

1 March 2017

**LICENSING SUB COMMITTEE (ALCOHOL AND REGULATED ENTERTAINMENT) – 21 MARCH 2017**

APPLICATION UNDER THE LICENSING ACT 2003 for the review of a premises licence.

A meeting of the Licensing Sub Committee (Alcohol and Regulated Entertainment) will be held at 10am on Tuesday 21 March 2017 in the Council Chamber, 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 for the review of the premises licence relating to 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 Mrs Garcia (Chairman), Mrs Roodhouse and Srivastava**

*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](mailto: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**

<b>Name of Meeting</b>	Licensing Sub-Committee (Alcohol and Regulated Entertainment)
<b>Date of Meeting</b>	21 <sup>st</sup> March 2017
<b>Report Title</b>	Application for Review of the Premises Licence, relating to <b>Wisla Polski Sklep, 8 North Street, Rugby. CV21 2AB</b>
<b>Ward Relevance</b>	Benn
<b>Prior Consultation</b>	The statutory notifications have been carried out
<b>Contact Officer</b>	John McTernan, Tel: 01788 533539
<b>Report Subject to Call-in</b>	This report is not subject to Call-In because it is a report to a regulatory committee
<b>Report En-Bloc</b>	Not applicable
<b>Forward Plan</b>	Not applicable
<b>Corporate Priorities</b>	Not applicable
<b>Statutory/Policy Background</b>	This application for the review of a premises licence is made under section 51 of the Licensing Act 2003. The Council has a statutory duty under the Licensing Act 2003 to determine such matters and, where required, to hold hearings to determine the applications. The Council's Statement of Licensing Policy aims to promote the licensing objectives.
<b>Financial Implications</b>	There are no financial implications arising from this report
<b>Risk Management Implications</b>	There are no risk management implications arising from this report
<b>Environmental Implications</b>	There are no environmental implications arising from this report
<b>Legal Implications</b>	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: <b>The prevention of crime and disorder</b> <b>Public safety</b> <b>The prevention of public nuisance</b> <b>The protection of children from harm</b>

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

## **Summary**

An application for a review of the premises licence for Wisla Polski Sklep, 8 North Street, Rugby has been submitted by Trading Standards Service in its capacity as a responsible authority (see Appendix 1). The review relates to the following licensing objectives:

- prevention of crime and disorder; and
- protection of children from harm.

The application for review gives details of a visit to the premises to give advice following intelligence reports regarding the sale of illicit tobacco from the premises. A later visit to the premises was made and an inspection revealed a concealed area containing a stock of cigarettes which were seized and subsequently found to be counterfeit.

The premises licence holder is Hasan Azizi and the licence authorises the sale by retail of alcohol (off sales only) between the hours of:  
Monday to Sunday 08:00 to 23:00

Representations have also been received from other responsible authorities –Warwickshire County Council Children's Services, Warwickshire Police and Rugby Borough Council (acting in its capacity as Licensing Authority and a responsible authority). (see Appendix 3)

## **Options**

The following options are available to the Sub-Committee:

- leave the licence unchanged;
- modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period of not more than three months;
- revoke the licence.

## **Recommendation**

The Sub-Committee is requested to determine the application.

## **Reasons for Recommendation**

The Sub-Committee is required 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) –  
21 March 2017

Report of the Head of Environment and Public Realm

Application for Review of the Premises Licence relating to  
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: 2<sup>nd</sup> February 2017
- (b) Applicant: Warwickshire County Council Trading Standards (in its role as a responsible authority)
- (c) Premises to which the application relates: Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB
- (d) Grounds for review: The Premises Licence Holder has undermined the prevention of crime and the protection of children from harm licensing objectives, and been obstructive towards the Trading Standards investigation by failing to assist with access to the CCTV system.

The review application has been advertised and communicated to the various parties in accordance with legislative requirements.

**2. THE APPLICATION**

- 2.1 A copy of the application for review of the premises licence is attached at Appendix 1.
- 2.2 A site plan showing the location of the premises is attached as Appendix 2.
- 2.3 Warwickshire County Council Trading Standards Officers conducted an advice visit to the premises on 14<sup>th</sup> September 2016 after receiving intelligence that illicit tobacco was being sold at the premises. Officers spoke to Mr Hasan Azizi, the Premises Licence Holder, at the time and advised him that the possession and or sale of illicit tobacco was forbidden and that his premises licence could be at risk if he was to be found selling such items.

Information and advice was also given to Mr Azizi in relation to the purchase of legitimate tobacco from genuine cash and carries, underage sales and the health risks associated with counterfeit and illicit tobacco.

- 2.4** On 8<sup>th</sup> December 2016 Warwickshire Trading Standards Service along with Warwickshire Police conducted a joint inspection of the premises with the aid of a tobacco sniffer dog.
- 2.5** During this inspection, at which Mr Azizi was present, a concealment was discovered in the stock room of the shop. A sophisticated container used a number of electro magnets which were operated by a key fob release mechanism. The concealment was designed to blend in with the shop fittings, and upon opening the door it was clear that items including fresh peeled garlic and potpourri had been placed in an attempt to misdirect tobacco sniffer dogs.
- 2.6** The total number of cigarettes seized as a result of the inspection reached 20,640. Warwickshire Trading Standards Service had a sample of the tobacco analysed and it has been confirmed as counterfeit.
- 2.7** On 18<sup>th</sup> January 2017, Warwickshire Trading Standards Service received a complaint from a member of the public relating to the sale of tobacco to underage children. During the investigation the CCTV unit at the premises was seized, the unit was pass coded but upon being requested to provide the code Mr Azizi stated to officers that he did not know the code and was unable to assist.
- 2.8** Warwickshire Trading Standards service consider that the licensing objectives to prevent crime & disorder and to protect children from harm are being seriously undermined by the incidents described above and that Mr Azizi has been obstructive towards the Trading Standards investigation by not assisting with access to the CCTV system.
- 2.9** They further believe that the business is not being run in a fit and proper manner and the nature of the reported incidents would allow the only remedy to be the revocation of the Premises Licence.
- 2.10** The premises are currently authorised for:

Sale by retail of alcohol (off sales only)  
Monday to Sunday 08:00 to 23:00

- 2.11** A copy of the licence is included at Appendix 3.

### **3. REPRESENTATIONS RECEIVED**

- 3.1** Further representations have been received as follows
- 3.2** Warwickshire County Council Children's Services -  
In view of Trading Standards' evidence, WCC Children's Services believe Premises Licence Holder's ability to ensure children are protected from illegal sales of tobacco and alcohol is thrown into doubt.

- 3.3** Warwickshire Police -  
Relate to non-compliance with conditions, so undermining the prevention of crime and disorder and prevention of harm to children objectives
- 3.4** Rugby Borough Council –  
Relate to non-compliance with conditions of licence discovered at recent visits, relevant to all four licensing objectives.
- 3.5** Copies of the representations are attached at Appendices 4, 5 and 6

#### **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 i.e:

- prevention of crime and disorder
- public safety
- prevention of public nuisance
- protection of children from harm

- 4.2** In determining an application, the Council must carry out its functions with a view to promoting these licensing objectives, and having regard to its Statement of Licensing Policy and the Statutory Guidance issued by the Secretary of State.

- 4.2** The following paragraphs of the Council's Statement of Licensing Policy may be relevant to the Sub-Committee's consideration of the application:

Paragraphs 8.1 to 8.11 - Prevention of Crime and Disorder

Paragraphs 8.12 to 8.16 – Promotion of Public Safety

Paragraphs 8.17 to 8.21 – Prevention of Public Nuisance

Paragraphs 8.22 to 8.32 - Protection of Children from Harm

#### **5. OPTIONS AVAILABLE TO THE SUB-COMMITTEE**

The Sub-Committee has a number of options when determining this matter:

- (a) leave the licence unchanged;
- (b) modify the conditions of the licence;
- (c) exclude a licensable activity from the scope of the licence;
- (d) remove the designated premises supervisor;
- (e) suspend the licence for a period of not more than three months;
- (f) revoke the licence.

**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 Janet Faulkner Trading Standards Group Manager on behalf of the local weights and measures authority Warwickshire County Council**

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**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Wisla Polski Sklep, 8 North Street,	
<b>Post town</b> Rugby	<b>Post code (if known)</b> CV21 2AB

<b>Name of premises licence holder or club holding club premises certificate (if known)</b>
Mr Hasan Azizi

<b>Number of premises licence or club premises certificate (if known)</b>
RY/CV21/0643-PS

**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) ✓

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



**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

Please tick ✓ yes

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Mrs Janet Faulkner Group Manager Warwickshire County Council Trading Standards Service Old Budbrooke Road Warwick CV35 7DP
Telephone number (if any) 01926 418687
E-mail address (optional)

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

- Please tick one or more boxes ✓
- |   |   |
|---|---|
| 1) the prevention of crime and disorder | ✓ |
| 2) public safety                        |   |
| 3) the prevention of public nuisance    |   |
| 4) the protection of children from harm | ✓ |

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

Under the Licensing Act 2003 the premises are required to take steps to promote the four licensing objectives. It is the opinion of this service that the licensing objectives to prevent crime and disorder and to protect children from harm are being seriously undermined by the Premises Licence holder engaging in the sale of illicit tobacco from the premises.

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

### **Representations**

The Premises Licence was issued on 20<sup>th</sup> September 2016.

The premises are licensed to sell alcohol and also sell tobacco products from a gantry behind the counter.

### **Recent visits by Trading Standards**

On the 14<sup>th</sup> 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 dob: 16/12/1995, who identified himself as the owner of the businesses, he said that he had just taken over the business and he had moved to the area after purchasing the shop. Mr Azizi provided a copy of his personal licence. We advised Mr Azizi that the possession and or sale of illicit tobacco was forbidden and that his alcohol licence could be at risk if he was to be found selling illicit tobacco. We provided him advice in relation to the purchase of legitimate tobacco from genuine cash and carried, we also advised him on underage sales and the health risks associated with counterfeit and illicit tobacco.

On 8<sup>th</sup> 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. During the visit 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.

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 18<sup>th</sup> 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 Azizi was asked to provide the passcode for the CCTV unit that was seized from his premises. Mr Azizi stated to officers that he did not know what the code was and said he was unable to assist us.

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

## **Preventing Crime and Disorder, Protecting Children from Harm**

Under the Licensing Act 2003 the premises are required to take steps to promote the four licensing objectives. It is the opinion of this service that the licensing objectives to prevent crime and disorder and to protect children from harm are being seriously undermined by the incidents described. Furthermore the Premises Licence holder Mr Hasan Azizi has been obstructive towards the Trading Standards Investigation by not assisting with access to his CCTV system.

Illicit tobacco is a crime which deprives the UK of £2 billion every year – money which could be used to fund essential public services; including tackling the damaging impacts of tobacco itself. This illicit trade also damages legitimate business, undermines public health tobacco control strategies and facilitates the supply of tobacco to young people. The price at which these tobacco products are being sold (as little as £3.50 a packet) makes them very affordable and this illegal trade encourages children and young people to smoke. A survey by Trading Standards North West showed that as it becomes harder for the under 18s to buy from legitimate traders, they are increasingly turning to illicit sources.

It is the view of this Service (as a Responsible Authority) that the business is not being run in a fit and proper manner and the nature of the reported incidents would allow the only remedy to be the revocation of the Premises Licence.

P S Coupe  
Warwickshire County Council  
Trading Standards Service

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
┆	┆	┆

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

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ✓
- I understand that if I do not comply with the above requirements my application will be rejected ✓

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 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

*J. Mulker*

Date

02.02.17

Capacity

*Group Manager Trading Standards*

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

Mr Simon Coupe  
Team Manager  
Warwickshire County Council  
Trading Standards Service  
Old Budbrooke Road

**Post town**

Warwick

**Post Code**

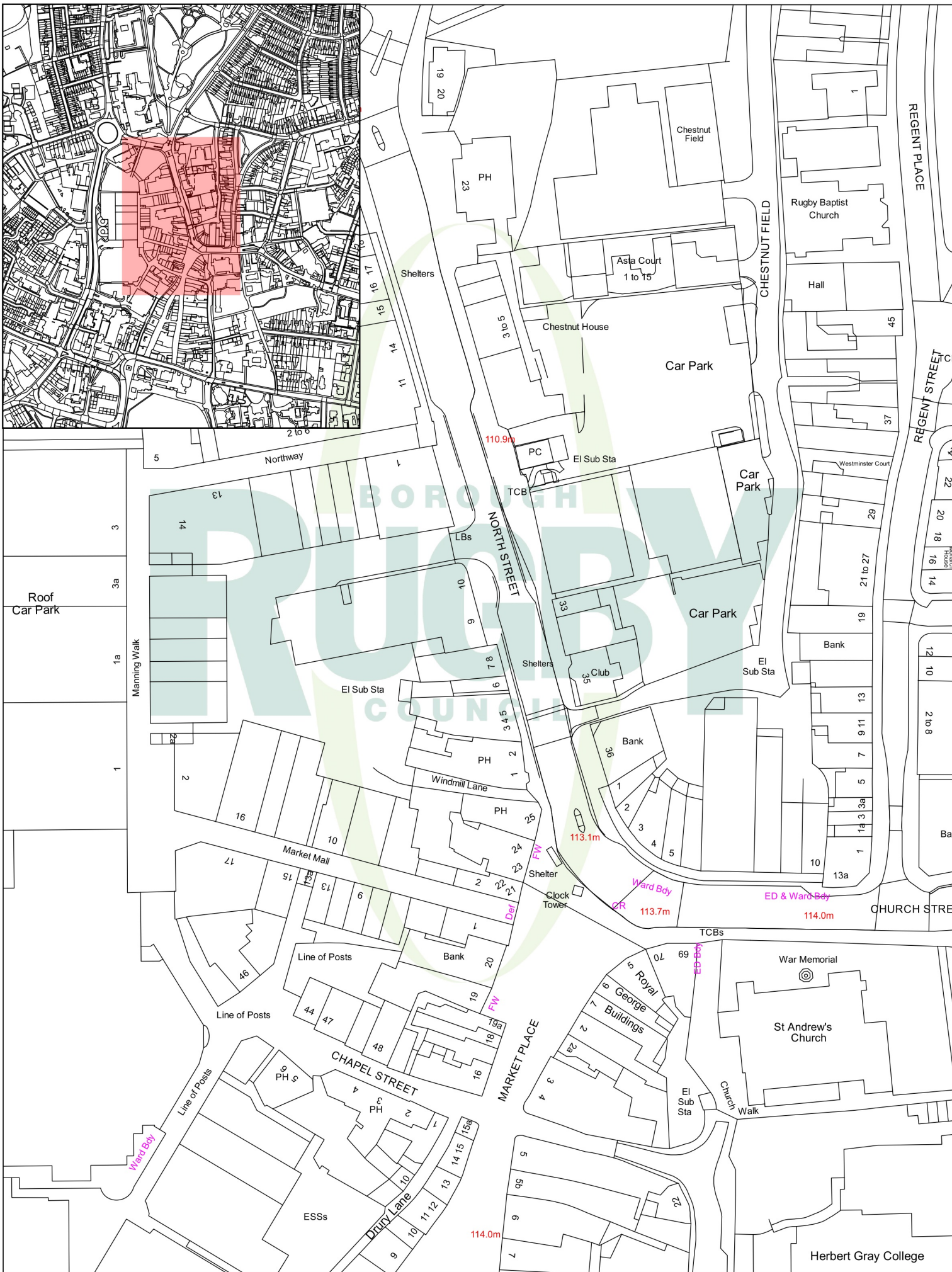
CV35 7DP

**Telephone number (if any)** 01926 414024

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)** simoncoupe@warwickshire.gov.uk

**Notes for Guidance**

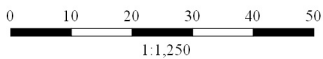
1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example 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.



8 North Street, Rugby

Date  
13/02/2017

Scale  
1:1,250  
(when printed @A4)



Licensing

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Ordnance Survey 100019417





Part A

**Premises Licence**

Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR

Premises Licence number

RY/CV21/0643-PS

**Part 1 – Premises details**

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

**Wisla Polski Sklep, 8 North Street**

Post town: **Rugby**

Postcode: **CV21 2AB**

Telephone number: Not Known

Where the licence is time limited the dates:

**Not Applicable.**

Licensable activities authorised by the licence

**Sale by Retail of Alcohol**

The times the licence authorises the carrying out of licensable activities

**Monday to Sunday 08:00hrs to 23:00hrs**

The opening hours of the premises

**Monday to Sunday 08:00hrs to 23:00hrs**

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

**Off Sales only**

**Part 2**

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

**Mr Hasan Azizi, 8 North Street, Rugby, Warwickshire, CV21 2AB**

**Telephone Number: Not known**

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

**N/A.**

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

**Asso Hemn Hassan, Flat3, 174 Lea Road, Wolverhampton. WV3 0LQ**

**Telephone Number: Not known**

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

**PER 2991**

**City of Wolverhampton Council**

### **Annex 1 – Mandatory conditions**

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
  - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
  - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
    - (a) a holographic mark, or
    - (b) an ultraviolet feature.
4. Sale of alcohol below permitted price
  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. For the purposes of the condition set out in paragraph 1—
    - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) “permitted price” is the price found by applying the formula—

$$P = D + (D \times V)$$

where—

P is the permitted price,

D is the rate 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

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;

(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) “valued added tax” means value added tax charged in accordance with the Value Added Tax Act 1994(7).

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

(2) 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.

## **Annex 2 – Conditions consistent with the Operating Schedule**

The Licence holder shall conduct the premises in accordance with the Operating Schedule attached to the application (as amended by the licensing authority after a hearing or agreed by the applicant following the submission of representations if appropriate), and in particular the following:

1. The premises will have internal and external CCTV. The CCTV installed, will be to the specifications and recommendations of the local Police. The CCTV images, will be retained for thirty one days and downloadable on request. CCTV will also be recording at all times the premises is open for licensable activity. Accurate dates and times are to be recorded and visible on CCTV images.
2. The designated premises supervisor will ensure that any staff involved in the sale of alcohol will have fully recorded and documented training, including six monthly refresher courses, in respect of their responsibilities under the Licensing Act 2003. The training will include any changes to legislation and training in the usage and chronicled storage of CCTV. All training records will be retained and available on site for inspection at any time.
3. The Licence Holder and staff, will at all times be vigilant in relation to any litter issues.
4. Alcohol displayed will not be obstructed from the view of the sales assistants and non-alcoholic / soft drinks, crisps and confectionery will be situated away from the alcohol display area.
5. The premises will operate a proof of age scheme via acceptable forms of identification and incorporating 'the challenge 21' policy. A sales refusal and incident book will be fully maintained and available for inspection at any time. It will also be signed off weekly by the designated premises supervisor.

Where any equipment or installation is required by the Operating Schedule it shall be maintained in such condition and be used so as to promote the licensing objective(s).

### **Annex 3 – Conditions attached after a hearing by the licensing authority**

Not Applicable

### **Annex 4 – Plans**

See Attached Drawing No: WISLAPOLSKI-01 Rev - Dated 03.03.14

**Date Licence Issued: 20/09/2016- Transfer Premises Licence  
Issued by Rugby Borough Council, Town Hall, Evreux Way, Rugby, Warwickshire, CV21 2RR**

**Telephone (01788) 533884  
Fax: (01788) 533409  
DX DX 11681 (HEH) Rugby  
E-mail: [Licensing@rugby.gov.uk](mailto:Licensing@rugby.gov.uk)  
Web Site: [www.rugby.gov.uk](http://www.rugby.gov.uk)**

## Linn Ashmore

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**From:** Paul Jacques <  
**Sent:** 15 February 2017 14:32  
**To:** John McTernan  
**Cc:** tarvinderkalsi@warwickshire.gov.uk; simoncoupe@warwickshire.gov.uk  
**Subject:** Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB.

John

Many thanks for sending us the papers for the License Review on the Premises License for Wisla Polski Sklep, 8 North Street, Rugby, CV21 2AB.

I act on behalf of Warwickshire Children's Services in assessing Licenses for the protection of children from harm objective under the License Act 2003.

We wish to make the following Representation in connection with this License Review.

*We consider that the evidence for the concealment of illicit tobacco on the premises and the failure to provide CCTV images constitutes grounds for the revocation of the Premises License. This is because the evidence supports a level of personal criminal irresponsibility that throws into doubt the ability of the License holder to ensure children are protected from illegal sales of tobacco and alcohol.*

Please could acknowledge receipt of this e mail.

With thanks.

Paul Jacques. WCC Children's Services.



## Representation Form From Responsible Authorities Licensing Act 2003

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

Responsible Authority (please delete as applicable): Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority

Your name	PS 1513 Stuart Powell
Job Title	Sergeant, SNT, Rugby Town North
Postal and e-mail address	Rugby Police Station Newbold Road Rugby CV21 2DH
Contact telephone number	01788 853728

Name of the premises you are making a representation about	Wisla Polski Sklep
Address of the premises you are making a representation about	8 North Street, Rugby, CV21 2AB

<i>Which of the four licensing objective does your Representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.</i>
To prevent crime and disorder	YES	<p>Warwickshire Police has been made aware of a review of the Premise Licence for Wisla Polski Sklep, 8 North Street, Rugby being held at Rugby Borough Council.</p> <p>Warwickshire Police would like to put forward the following representations.</p> <p>On the 25<sup>th</sup> 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:</p> <p>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. Clearly there has been no supervision of sales of alcohol throughout that time.</p> <p>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. The CCTV covering the internal front door of the premises was not positioned for effective facial recognition</p>

		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.
To prevent public nuisance	NO	
Public safety	NO	
To protect children from harm	YES	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. Please see attached photographs.  There was no refusal or incident book available for inspection so there is no record of any ID being checked at the premises. This is also in breach of licensing conditions

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	Warwickshire Police do not believe that any further conditions would remedy the issues at the premise and would ask that the Premise Licence Holder be removed from the Licence.
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Signed PS 1513 Stuart Powell..... Date .....13/02/2017.....

**Please return this form along with any additional sheets to Licensing Team, Rugby Borough Council, Licensing Team, Town Hall, and Evreux Way, Rugby CV21 2RR or by emailing to [licensing@rugby.gov.uk](mailto:licensing@rugby.gov.uk). This form must be returned within the Statutory Period. For more details please check with the Licensing Team on (01788) 533884.**



## Representation Form From Responsible Authorities Licensing Act 2003

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

Responsible Authority (please delete as applicable): Police / Fire / Environmental Protection / Health and Safety / Child Protection / Weights and Measures / Planning Authority

Your name	Mrs Penny Clarke
Job Title	Licensing Officer
Postal and e-mail address	Licensing Town Hall Rugby Borough Council Evreux Way, Rugby, CV21 2RR
Contact telephone number	01788 355662

Name of the premises you are making a representation about	Wisla Polski Sklep
Address of the premises you are making a representation about	8 North Street, Rugby, CV21 2AB

<i>Which of the four licensing objective does your Representation relate to?</i>	<i>Yes Or No</i>	<i>Please detail the evidence supporting your representation. Or the reason for your representation. Please use separate sheets if necessary.</i>
To prevent crime and disorder	Yes	Licensing conditions relating to this section have been breached with the licence continuing to be used. See full explanation on separate sheet.
Public safety	Yes	Licensing conditions relating to this section have been breached with the licence continuing to be used. See full explanation on separate sheet.
To prevent public nuisance	Yes	Licensing conditions relating to this section have been breached with the licence continuing to be used. See full explanation on separate sheet.
To protect children from harm	Yes	Licensing conditions relating to this section have been breached with the licence continuing to be used. See full explanation on separate sheet.

Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary and refer to checklist.	None
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Signed .....  ..... Date ..... 1/3/17 .....

**Please return this form along with any additional sheets to Licensing Team, Rugby Borough Council, Licensing Team, Town Hall, Evreux Way, Rugby CV21 2RR or by emailing to [licensing@rugby.gov.uk](mailto:licensing@rugby.gov.uk). This form must be returned within the Statutory Period. For more details please check with the Licensing Team on (01788) 533884.**





Continuation of Representations  
made from the Licensing Authority of Rugby Borough Council  
By Licensing Officer Penny Clarke

**Supporting the Review Application for  
Wisla Polski Sklep, 8 North Street, Rugby, CV21 2RR.**

As my role of Licensing Officer with Rugby Borough Council, I inspect premises to ensure compliance with their licence. This is to ensure that they are following the Authority given to them to sell alcohol for off sales.

Each premise licence is individually tailored to the premise, with the licensing hours and licensable activities that the original application for a premise licence specifies unless there has been a full variation to the licence changing these. It also contains the self-imposed and any other agreed conditions during the application process; it will also contain any amendments and/or conditions made by the licensing authority if the licence has been brought to a Licensing Hearing.

I have attended the Wisla Polski Sklep premises on 25th January 2017, to conduct a routine licensing inspection, I have been in company with Sgt Stuart Powell from Warwickshire Police. This premise has held a Premise Licence since 5/3/2015, and has 5 Licence holders in that 24 months. The Current Premise Licence holder is Mr Azizi who resides at the premise in the flat above.

1. The premises will have internal and external CCTV. The CCTV installed, will be to the specifications and recommendations of the local Police. The CCTV images, will be retained for thirty-one days and downloadable on request. CCTV will also be recording at all times the premises is open for licensable activity. Accurate dates and times are to be recorded and visible on CCTV images.

**OUTCOME of VISIT: The CCTV system had been seized by Trading Standards during an operation on the premises in December 2016. A new CCTV system has been installed and images go back to the 8<sup>th</sup> January 2017.**

- There was no External CCTV at the premises
- The images were not able to download at the time and some of the requested images were emailed over a few days later. Requested images of all 8 cameras for 8<sup>th</sup> January 2017, 1600-1630hrs and on the 12<sup>th</sup> January 2017, 1000-1030hrs. I have yet to receive all the requested images.

2. The designated premises supervisor will ensure that any staff involved in the sale of alcohol will have fully recorded and documented training, including six monthly refresher courses, in respect of their responsibilities under the Licensing Act 2003. The training will include any changes to legislation and training in the usage and chronicled storage of CCTV. All training records will be retained and available on site for inspection at any time.

**OUTCOME of VISIT: There was no DPS involved with the premise. The Premise Licence holder advised me that the DPS named on the licence had not been involved with the premise since he brought it in September 2016, that he was the DPS. There had been no application to put Mr Azizi**

the premise licence holder as DPS – he was advised to attend the council that day to apply for himself to be DPS. Mr Azizi did do this. Warwickshire Police made representations against this application and a hearing was held by a Licensing Sub-Committee of Rugby Borough Council on the 1<sup>st</sup> March 2017. The application was rejected and the DPS reverted to the previous DPS, Mr Hassan who initially did not wish to take the role on, until Mr Azizi spoke with him.

At the time of the visit as there was no working DPS, the premise licence holder was unable to provide any training records for himself or the other member of staff.

3. The Licence Holder and staff, will at all times be vigilant in relation to any litter issues.

**OUTCOME of VISIT:** The Premise licence holder confirmed that he did not check for litter as this was what the Council do. – He was advised that he had a responsibility unit the authorisation of this licence to be vigilant in relation to any litter. I advise him to get a diary to record that he has checked for litter and if he has picked any up.

4. Alcohol displayed will not be obstructed from the view of the sales assistants and non-alcoholic / soft drinks, crisps and confectionery will be situated away from the alcohol display area.

**OUTCOME of VISIT:** On 3 different shelving units and fridges, there were mixture of alcoholic and non-alcoholic drinks, some of these were next to crisps. – These were all pointed out to the premise licence holder that he could not mix the soft drinks/non-alcoholic drinks with alcoholic drinks and none could be next to the crisps or confectionary. The premise licence holder was unhappy with this point, and I gave advise on how to request to remove the condition from his licence, but it would be likely to be challenged by either Warwickshire Police or Trading Standards, even so in the meantime the displays would need to be moved around.

5. The premises will operate a proof of age scheme via acceptable forms of identification and incorporating 'the challenge 21' policy. A sales refusal and incident book will be fully maintained and available for inspection at any time. It will also be signed off weekly by the designated premises supervisor.

**OUTCOME of VISIT:** There was no incident log or refusal book. There was no DPS working at the premises. When asked about the Challenge 21 Policy, the premise licence holder states they have no refusals as non-under age comes to the shop. – I advised him that he must keep a refusal book and the DPS to record weekly that there had been no refusals or if there had been refusals the date, time and description of the person to be recorded in the refusal book and the DPS to sign this weekly.

#### Conclusion of the Premises Visit:

The Premise licence holder Mr Azizi, who applied to Rugby Borough Council on the 12<sup>th</sup> September 2016 to become the premise licence holder an amended copy of the premise licence was sent out to him on the 30<sup>th</sup> September 2016. This copy of the licence contained all the licensing conditions as stated above. On my visit this copy of the licence was on display in the shop. All 5 of the above

licensing conditions were not being complied with at the time of the visit. This is an offence under section 136(1) of the Licensing Act 2003.

I have spoken to Mr Azizi several times since the visit, and he assures me that conditions have now been rectified. I am due to return to check on these conditions soon.

Mr Azizi the premise licence holder did attend the council after my visit and submit a Vary DPS application to put himself as the DPS. Unfortunately, representations were made against this application and at a hearing on the 1<sup>st</sup> March the application was rejected and the previous DPS was reinstated again. I did speak at lengths with Mr Azizi if he wished for Mr Hassan to remain as the DPS or if he wished for someone else to be put in place instead, I gave him a new application pack should he wish to put a new DPS application in. We also discuss his CCTV and the current plans that we hold for the premise, these do not reflect where he currently has things including CCTV cameras in his premise. I have advised that if the CCTV camera remain in the same places then he can submit the new plans without an application as this is an incidental change. But should the CCTV cameras be moved around then this would have to be a Minor Variation application to the premise Licence, and application form for this was emailed to Mr Azizi. He was going to think about which route he wished to take.

I have spoken to Mr Hassan to ensure that he is aware of his new responsibilities, Mr Hassan has been the previous DPS at this premise and on 2 different periods of time in 2016 he has also been the Premise Licence holder of this premise, it is believed that Mr Hassan should be familiar with the licensing conditions and responsibilities of the DPS at this premise, but just to ensure that he is aware of his responsibilities I have arranged to have a meeting with him at the Town Hall on Friday 3<sup>rd</sup> March at 1200hrs to ensure he is aware of what is required of him.

A further visit to the premise will take place in the near future and will be reported back to the review hearing.

Penny Clarke  
Licensing Officer



Date

1<sup>st</sup> March  
2017.

Representations approved by



Mr David Burrows

Regulatory Services Manager

Officer authorised to make representations on behalf of the council in relation to any premises or other licence application or licence variation, or to request a licence review, as stated under the provisions of the Licensing Act 2003 as amended by the Police Reform and Social Responsibility Act 2011 and subsequent legislation.

Date

1<sup>st</sup> March 2017.

