohol -</p> <p>T is selling cigarettes from other countries -</p> <p>C also states that '[REDACTED] Supermarket' are also selling these items -</p> <p>C wants TS to go investigate on the weekend -</p> <p>T are hiding part of the camera they use -</p> <p>ADVICE:</p> <p>refer - unfair business practice - no commit -</p> <p>CB if needed -</p> <p>ACTION: refer - unfair business practice - no commit -</p>

Related Addresses						
<table border="1"> <thead> <tr> <th>Address</th> <th>Telephone</th> <th>Type</th> </tr> </thead> <tbody> <tr> <td colspan="3">No Related Addresses found.</td> </tr> </tbody> </table>	Address	Telephone	Type	No Related Addresses found.		
Address	Telephone	Type				
No Related Addresses found.						

User Defined Addresses
No User Defined Addresses found.

User Defined Text
No User Defined Text found.

Property					
Address International Supermarket(prev Villa, 117 Villa Road, Birmingham, B19 1NH)					
Telephone		Fax			
E-Mail		Area		TS - Trading Standards	
Worksheet					
Source Name [REDACTED]					
Address birmingham trading standards, birmingham, B33 0TD					
Home Tel		Work Tel		[REDACTED]	
Department TS - Trading Standards		Insp Date		02/09/2016 Time 11:51	
Application VSTG - Inspection - Trading Standards		Method		SPS - Special Project/Survey	
Task Group OEV - Other Enforcement Visit		Recd By		[REDACTED]	
Task OV07 - Survey Visit		Source Type		O - Officer Generated	
Details ATTEMPTED T/P WITH 15 YR OLD GIRL // RISK ASSESMENT BY PE -Drunks outside shop and rows going on in shop t/p not attempted therefore					
Message Gantry open - revisit or warning letter					
Officer [REDACTED]		Allocated		05/09/2016 Target Actual	
Next Action		Due		First Response	
		Time Taken 160		Completed 12/09/2016 12/09/2016	
				Outcome VS02 - Visit Verbal Warning	
References					
No references set up					
TS Inspections & Risk Ratings					
Date Rated		Officer		Risk Ratings	
Score		Risk Group		Potential Risk to Public	
Next Due		Frequency		Hazardous Activities	
				Complexity of Legislation	
Revisit Date				Consumers Affected	
Officer				Confidence in Control	
Worksheet				Average Weight Packer	
Primary No					
Area TS - Trading Standards					
Previous Score		Risk			
AW Trader Type No Type		AW Packer Type		No Type	
General Activities					
Activity		Items Examined		Items Tested	
		Correct Incorrect		Correct Incorrect Enforcement Action	
No Activities found					

Average Weight Activities					
Activity	Number of Tests	Mean	Number of Tests Failed Non-Std	Both	Number Inadequate
No Activities found					

Infringements	
Activity	Enforcement Action
No Activities Found	

Verification Activities				
Activity	Items Verified Correct	Incorrect	Fee	Enforcement Action
No Activities found				

Actions						
Action	Officer	Actual	Target	Time	Value	Comments
0000 - Procedure Star	BAB	02/09/2016				
VT - Visit Trader	BAB	02/09/2016		5		R/A T/P NOT ATTEMPTED
VT - Visit Trader	1XZ	02/09/2016		5		
VT - Visit Trader	AKN	02/09/2016		5		
VT - Visit Trader	MTQ	02/09/2016		5		
OFA - Office Activity	BAB	05/09/2016		10		
9004 - File Attachmen	BAB	09/09/2016		10		Licence for premise
OFA - Office Activity	BAB	09/09/2016		30		Prep for visit -- Posters etc
VT - Visit Trader	BAB	09/09/2016		45		TRADER ADVISED RE LIC
9004 - File Attachmen	BAB	09/09/2016		10		COPY OF TRADERS NOTIC
9004 - File Attachmen	BAB	09/09/2016		10		Guidance on regs
TN - Traders Notice	BAB	09/09/2016		5		T/N 10038
OFA - Office Activity	BAB	12/09/2016		20		

User Defined Codes
No User Defined Codes have been set up

Remarks
No Remarks found

Related Addresses
No Related Addresses found

User Defined Addresses
No User Defined Addresses found.

User Defined Text
No User Defined Text found

Complaint Details - WK/008408810



Property			
Address International Supermarket(Prev Villa, 117 Villa Road, Birmingham, B19 1NH)			
Telephone		Fax	
Area TS - Trading Standards			
Worksheet			
Source			
Name [REDACTED]			
Address Licensing Enforcement Team, Birmingham City Council, Ashted Lock, Building 1-3, Ground Floor, Birm			
Home Tel		Work Tel [REDACTED]	Mobile
Fax		Email	
Department	TS - Trading Standards	Date Recd	19/09/2016 Time 09:09
Application	CPTS - Request for Assistance TS	Method	E - E-Mail
Task Group	A01 - Counterfeiting	Recd By	[REDACTED]
Task	0113 - Tobacco	Source	LAO - LA Other
Details Information on illicit alcohol/ tobacco-- See attachment SEE REMARKS SECTION FOR FURTHER INFO			
Message (8411360 - duplicated)			
Officer	[REDACTED]	Target	Actual
Time Taken	95	First Response	26/09/2016 19/10/2016
Next Action		Completed	12/12/2016 24/10/2016
Due	Allocated 19/09/2016	Outcome	JU09 - Justified Prosecution
References			
No References set up			
Complaints			
Subject Details			
Title	Initials	Tel	
First Name		Fax	
Family Name		Email	
Section			
Breach	Statute		
TS Category	Enforcement	Cost of Goods	
Purchase Date	Purchase Time	Redress Value	
OFT (Goods/Services)		OFT (Method of Selling)	
OFT (Complaint Type)		Country of Origin	GB - United Kingdom
FSA Type			
Previous Complaints (Last 10 not including this one)			
Reference	Received	Details	Status Outcome Officer
WK/008411313	20/09/2016	C has obtained intel that T is selling illicit tobacco form	Resp JU05 AA6
WK/008333708	10/06/2016	[REDACTED] would like to speak to someone to try and ar	Resp UA01 CAU
WK/008330193	02/06/2016	Detail of review noted. No TS involvement.	Resp NT04 AA6
WK/008236832	22/02/2016	Could do with a joint visit to this place ASAP - SEE REI	Resp UA01 CAU

Actions						
Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	TSAL	19/09/2016				
9004 - File Attachment	BAB	19/09/2016		10		
PASS - Pass Job	AA0	19/09/2016 14:18				
Comment Passed from officer: TSAL - Trading Standards Allocations to officer: [REDACTED]						
allocate , note email from Dduley for intel purposes						
9004 - File Attachment	JJO	22/09/2016		5		
REV - Proc Cont Review	DBE	26/09/2016				
Comment Several tobacco jobs - still issues with powers under CPR, but intel suggests counterfeit so primary legislation will be TMA and also we would have reasonable grounds to suspect none compliance with CPA safety aspects too. Officers need to be consistent and use the search books and satisfy themselves that they have taken all non-compliant products including alcohol at licensed premises - went through the books.						
Will need an etrace on the premises we are selecting, we can share this info with GAIN through [REDACTED] we can see if warrants are needed.						
555 - Intelligence Log	AA6	12/10/2016		20		
Comment IDB Log :						
VT - Visit Trader	AA6	19/10/2016		60		
Comment Operation Strike , a large quantity of illicit / counterfeit tobacco found concealed on the premises. Cross ref with Job No 8430488 allocated to [REDACTED]						
9004 - File Attachment	AA6					
User Defined Codes						
Reason						

Remarks

Hi,

I just sent through one re City Bargains to be created as a job. Please see further update from Licensing. Job actually needs to be created at 117 Villa Road.

[REDACTED]

Duty Officer
Birmingham Trading Standards
P O Box 16586
Birmingham
B33 3EH
Normal Email: tradingstandards@birmingham.gov.uk
Secure Email: [REDACTED]

www.birmingham.gov.uk/tradingstandards

CAB Consumer Advice Line: 03454 04 05 06
CAB Website: <http://www.adviceguide.org.uk/>

Fair Regulation for all - achieving a safe, clean, green and fair trading city for residents, business and visitors

From: [REDACTED]
Sent: Wednesday, September 21, 2016 3:42 PM
To: TradingStandards
Subject: FW: 117 Villa Road

Further to the information provided earlier today the complainant has got back to me with the attached video which they say was made on Sunday 18.09.16. They claim that it shows illegal cigarettes being sold. Originally they said their complaint was about [REDACTED] Road however it now transpires that this premises is not actually trading yet and the complaint relates to 117 Villa Road. Apparently both premises belong to the same person and they are concerned that he will bring the illegal practices he is carrying out at 117 Villa Road to the shop next to them when it opens.

They have told me that they have made 4 separate complaints about the premises in Villa Road but nothing has been done and they haven't been contacted.

As well as the tobacco they say that the shop sells to underage children. I have another video from them which is clearer but unfortunately the file is too big to send

Complainant is [REDACTED] the premises licence holder for [REDACTED] Supermarket [REDACTED]
The best contact is through [REDACTED] tel [REDACTED] who interprets for [REDACTED]

The Premises licence was revoked earlier this year by Committee following a review by the police. A new licence has since been granted but the complainant says it's just the same people with a new name on the licence. If the Officer allocated this matter would like to do a joint visit I would be happy to come along.

[REDACTED]
Licensing Enforcement Officer

Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

Tel. [REDACTED]

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<http://www.birmingham.gov.uk/regulatorycharter>
Follow us on Twitter @BCCLicencing

From: [REDACTED] On Behalf Of Quarantine
Sent: Wednesday, September 21, 2016 11:42 AM
To: [REDACTED]
Subject: FW: 117 Villa Road

From: [REDACTED] mailto:[REDACTED]
Sent: Wednesday, September 21, 2016 11:37 AM
To: [REDACTED]
Subject: 117 Villa Road

Pls create below as a Job

[REDACTED]
Senior Trading Standards Enforcement Officer

Birmingham City Council
Place Directorate
Regulation and Enforcement
Trading Standards
PO Box 16586
Birmingham B33 3EH

Email: [REDACTED]
Secure email : [REDACTED]
Web: www.birmingham.gov.uk/tradingstandards
Web: <http://www.birmingham.gov.uk/regulatorycharter>

Our Mission Statement: locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors.

Follow us on twitter@bhamts

From: Donna Bensley
Sent: Wednesday, September 21, 2016 2:56 PM
To: TradingStandards; [REDACTED]
Cc: Geary [REDACTED]
Subject: FW: [REDACTED]

Duty Officer - can you please raise as a job.

thanks for the info, for future reference any referrals to TS should go through the general Trading Standards email as this will be picked up by the duty officer. As you can see I have forwarded it to them to ensure it is picked up.

Regards

[REDACTED]
[REDACTED]
Trading Standards Service
Regulation and Enforcement
Place Directorate

Birmingham City Council

PO Box 16586
Birmingham
B33 3EH

Tel: [REDACTED]

Email: [REDACTED]

Secure email: [REDACTED]

Our Mission Statement: Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors
Web: <http://www.birmingham.gov.uk/regulatorycharter>

If you require consumer advice please contact The Citizens Advice Consumer Helpline on 03454 04 05 06.
Information can also be found on our website at <http://www.birmingham.gov.uk/tradingstandards>
Follow us on Twitter @bhamts

From: [REDACTED]

Sent: Wednesday, September 21, 2016 10:21 AM

To: Donna Bensley

Subject: [REDACTED]

Hi [REDACTED]

I have received information from a Licensing Solicitor who claims that he has been told by his client that the above premises are selling illegal/non duty paid tobacco. He has also been provided with video evidence which he has promised to forward to me. Who is the best person for me to pass this information to in your department?

Thanks

[REDACTED]
Licensing Enforcement Officer

Regulation and Enforcement
Licensing Section
P.O. Box 17013
Birmingham
B6 9ES

Tel. [REDACTED]

"Locally accountable and responsive fair regulation for all - achieving a safe, healthy, clean, green and fair trading city for residents, business and visitors"

<http://www.birmingham.gov.uk/regulatorycharter>
Follow us on Twitter @BCCLicensing

Related Addresses

Address

Telephone

Type

No Related Addresses found.

User Defined Addresses

No User Defined Addresses found.

User Defined Text

No User Defined Text found.

Complaint Details - WK/008411313



Property					
Address International Supermarket(Prev Villa, 117 Villa Road, Birmingham, B19 1NH					
Telephone		Fax			
Area LOZ - LOZELLS AND EAST HANDSWORTH					
Worksheet					
Source					
Name [REDACTED]					
Address Sandwell MBC Trading Standards, Unit 33. Coneygre Road , Tipton, West Midlands, DY4 8XR					
Home Tel		Work Tel			
Fax		Mobile			
Department TS - Trading Standards		Date Recd	20/09/2016 Time 15:11		
Application CPTS - Request for Assistance TS		Method	T - Telephone		
Task Group A01 - Counterfeiting		Recd By	AA6 - [REDACTED]		
Task 0113 - Tobacco		Source	LAO - LA Other		
Details C has obtained intel that T is selling illicit tobacco form under the counter. C able to provide video footage of T in the act					
Message Details attached . C has spoken [REDACTED]					
Officer [REDACTED]		Target			
Time Taken 25		First Response	27/09/2016 19/10/2016		
Next Action		Completed	13/12/2016 24/10/2016		
Due		Allocated	22/09/2016 Outcome JU05 - Justified Filed for Intel		
References					
No References set up					
Complaints					
Subject Details					
Title	Initials	Tel			
First Name		Fax			
Family Name		Email			
Section					
Breach		Statute			
TS Category Enforcement		Cost of Goods			
Purchase Date		Purchase Time			
OFT (Goods/Services)		Redress Value			
OFT (Complaint Type)		OFT (Method of Selling)			
FSA Type		Country of Origin GB - United Kingdom			
Previous Complaints (Last 10 not including this one)					
Reference	Received	Details	Status	Outcome	Officer
WK/008408810	19/09/2016	Information on illicit alcohol/ tobacco-- See attachmen	Resp	JU09	AA6
WK/008333708	10/06/2016	[REDACTED] could like to speak to someone to try and ar	Resp	UA01	CAU
WK/008330193	02/06/2016	Detail of review noted. No TS involvement.	Resp	NT04	AA6
WK/008236832	22/02/2016	Could do with a joint visit to this place ASAP - SEE RE	Resp	UA01	CAU

Complaint Details - WK/008411313



Actions						
Action	Officer	Actual	Target	Time	Value	Number
0000 - Procedure Started	TSIN	20/09/2016				
PASS - Pass Job	AA6	21/09/2016 15:27				
Comment Passed from officer: TSIN - Trading Standards Inbox to officer: TSAL - Trading Standards Allocations						
PASS - Pass Job	AA0	21/09/2016 16:21				
Comment Passed from officer: TSAL - Trading Standards Allocations to officer: [REDACTED]						
allocate, see previous history, may need to visit						
PASS - Pass Job	AA0	22/09/2016 09:15				
Comment Passed from officer: [REDACTED] to officer: [REDACTED]						
reallocate, [REDACTED] has already spoken to [REDACTED]						
REV - Proc Cont Review	DBE	26/09/2016				
Comment Several tobacco jobs - still issues with powers under CPR, but Intel suggests counterfeit so primary legislation will be TMA and also we would have reasonable grounds to suspect none compliance with CPA safety aspects too. Officers need to be consistent and use the search books and satisfy themselves that they have taken all non-compliant products including alcohol at licensed premises - went through the books.						
Will need an etrace on the premises we are selecting, we can share this info with GAIN through [REDACTED] we can see if warrants are needed.						
OFA - Office Activity	AA6	10/10/2016			25	
Comment have discussed in depth with Licensing enforcement who have linked to with [REDACTED] on Lozells Road.						
VT - Visit Trader	AA6	19/10/2016				
Comment Operation Strike tobacco found on the premises. Cross ref with Job No 8430488						
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					
9004 - File Attachment	TSIN					

User Defined Codes
Reason

Remarks
No Remarks found.

Related Addresses
Address Telephone Type
No Related Addresses found.

User Defined Addresses
No User Defined Addresses found.

Property		
Address International Supermarket, 117 Villa Road, Birmingham, B19 1NH		
Telephone	Fax	Area TS - Trading Standards

Worksheet			
Source			
Name [REDACTED]			
Address International Food Store, 117 Villa Road, Birmingham, B19 1NH			
Home Tel	Work Tel	Mobile	
Fax	Email		
Department	TS - Trading Standards	Date	20/10/2016 Time 17:25
Application	PS - Prosecutions	Method	I - Internal
Task Group	CRI - Criminal	Recd By	[REDACTED]
Task	CRP - Criminal Prosecution	Source Type	O - Officer Generated
Details large amount of cigarettes were recovered from the ceiling cavity			
Message			
Officer	[REDACTED]	Target	Actual
Time Taken	1155	First Response	
Next Task		Completed	
Due	Allocated 21/10/2016	Outcome	

References
No references set up.

Prosecution Details			
Statute	TM94 - Trade Marks Act 1994		
Section	Notice Ref		
Regulation	Multiples	Secondary False	
Defendant D.O.B	Age		
Defendant Notes	says previous owner and tobacco his and not associated with new owner		

Progress Details			
Offence	18/10/2016	Statutory Notice	
Date of Discovery	18/10/2016	OFT:	
Target	17/02/2017	Enquiry Sent	
Last Date for Informations Laid	17/04/2017	Returned	
Informations Laid		Notice - Intended Proceedings	
Report Sent to Legal Dept		Form Returned	
First Hearing Date		OFT Reference	
Next Hearing Date		Reg. Company	

Court and Judgement Details				
Decision Date	Court			
Plea	Result	Outcome		
		OFT Notified		

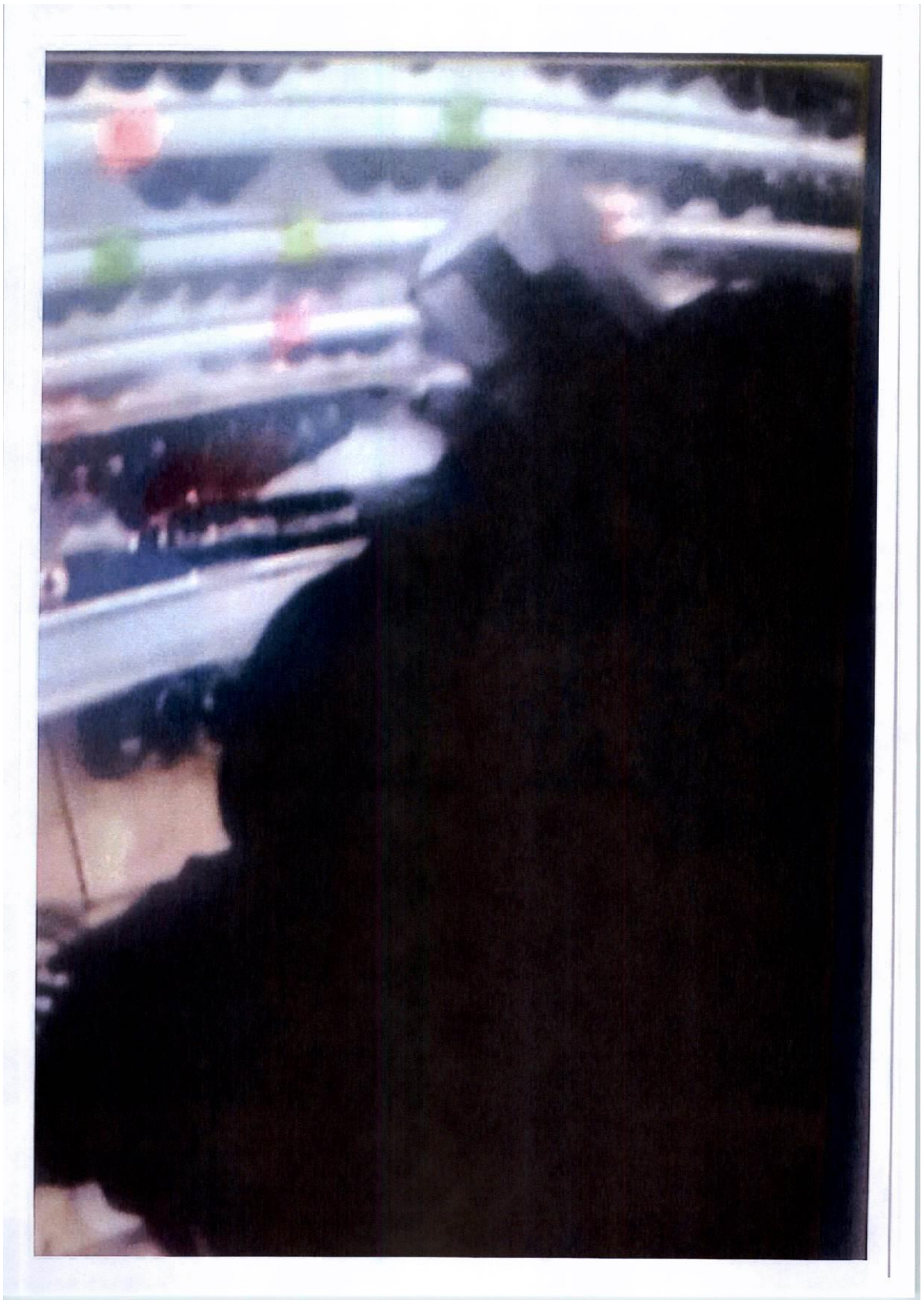
Offences and Outcomes				
Offence	Outcome	Fine	Compensation	
Number of Informations Laid		Totals		

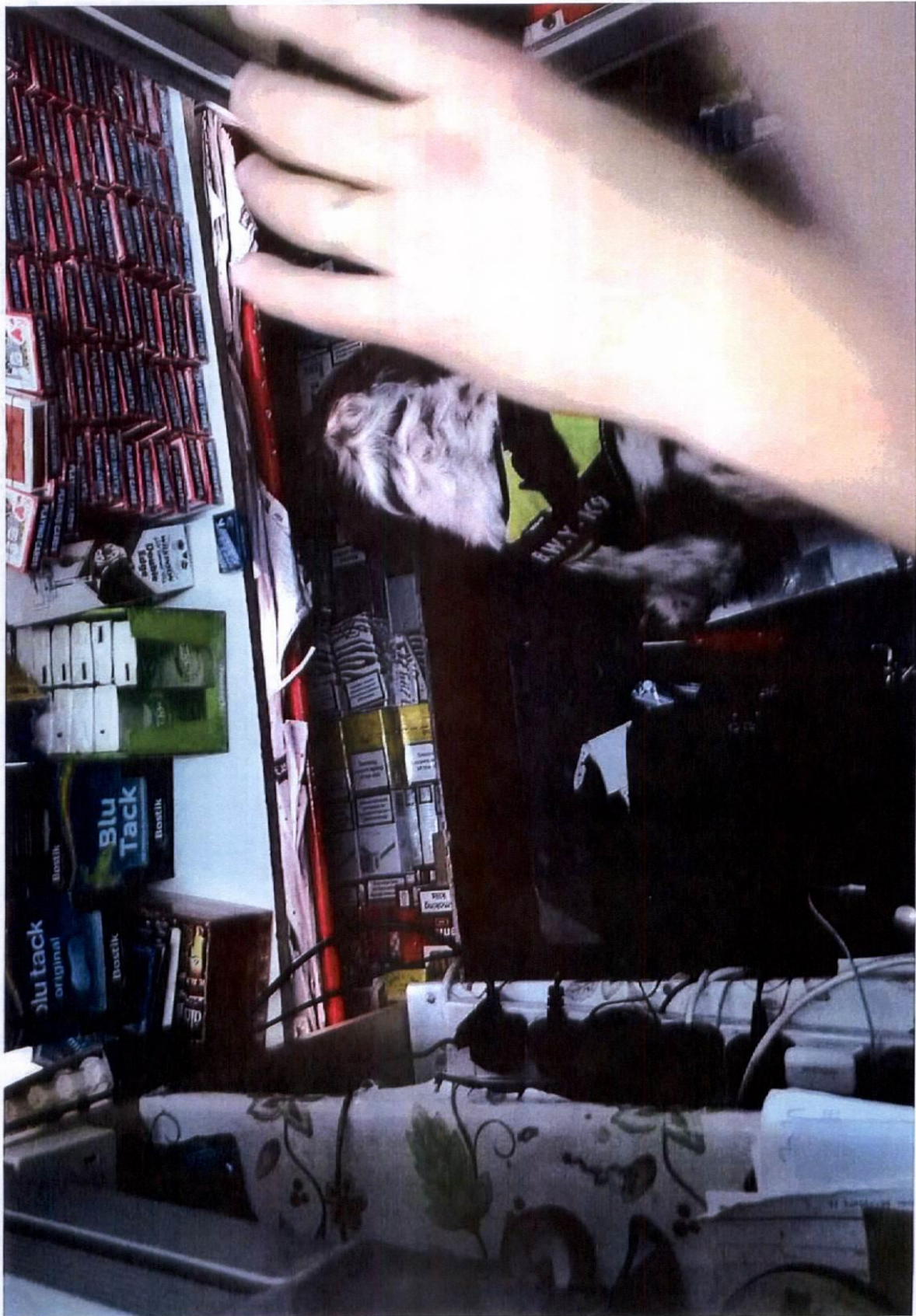
Costs		
Costs	Requested	Awarded
		Total Awarded

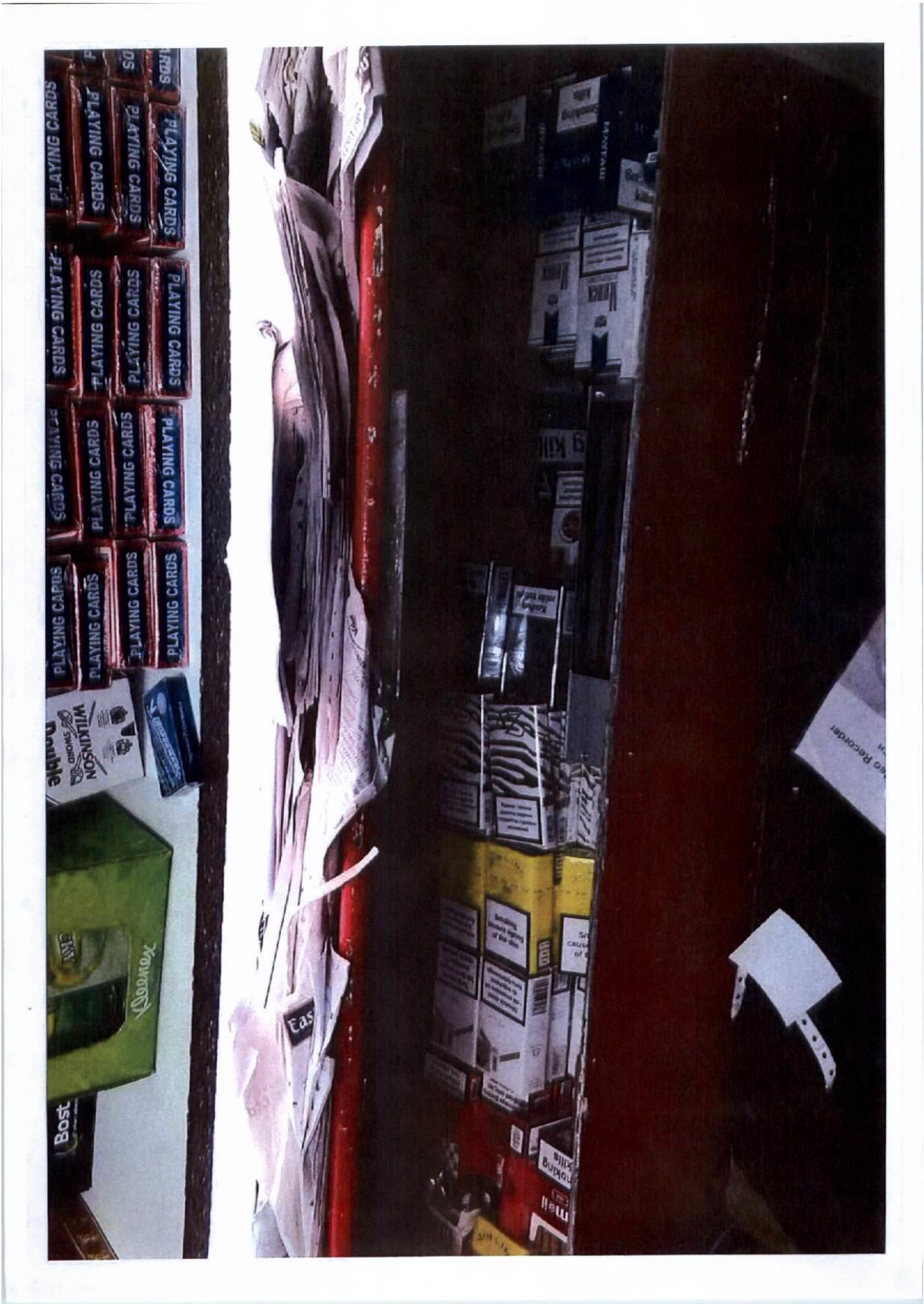
RTA Details		
Operators Licence	Vehicle Reg. No	Prohibition
Comments		
ENQUIRY	Sent to	Returned
COMPLETION	LACOTS	Traffic Commissioner
RTA Outcome		

RTA Offences			
Component	Fine	% Overload	Outcome





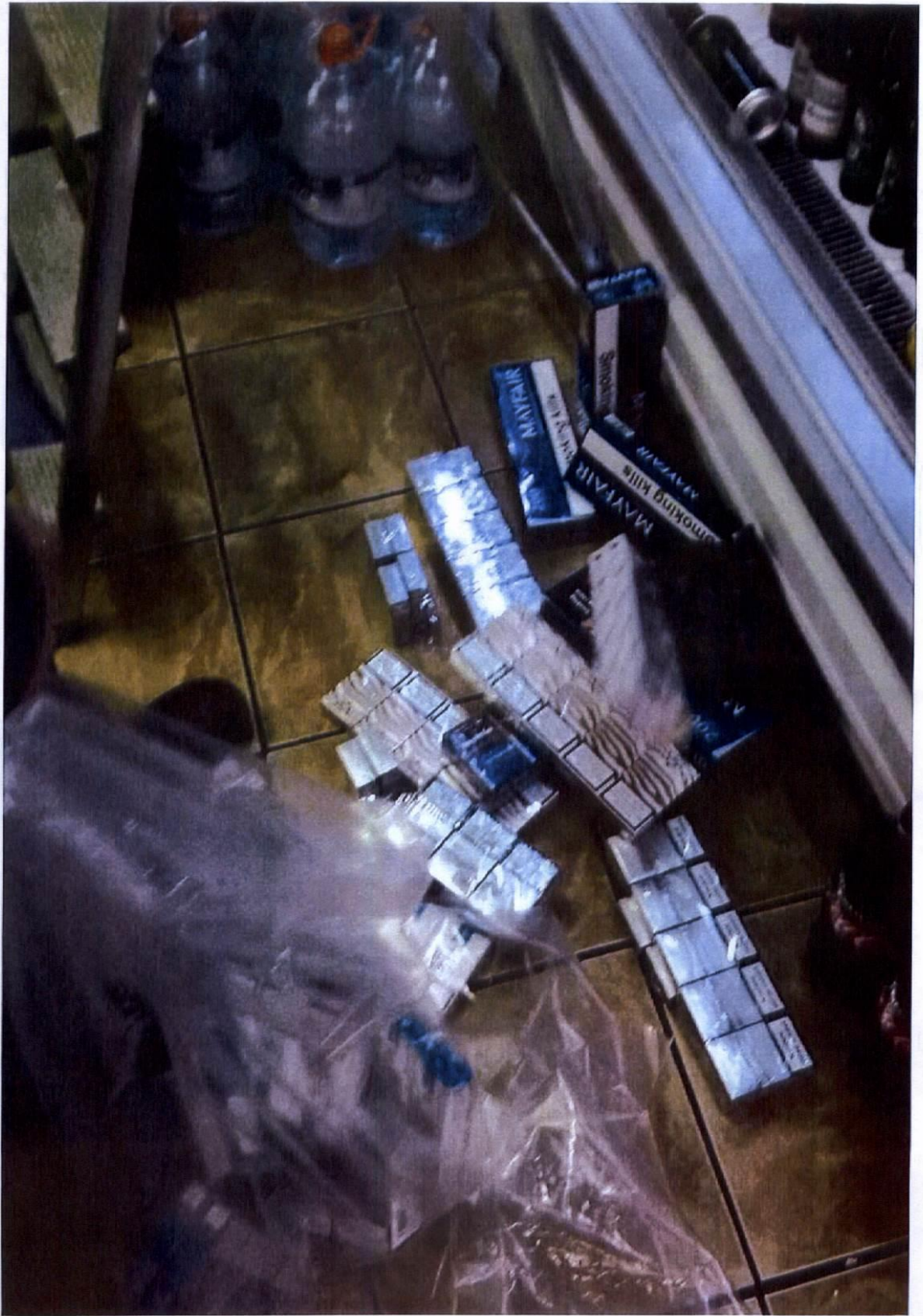


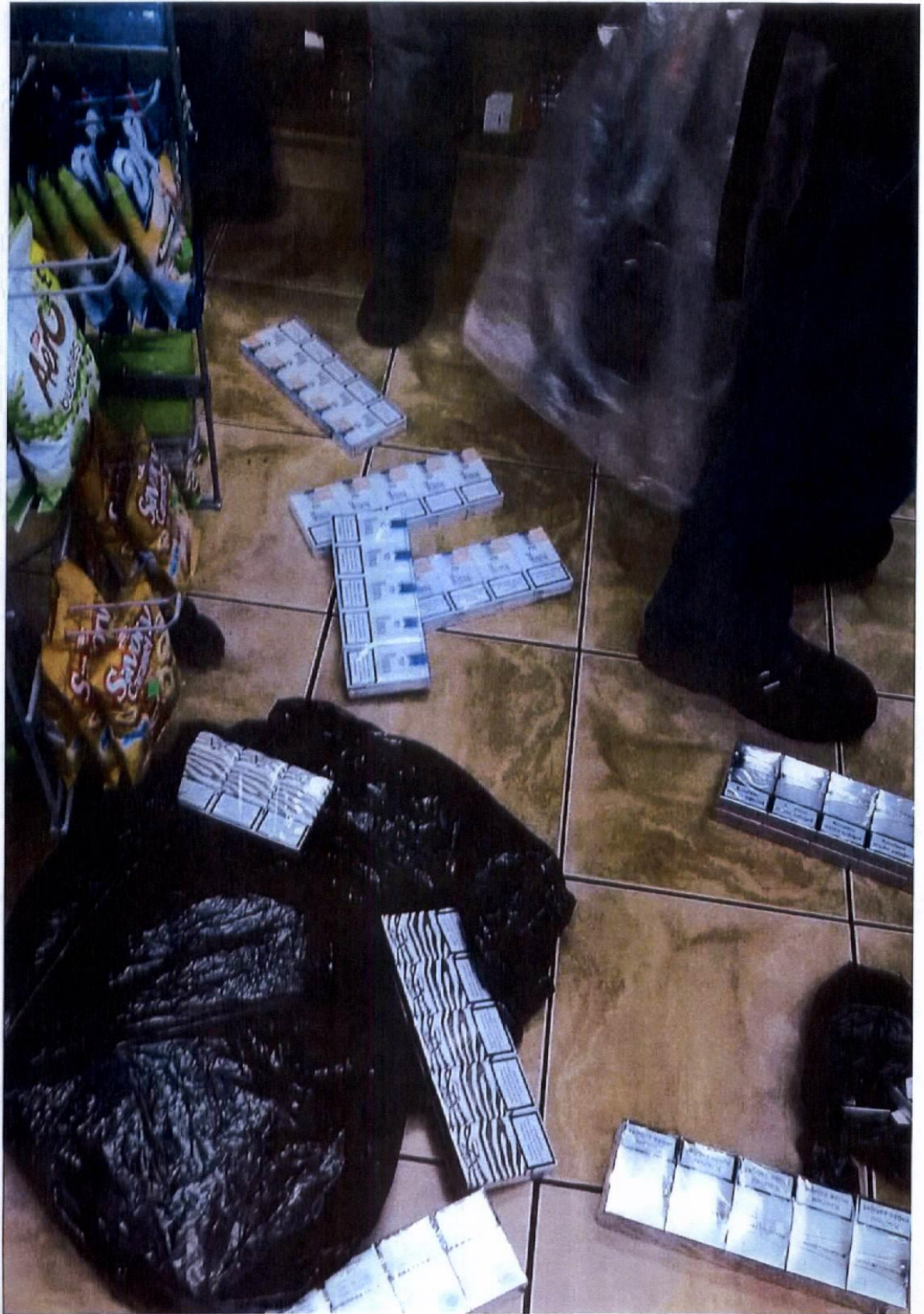




















BIRMINGHAM CITY COUNCIL
LICENSING SUB-COMMITTEE - A

27 June 2016

The Villa Supermarket, 117 Villa Road, Handsworth,
Birmingham, B19 1NH

That having reviewed the premises licence held under the Licensing Act 2003 by Mr Nawzad Howla in respect of The Villa Supermarket, 117 Villa Road, Handsworth, Birmingham B19 1NH, following an application for an expedited review made on 1 June 2016, on behalf of the Chief Officer of West Midlands Police, this Sub-Committee hereby determines to:

REVOKE the LICENCE, in order to promote the prevention of crime and disorder objective in the Act.

The Sub-Committee's reasons for revoking the licence are due to concerns by West Midlands Police in relation to matters which came to light at the premises on 31 May 2016, when the Police attended after reports of an incident. The incident was captured on CCTV, which was shown to the Sub-Committee.

Members of the Sub-Committee saw various CCTV footage of the incident in question and the events leading up to it and it was clear that some form of altercation had taken place. However, what had been initially reported to the Police, namely that an individual had been found unconscious outside the premises, after being pushed, then falling over and banging his head, was not borne out by the CCTV evidence. The Sub-Committee observed various individuals participating in an attack on a member of the public who had visited the premises earlier. It was admitted by the Premises Licence Holder that the incident shown on CCTV was a serious incident but he denied any personal involvement in it.

The Sub-Committee were persuaded by the conclusion drawn by the Police, who had no faith in the ability of the Premises Licence Holder (who was also the Designated Premises Supervisor) to run and manage the premises, particularly given the additional issues which had come to Police attention, such as the sale of alcohol to street drinkers, and sale of single cigarettes. The Police also informed the Sub-Committee that on the day of the interim steps meeting, when the Licence was suspended, they had visited the premises during the evening and discovered that despite the suspension issued earlier that day, alcohol remained on sale in the premises.

The Sub-Committee noted that the Premises Licence Holder denied knowledge and/or responsibility for these issues, despite being the person with ultimate responsibility under the Licence for both managing the premises and promoting the licensing objectives.

It was therefore necessary and reasonable to impose a revocation to address the continuing problems with the premises, and to promote the prevention of crime and disorder objective in the Act.

Although the Sub-Committee gave careful consideration to the submissions/volunteered conditions made by the premises licence holder's solicitor, such as limiting sales of single cans of alcohol, members were not persuaded that the issues identified could be addressed satisfactorily.

The Sub-Committee gave consideration as to whether it could modify the conditions of the licence or to suspend the licence for a specified period of not more than 3 months, but was not satisfied, given the evidence submitted, that the licensing objectives would be properly promoted following any such determination.

In reaching this decision, the Sub-Committee has given due consideration to the City Council's Statement of Licensing Policy, the Guidance issued under Section 182 of the Licensing Act 2003 by the Secretary of State, the Guidance issued by the Home Office in relation to expedited and summary licence reviews, the application and certificate issued by West Midlands Police under Section 53A of the Licensing Act 2003, the written representations and the submissions made at the hearing by the police, and the premises licence holder and their solicitor.

INTERIM STEPS

The following interim steps are maintained as part of this decision notice:

- The suspension imposed on 3 June 2016 remains in effect until the hearing of any appeal, if there is one.
- That Mr Nawzad Howla be removed as the Designated Premises Supervisor.

Any decision to the contrary would not be consistent with the decision of the Sub-Committee today.

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 appeal is disposed of.

Appendix 4

BIRMINGHAM CITY COUNCIL

LICENSING ACT 2003

PREMISES LICENCE

Premises Licence Number:

4571 / 1

Part 1 - Premises details:

Postal address of premises, or if none, ordnance survey map reference or description International Supermarket 117 Villa Road	
Post town: Birmingham	Post Code: B19 1NH
Telephone Number: ---	
Where the licence is time limited the dates N/A	
Licensable activities authorised by the licence M2 Sale of alcohol by retail (off the premises)	
The times the licence authorises the carrying out of licensable activities Monday - Sunday 00:00 - 23:59 M2	
The opening hours of the premises Monday - Sunday 00:00 - 23:59	
Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off Supplies only	

BIRMINGHAM CITY COUNCIL

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence Mr Najibullah Asakzai	
Post town:	Post Code:
Telephone Number: Not Specified	
Email N/A	

Registered number of holder for example company number or charity number (where applicable) N/A

Name, address, telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol Mr Najibullah Asakzai	
Post town:	Post Code:
Telephone Number: N/A	

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol	
Licence Number	Issuing Authority r i

Dated 29/09/2016

David Kennedy
Principal Licensing Officer
For Director of Regulation and Enforcement

BIRMINGHAM CITY COUNCIL

Annex 1 – Mandatory Conditions

No supply of alcohol may be made under the premises licence (a) at a time when there is no designated premises supervisor in respect of the premises licence, or (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every retail sale or supply of alcohol made under this licence must be made or authorised by a person who holds a personal licence.

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. 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. 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.

(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.

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Annex 2 – Conditions consistent with operating schedule

2a) General conditions consistent with the operating schedule

The Premises Licence Holder shall ensure that the Designated Premises Supervisor or another qualified person will train any staff at the premises on;

- All of the licensing objectives contained in the Licensing Act 2003;
- Responsible retailing of alcohol, and the law regarding sales of alcohol;
- The protection of children from harm and this must include how to competently check customers' identification where necessary;
- Permitted hours during which licensable activities can take place and on compliance with the conditions attached to the premises licence.

The Premises Licence Holder shall ensure all staff will be trained with regard to the relevant legislation of the Licensing Act 2003. All staff training records shall be documented and signed by both the trainer and trainee, which shall be made available to any of the Responsible Authorities on request. Refresher training will be completed and documented every 6 months.

The staff training records will be kept at the premises and made available to any Responsible Authority upon request.

2b) Conditions consistent with, and to promote the prevention of crime and disorder

Prominent signs with regard to alcohol sales shall be displayed at the premises.

CCTV will be recording and cover all areas open to members of the public, including the interior, front exterior of the premises and the entrance of the premises. This will be to the recommendation and specification of West Midlands Police. The CCTV will operate whenever the premises are open to members of the public. It will hold recorded data for a minimum of 31 days, and be made available to any Responsible Authority on request.

A refusal book shall be maintained and kept at the premises and will be signed off weekly by the DPS. The refusal book shall be made available immediately to any Responsible Authority upon request.

A member of staff in possession of a personal licence will be on the premises after 23:00hrs until 06:00hrs every day. In addition, all staff members will be able to operate and download CCTV at all times.

The premises will maintain an incident book and will record all incidents occurring inside or immediately outside the premises and will be signed off by the DPS on a weekly basis. This will be produced to all Responsible Authorities immediately on request.

SIA registered door supervision, wearing high visibility clothing, to be at the premises from 23:00hrs until 06:00 hrs on Fridays, Saturdays and on Sundays before a Bank Holiday.

The premises shall have a panic button facility.

2c) Conditions consistent with, and to promote, public safety

Emergency lighting will be fitted at the premises and will be checked on a weekly basis. These checks are to be documented and produced to any responsible authority on request.

Entrances, exits and passageways are to be kept clear.

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2d) Conditions consistent with, and to promote the prevention of public nuisance

Notices must be prominently displayed at the exit from the premises requesting that customers respect the needs of local residents and to leave the premises quietly.

No alcohol will be permitted on the premises in open containers.

No alcohol to be consumed on the premises.

2e) Conditions consistent with, and to promote the protection of children from harm

The Premises shall adopt a Challenge 25 Scheme and signage shall be displayed on site advising customers of the scheme. All staff shall be trained on the Challenge 25 scheme and this shall be recorded in the training register confirming the date of training, staff member trained, who conducted the training and the staff member and trainer shall sign the register.

The premises licence holder will maintain a refusals register (or refusal button on EPOS –Electronic Point of Sale) on the premises and ensure it is completed whenever a sale is refused to a person who cannot prove they are over the age of 18. The refusal register or record of till recorded refusals must be signed off on a weekly basis by the DPS and be made available to any Responsible Authority on request.

The Premises Licence Holder shall ensure that any alcohol on display is not obstructed from the view of the sales assistants.

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Annex 3 – Conditions attached after hearing by licensing authority

3a) General committee conditions

N/A

3b) Committee conditions to promote the prevention of crime and disorder

N/A

3c) Committee conditions to promote public safety

N/A

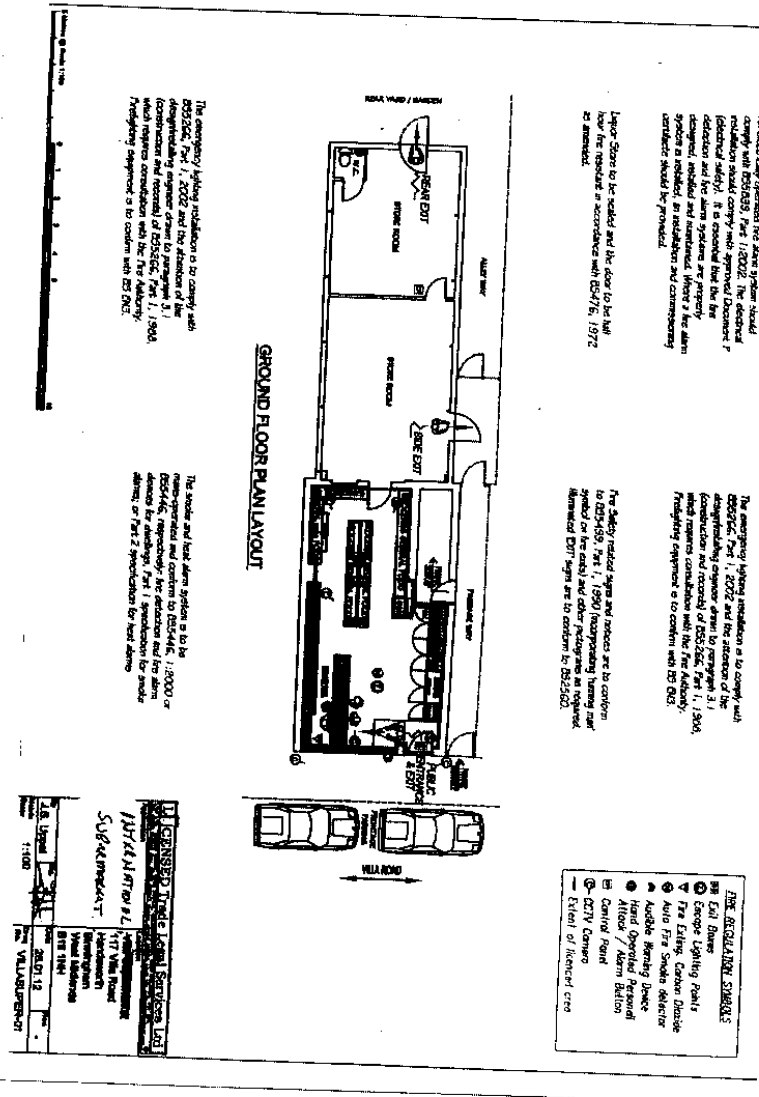
3d) Committee conditions to promote the prevention of public nuisance

N/A

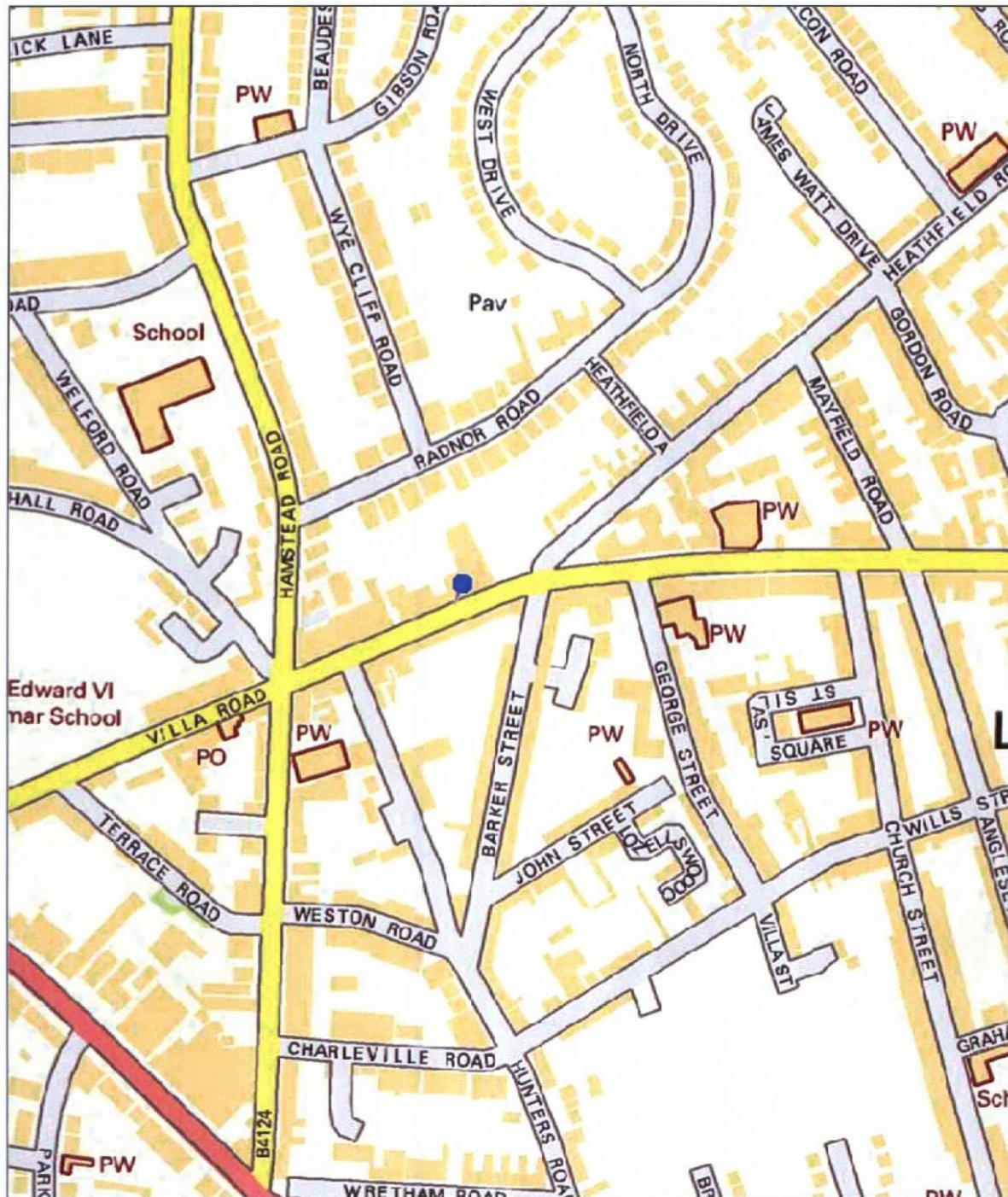
3e) Committee conditions to promote the protection of children from harm

N/A

Annex 4 – Plans



Appendix 5



Map Created By:

Notes

Date of Map Creation: 12/01/2017



Scale:
1:4,000

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Date of Map Creation: 12/01/2017



Scale:
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