

**LICENSING SUB COMMITTEE C (RECONVENED HEARING)**

**A meeting of Licensing Sub Committee C was held on 29 and 30 April 2008.**

**PRESENT:** Councillor Taylor (Chair); Councillors Jones and G Rogers.

**OFFICIALS:** J Dixon, T Hodgkinson and Steve Vickers.

**ALSO IN ATTENDANCE:** Mr A Ghafoor – Licence Holder; Mrs Ghafoor.  
 N Aftab – Licence Holder's legal representative.  
 C Goodwin – Barrister representing License Holder.  
 D Lester – Licensing Consultant acting on behalf of Licence Holder.  
 Sergeant P Higgins, PC Walker – Police Licensing Unit.  
 PC Malcolm – Thorntree Community Police Officer.  
 J Smith – Police legal representative.  
 S Upton – Middlesbrough Trading Standards.  
 W Greer – Barrister representing Middlesbrough Council.  
 R Crawford – Erimus Housing Officer: Thorntree.  
 S Crick – Neighbourhood Safety Officer (MBC).  
 P Hilton – Street Warden (Thorntree)  
 S Morris – Licensing Officer (MBC).  
 R Carter-Bonsteel, V Carter-Bonsteel – Charwood Residents Group.  
 Residents in support of Licence Holder: I Green, J Robson, W Kay, N Parkes, J Feary, and P Kay.

**\*\* DECLARATIONS OF MEMBERS' INTERESTS**

There were no Declarations of Interests made at this point in the meeting.

**LICENSING ACT 2003: REVIEW OF PREMISES LICENCE – ROBINS GENERAL DEALERS AND OFF-LICENCE, CINDERWOOD, CARGO FLEET LANE, MIDDLESBROUGH - REF. NO. MBRO/PRO276**

The original Hearing in respect of the above application for a review of the premises licence was adjourned on 14 April 2008, following requests for specific information to be obtained and adequate time in which to examine that information.

Subsequently, the reconvened Hearing commenced on 29 April 2008 and a report of the Head of Community Protection had been circulated outlining an application for Review of a Premises Licence in relation to Robins General Dealers and Off-licence, Cinderwood, Cargo Fleet Lane, Middlesbrough, Ref No. MBRO/PRO276, as follows:-

Summary of Current Licensable Activities

Sale by retail of alcohol for consumption off the premises.

Summary of Current Hours of Licensable Activities

Sale of alcohol:      8.00am – 11.00pm      Monday to Saturday.  
                                  10.00am – 10.30pm      Sunday.

Full details of the application for review were attached at Appendix 1 to the submitted report.

The Chair introduced those present and outlined the procedure to be followed at the meeting.

The licence holder, Mr Ghafoor, accompanied by his wife, legal representative, independent licensing consultant and barrister, was present at the meeting and confirmed that copies of the report and Regulation 6 Notice had been received.

**Details of the Application**

The Principal Licensing Officer confirmed that there were no absent parties and, with the consent of the Chair, the licence holder's barrister addressed the Committee.

The barrister stated that the previous Hearing had been adjourned due to a problem with disclosure of information and it was subsequently agreed that the materials requested were relevant.

It was stated that, on 24 April 2008, Mr Ghafoor's solicitor had received a document with an accompanying DVD and the affect of this would be highly relevant to the proceedings. The DVD showed Mr Ghafoor, on an unknown evening, handing over alcohol to a group of rowdy youths. The barrister stated that one youth could be heard racially abusing Mr Ghafoor and expressed concern that Trading Standards was relying on such evidence and requested that the Committee view it in the light of the stressful situation. It was highlighted that the footage had not arisen out of retail trade at Robins but was outside shops at Beresford Buildings where Mr Ghafoor's brother was the proprietor of a fish and chip take away. Mr Ghafoor had advised that he and his brother had been the subject of racial abuse and criminal damage by a number of youths.

The barrister requested that, given that the material was served late on all parties, the Police obtain dates in relation to the number of incidents reported by Mr Ghafoor at the chip shop as she considered it to be relevant and part of the background that would be put before the Committee in relation to the intimidation suffered by Mr Ghafoor. The barrister also considered it unacceptable for the racial abuse to be played at the Hearing.

The barrister representing the Police responded that the Hearing had been adjourned on 14 April when parties had been asked for information and that the footage formed part of the material requested. It was highlighted that the Police information in relation to Robin's would show the behaviour Mr Ghafoor had been subjected to and that it would take too long for Officers to retrieve detailed breakdowns of any reports made to the Police by Mr Ghafoor in relation to incidents of harassment. Mr Ghafoor would also have the opportunity to address the Committee and provide details of incidents.

The Council's legal representative advised that, with reference to the DVD footage, this could be something dealt with as the Hearing progressed. The legal representative queried whether the Police disputed that Mr Ghafoor and his brother had made complaints regarding harassment. The Police barrister responded that no checks had been made on the system, however, confirmed that Mr Ghafoor had made complaints in respect of the way in which youths were behaving.

The Council's legal representative advised that the matter could be dealt with as it arose and that progress should be made. Subsequently, the Chair announced that the Hearing should commence.

**Details of the Application**

The Principal Licensing Officer confirmed that there were no absent parties and presented the report which was confirmed as being an accurate representation of the facts by the licence holder.

The report outlined that, on 4 February 2008, an application was received from the Principal Trading Standards Officer for a Review of the Premises Licence for Robins General Dealers and Off Licence on the grounds of the prevention of crime and disorder and the protection of children from harm. The Trading Standards Officer stated that concerns had been expressed in relation to regular sales of alcohol to persons under 18 years of age being made by the business and this was supported by complaints from local residents and community groups.

In addition, it was highlighted that a joint enforcement exercise was carried out in August 2007 when then licence holder, who was also the Designated Premises Supervisor, made a sale of alcohol to a 15-year-old female. The Principal Licensing Officer advised that since the report was written, legal proceedings were instituted against the licence holder and the matter was

heard at Teesside Magistrates Court on 7 April 2008 when the licence holder pleaded guilty to the offence and was subsequently found guilty by the Court and fined.

The Trading Standards Officer served copies of the application to the responsible authorities on 4 February 2008 and, in order to fulfil the requirements of the Licensing Act 2003, Licensing Officers posted notices in the vicinity of the premises and in Council Offices on 4 February 2008 advertising the review application. At the end of the 28 day consultation period, a further five representations were received.

On 12 February 2008 a representation was received from Cleveland Police on the grounds of prevention of crime and disorder and the protection of children from harm and was attached at Appendix 2 to the submitted report.

On 25 February 2008 a representation was received from Mr and Mrs Carter-Bonsteel on behalf of themselves as residents, and Charwood Residents Group on the grounds of public safety, prevention of crime and disorder, prevention of public nuisance and protection of children from harm and was attached at Appendix 3 of the submitted report.

On 25 February 2008 a representation was received from Thorntree Community Council on the grounds of the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm and was attached at Appendix 4 of the submitted report.

On 25 February 2008 a representation was received from Mr McQueen on behalf of Fleet House Residents Group on the grounds of the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm and was attached at Appendix 5 of the submitted report.

On 3 March 2008 a representation was received from the Senior Environmental Health Officer on the grounds of public safety and was attached at Appendix 6 of the submitted report. The representation related to the dangerous condition of electrical wiring at the premises which was identified during programmed health and safety inspections in October 2007 and March 2008. The Principal Licensing Officer updated that a further visit to the premises on 6 March 2008 identified that the defect had been remedied and the Environmental Health Officer had now confirmed, in writing, that the representation had been withdrawn, however, expressed concern at the length of time taken to rectify the defect.

#### **Applicant in Attendance – Trading Standards**

S Upton, Principal Trading Standards Officer, and W Greer, Barrister representing Trading Standards, were in attendance at the meeting and presented the case in support of the application for review of the premises licence in respect of Robins.

The barrister representing Trading Standards advised that revocation of the licence was sought and that evidence would be heard from S Upton, Trading Standards Officer, S Crick, Neighbourhood Safety Manager and P Hilton, Street Warden (Thorntree area).

The basis for the application for review was outlined and it was stated that complaints had been made about the store following the Magistrates Court conviction. The conviction was made in relation to the sale of alcohol to a 15-year-old female by the licence holder. The girl had stated that it was not the first time she had purchased goods from the shop and that she had purchased alcohol on five or six occasions previously from the shop and had gone to that shop specifically to purchase alcohol as she knew it would be sold to her.

In relation to the DVD footage, the barrister representing Trading Standards accepted that the incident was not outside Robin's store and that it was outside Farnaby's chip shop, but clearly showed Mr Ghafoor giving alcohol to a minor despite being in unpleasant circumstances. Trading Standards believed that, looking at the incident and behaviour captured on the video footage, Mr Ghafoor had not dealt with the situation appropriately or that it was the proper way in which to deal with anti social behaviour as it conflicted with the four licensing objectives. Trading Standards had acted on complaints from individuals and other authorities.

S Upton, Principal Trading Standards Officer, was in attendance at the meeting and confirmed the contents of her submitted statement dated 7 April 2008 and her additional statement dated 22 April 2008. The additional statement clarified that, in point 4 of the original statement, the Trading Standards Officer had attended a residents meeting at Charwood Community Centre on 6 March 2006 when in fact the date should have been 6 June 2006.

The Principal Trading Standards Officer stated that the application for review had been made based on the amount of complaints received regarding the premise. It was stated that 14 complaints had been made to Trading Standards in respect of the premise selling alcohol to underage persons since 2001. Nine complaints had been from consumers and five from other agencies. Information had also been provided in relation to anti social behaviour by the Neighbourhood Safety Manager.

In addition, the Principal Trading Standards Officer had been invited to attend a meeting of the Charwood Residents Group on 6 June 2006 in relation to what action could be taken against the premises. It was highlighted that, in the past, test purchase operations had been carried out at the premises without success, as the licence holder would not sell alcohol to those he did not recognise. Fewer complaints were received by Trading Standards over the period of the test purchases as residents felt that the test purchases did not work and that nothing else could be done.

The Principal Trading Standards Officer stated that following her attendance at the Charwood Residents Group on 6 June 2006, her attention was drawn to eight other meetings of the Group at which Robin's had been mentioned and, accordingly, copies of the minutes from those meetings were attached to her statement.

The Committee was advised that a number of test purchases had been carried out at the premises since 2001 but none had achieved a sale, the reason for this being that test purchasing was a somewhat unrealistic situation and would not work in areas where the clientele was known.

It was reported that a joint operation, between Trading Standards and Cleveland Police, took place on 17 August 2007. The premises had been under surveillance and a group of girls was observed going into the shop and a short time later leaving with a blue carrier bag. Subsequently, the girls were stopped by the Police and a 15-year-old girl was observed drinking from a 2-litre bottle of 'White Storm' strong cider. The 15 year old girl provided a statement to the Police and confirmed that she had not been asked for ID by the licence holder and that she had purchased alcohol five or six times previously from the shop and had specifically gone to the shop to purchase alcohol knowing that she would not be asked for id.

The result of the joint operation brought about the prosecution in April 2008, when the licence holder pleaded guilty and was found guilty at Teesside Magistrates Court.

The application for the review of the licence was made following the prosecution and the complaints previously made in respect of the premises and also the information provided by the Neighbourhood Safety Manager and Street Wardens.

The Principal Trading Standards Officer advised that Mr Ghafoor had been interviewed following the joint operation and it was identified that he had not requested ID. His CCTV system was not functioning at that time, he did not operate a refusals book and had not attended training on the Licensing Act 2003. It was acknowledged that Mr Ghafoor had now taken steps to remedy this by appointing an independent licensing consultant in order to prevent underage sales.

It was confirmed that no further test purchases or joint operations with the Police had been carried out whilst the prosecution was proceeding and had only recently been heard on 7 April 2008.

The Principal Trading Standards Officer outlined the following reasons why she considered the licence holder was not operating within the licensing objectives:-

- Underage sales were a big problem and more complaints had been received in relation to this premise than any other in Middlesbrough.
- Sales of alcohol to underage persons contributed to anti social behaviour. The Police and Neighbourhood Safety Team received complaints regarding youths drinking and later reported where the alcohol was being obtained.
- The consumption of alcohol affected the health of a young person and children should be protected from harm and prevented from obtaining alcohol in the first instance.
- The Neighbourhood Safety Manager had referred, within his statement, to receiving reports regarding public nuisance and alcohol-associated litter at the cemetery and close to Robin's shop.

The Committee was advised that, for the reasons outlined above, and due to the fact that a total of 36 alcohol-related complaints linked to the premises had been received, Trading Standards sought revocation of the Premises Licence. It was highlighted that the sale of alcohol to persons under the age of 18 years had been illegal prior to the introduction of the Licensing Act 2003 in 2005 and could be easily prevented by asking for proof of age.

The Principal Trading Standards Officer stated that although Mr Ghafoor had now taken steps to rectify this there had been complaints made about the premises following the joint operation in August 2007 in relation to the sale of alcohol and it was stated that the video footage of Mr Ghafoor handing over alcohol to children had heightened concerns as to his suitability to hold a licence.

The Chair thanked the applicant and invited the other parties making representations to address the Committee.

### **Representations**

#### **Steve Crick, Neighbourhood Safety Manager**

S Crick, Neighbourhood Safety Manager, advised the Committee that his role was to investigate anti social behaviour in the Thorntree, Brambles Farm, Netherfields and Longlands areas of Middlesbrough. He confirmed the contents of his submitted statement, dated 18 February 2008, and his amended statement dated 23 April 2008 which highlighted amendments to two dates contained in his original statement.

Mr Crick outlined that he had gathered information from residents in relation to alcohol-related nuisance in the Cs area of Thorntree and around Thorntree Cemetery. Seven reports had been received from various partner agencies in relation to anti social behaviour directly linked to the vicinity of Robin's shop. Each report was shared with Trading Standards to assist with their investigation.

Mr Crick advised that, on 12 February 2007, he carried out a 'door knock' in the Crinklewood area in response to complaints of general anti social behaviour in the area and residents informed him that Robin's shop was responsible for selling alcohol to young people.

Mr Crick provided details of each complaint referred to him and copies of the service reports were appended to his statement. These included complaints from residents and reports via Police in relation to underage drinking and anti social behaviour during the period 2 July 2007 to 13 September 2007.

Reference was also made to a report from Mr Hilton, Street Warden, who was called to Robins shop on 21 May 2007 regarding youths causing anti social behaviour. The Wardens had spoken to the youths and were informed that they had video footage captured on their mobile phone showing Mr Ghafoor giving alcohol to minors. Mr Crick confirmed that the mobile phone footage was subsequently obtained from the youth by the Street Warden and passed to Trading Standards.

Mr Hilton, Street Warden

Mr Hilton, Street Warden for the Thorntree area, advised that he had been permanently deployed on the Thorntree estate since 2005 and carried out high visibility patrols in pairs. He advised that he had developed an understanding of the problems suffered by residents on the estate during that time and was aware of the areas that required high visibility patrols to deter anti social behaviour. The areas around Cinderwood and Thorntree Cemetery were designated hotspots for youths gathering, gang nuisance and underage drinking leading to anti social behaviour. Mr Hilton advised that since 2007 he had received 27 calls regarding anti social behaviour in Cinderwood and a breakdown of the service request details with actions/responses was attached to the statement.

Mr Hilton led the Committee through the breakdown sheets and highlighted those that specifically related to Robin's shop. Details of nine specific incidents during the period 11 May 2007 to 12 November 2007 were provided.

At this point in the meeting, the Committee viewed the footage captured by mobile phone which showed Mr Ghafoor handing over a carrier bag containing alcohol to a group of rowdy youths. Mr Hilton (and PC Malcolm) were able to confirm the name of the youth in question and that he was under 18 years of age.

Mr Hilton explained that on the evening of 11 May 2007, he had visited Robin's shop regarding youths going in and out of the shop causing disturbance. He had spoken to the youths and one male had questioned why they were always being reported for underage drinking when nothing was ever done about the people who sold it to them. Mr Hilton responded that he was only able to respond to reports made to him and was then shown footage captured on the youth's mobile phone, outside of Kelly's Wine Store near to Farnaby's chip shop (run by Mr Ghafoor's brother). Mr Hilton confirmed that the youths in the video were known to him, the Neighbourhood Safety Team and Police and regularly tried to, and did, purchase alcohol from Robin's and other premises, however, Robin's was most favoured as they were served there more often.

Mr Carter-Bonsteel, Local Resident and Chair of Charwood Residents Group

Mr Carter-Bonsteel addressed the Committee and stated that he hoped the licence would be revoked. He confirmed the contents of his statement and added that in relation to 'hearsay' evidence, people were afraid to come forward. He stated that he had been the subject of reprisals since February and had endured petrol bombs and paint stripper thrown at his car. Mr Carter-Bonsteel stated that residents had experienced a lot of problems resulting from the sale of alcohol from Robin's to underage youths and hoped that the licence would be revoked to protect children from harm.

Cleveland Police – Sergeant Higgins

J Smith, Barrister representing Cleveland Police, addressed the Committee and highlighted that statements had been circulated from Sergeant Higgins, dated 25 February 2008 and two statements from PC Malcolm, local Police Officer for Thorntree.

Sergeant Higgins confirmed that the contents of his statement were correct and that Mr Ghafoor was first brought to his attention when he commenced working in his role as Licensing Sergeant in Middlesbrough in 2003 when he was made aware of problems in relation to underage drinking and anti social behaviour at the location of Robin's shop.

Sergeant Higgins stated that Mr Ghafoor had previously held a Justices Licence at the premises which was transferred to a Premises Licence under the Licensing Act 2003. In May 2003, concerns were expressed regarding the running and management of the premises and Mr Ghafoor was invited to attend a meeting at North Ormesby Police Station to discuss the sale of alcohol to underage persons, sale of alcohol to persons over 18 for consumption by persons under 18 and anti social behaviour in and around the premises and the importance of CCTV.

The Committee was advised that in July 2004, a routine licensing inspection was carried out at the premises and it was discovered that Mr Ghafoor was not displaying the licence with his name

and details at the premises, as required by the Licensing Act 2003. In addition, a number of drunken youths were outside the premises at the time of the visit and were in possession of blue carrier bags containing alcohol which was believed to have been supplied by Mr Ghafoor from the premises. The Police requested CCTV footage from the store and Mr Ghafoor declined stating that he was not able to use the CCTV system.

Sergeant Higgins explained that the benefit of CCTV was that it would record any disorderly behaviour and theft and would also record any sales being refused to underage persons for his own protection.

Sergeant Higgins advised the Committee that the Police had received a constant stream of intelligence from Community Police (PC Malcolm) and Support Officers in relation to the store and the sale of alcohol to underage persons linked to anti social behaviour. Intelligence suggested that Mr Ghafoor would only sell alcohol to the youths he knew and also that youths would approach adults visiting the store to purchase alcohol for them.

It was highlighted that in May 2007, Police received a letter from a resident living in the area, outlining their concerns in relation to the sale of alcohol and cigarettes to underage persons. In August 2007 a joint operation was carried out by Police and Middlesbrough Council Trading Standards in order to ascertain whether underage sales were taking place. Subsequently a 15-year-old female was detained by two PCSOs and found to be in possession of a blue carrier containing a 2-litre bottle of White Storm cider. She confirmed that she had purchased it from Robin's and a statement was obtained. The girl had travelled from the Spencerbeck area and stated that she had purchased alcohol from the shop on five or six occasions previously and had specifically gone there knowing that she would be served.

Following the joint operation, Sergeant Higgins confirmed that intelligence had been received from members of the public suggesting that Mr Ghafoor had began closing his store early and using a vehicle to deliver alcohol to youths and was using an unlicensed premise to supply and sell alcohol to local youths. Sergeant Higgins highlighted that the footage seen by the Committee clearly showed Mr Ghafoor handing over alcohol which was very concerning.

Sergeant Higgins referred to the breakdown of incidents of anti social behaviour which was circulated prior to the meeting and pointed out that many of the incidents were linked to underage drinking and that the source of the alcohol could be identified to Robin's shop. In addition, two maps of the area had also been circulated and Sergeant Higgins explained to the Committee the incidents indicated on the maps and where they had occurred in relation to Robin's store.

The Committee's attention was drawn to several incidents which had occurred in the vicinity of Robin's store since the joint operation in August 2007 up to the present time. Typical examples included youths using insulting behaviour and damage to property. Reference was also made to a call made to the Police by Mr Ghafoor on 26 February 2008 regarding a gang of youths causing problems at the shop. Mr Ghafoor stated that the CCTV system in the shop was not working and had not been operational for the last few months. He was advised to have it fixed in order to capture images of youths.

Sergeant Higgins concluded by stating that quarterly Off-licence Forums were arranged by the Council at which the Police attended and that the Forums offered assistance and guidance for licence holders and had been running for the past two years. Mr Ghafoor had attended his first meeting last week. Sergeant Higgins acknowledged that Mr Ghafoor had secured the services of an independent licensing consultant and had taken steps to improve the management of the store, however, Sergeant Higgins believed that revocation of the licence was the only solution as he did not believe that Mr Ghafoor had the mindset to adhere to the policies and procedures he had implemented. Sergeant Higgins believed that Mr Ghafoor's priority was to make money from the sale of alcohol to persons under 18 years.

#### Cleveland Police – PC Malcolm

PC Malcolm confirmed that he was the Community Police Officer for Thorntree and had been deployed in the area since Summer 2007. He explained that his predecessor, PC Hampson,

had been the Community Police Officer in Thorntree for a period of approximately one year and that he had brought his attention to the problems with underage drinking and anti social behaviour linked to Robin's and also Farnaby's chip shop and that he was asked to monitor.

PC Malcolm stated that he had established a good relationship with the community, including Mr Ghafoor and local youths and that he was on first name terms with most of them. He stated that he patrolled the area on a daily basis when on duty and cover was provided at weekends. PC Malcolm advised that, upon speaking to local youths, they identified that Mr Ghafoor sold alcohol to them.

PC Malcolm informed the Committee that there was another off-licensed premises at nearby Beresford Buildings, Kelly's Wine Store, which was situated several doors away from Farnaby's chip shop which was owned by Mr Ghafoor's brother.

PC Malcolm stated that he had visited Mr Ghafoor at Robin's store on numerous occasions and had given him the opportunity to discuss any problems he might have been having. PC Malcolm confirmed that Mr Ghafoor had made three reports to him – one in relation to damage to property and two in relation to racial abuse.

PC Malcolm confirmed that he had spoken to Mr Ghafoor in relation to intelligence suggesting that he was selling alcohol to underage persons and had provided advice as to how he could avoid the action that had been taken. PC Malcolm stated that Mr Ghafoor was a very approachable man but could not comment as to whether he had taken the advice on board.

Reference was made to the Community Impact Statement circulated by PC Malcolm in relation to the period 4 February 2008 to 16 March 2008 and was presented to Thorntree Community Council on 20 March 2008 regarding the East Middlesbrough Community Justice System which was dealt with in Court on a twice weekly basis in relation to incidents in the area. The current problems identified with the Community Council were:-

1. Criminal damage and anti social behaviour at Farnaby's, Beresford Buildings.
2. Robins newsagents, Cinderwood. Problems with alcohol being sold to youths leading to excess anti social behaviour on the estate.
3. Illegal use of off-road motorbikes both on roads and green belt areas at the rear of housing estate.

PC Malcolm confirmed that the issues had been in progress for over a year and despite attempts to put measures in place, nothing had been resolved. Page two of the Community Impact Statement provided an overview of the feelings of members of the community.

In relation to the mobile phone footage shown earlier to the Committee, PC Malcolm confirmed that he had attended the Trading Standards office, together with PCSO French, to view the footage and was able to confirm the identity of the youth in the video. PC Malcolm stated that the youth was well-known to him and had spoken to him on many occasions and also that the youth had recently turned 17, making him 16 years old at the time of the incident. He confirmed that he had not spoken to the youth since the incident and believed that he had moved out of the Thorntree area.

PC Malcolm expressed his concerns in relation to the video footage and stated that whilst it was disturbing to hear Mr Ghafoor being racially abused, he felt disappointed that Mr Ghafoor had acted irresponsibly, particularly as he had spoken to him on many occasions and considered that he had built up a good relationship with him. PC Malcolm expressed concern that the situation would continue and he wanted to make the quality of life better for residents on the estate.

#### Evidence from S Morris, Licensing Officer

S Morris, Licensing Officer, was invited to present evidence to the Committee in relation to training made available to Mr Ghafoor in his role as Premises Licence Holder and Designated Premises Supervisor.



Ms Morris confirmed the contents of her submitted statement, dated 17 April 2008, and outlined the training/support available to licence holders. It was noted that, following the introduction of the Licensing Act 2003, Middlesbrough Council established quarterly Licence Forums – one for 'on licences' and one for 'off licences' – hosted by the Council's Licensing Section with support from Cleveland Police Licensing Unit and Trading Standards Officers. The purpose of the meetings was to provide advice and assistance to licensed businesses, to update them on licensing issues and to discuss concerns. The meetings also provided the opportunity to share best practice ideas and initiatives to promote the licensing objectives, especially in relation to the responsible retail of alcohol.

Since the introduction of the Off Licence Forum, licence holders had been provided with advice relating to age restricted products and acceptable forms of identification and the importance of staff training. It had also provided 'Challenge 21' literature free of charge. In addition, Alcohol Awareness Training had been provided to the Off Licence Trade, free of charge, and consisted of two sessions held at Cleveland Police Headquarters during April 2007. The training sessions were attended by 28 licensees and their staff.

Copies of all correspondence sent to Premises Licence holders and Designated Premises Supervisors was appended to the submitted statement and comprised of invitations to the Off Licence Forums and letters enclosing the minutes from each meeting between August 2006 and January 2008.

#### Questions – C Goodwin, Barrister Representing Mr Ghafoor

C Goodwin, Barrister Representing Mr Ghafoor, was afforded the opportunity to ask questions of the parties making representations as follows:-

#### Questions to Trading Standards, S Upton

The Barrister representing Mr Ghafoor referred to Ms Upton's statement which referred to the residents group meetings and how the residents had felt that nothing could be done about Robin's. At the adjourned hearing Ms Goodwin had requested the minutes of those residents group meetings and Ms Upton had amended her statement as she had originally provided the wrong date.

The statement also referred to problems around the shop with nothing for children to do and at one meeting there was an indication of problems around the shop but no concerns were voiced regarding alcohol sales at that meeting.

The Barrister representing Mr Ghafoor made reference to the minutes of the Charwood Residents Group meetings and highlighted that other than the meeting on 6 June 2006 at which Ms Upton had been present, there was limited discussion in relation to Robin's at the other meetings.

The Barrister representing Mr Ghafoor stated that it appeared to be the same people attending the Residents Group meetings and that each time, Mr Ghafoor had not been present and asked Ms Upton why she had not advised the Group that it might be helpful to invite Mr Ghafoor to a meeting. Ms Upton responded that she was not a regular invitee of the Group and was not involved in the running of the Group and had been invited solely to explain the role of Trading Standards.

The Barrister representing Mr Ghafoor referred to the relevant paragraph within the Government Guidance which highlighted that partnership working was relied upon in order not to drive a wedge between groups and to raise concerns early about problems that had been identified. She added that problems relating to Robin's had been identified by the Residents Group in June 2006.

The Barrister reminded the Committee that when a Justices Licence was transferred over under the new Licensing Provisions, as was the case with Mr Ghafoor's licence, very different provisions applied and there was no statutory obligation to attend training. The Barrister expressed concern that Mr Ghafoor had not been invited to attend the residents group meetings

and that Ms Upton sought revocation of his licence and had made reference to him pleading guilty to the offence of an underage sale and to displaying 'Challenge 21' ID when there was no formal requirement for him to do so.

In response to a query, Ms Upton confirmed that she had not visited the shop since the enforcement exercise was carried out and added that she was not involved in the prosecution.

The Barrister alluded to the details provided in relation to young volunteer visits to Robin's store when no sales of alcohol were made on any occasion.

The Barrister highlighted that all of the alcohol on sale in the store had been relocated behind the shop counter, therefore, there was no customer access to these products which was a considerable practical improvement as this put the onus on Mr Ghafoor and he had time to stop and consider the age of the person he was serving.

In response to a query from the Barrister, Ms Upton confirmed that she had been made aware of the change in layout to the store but had not yet visited the premises since the changes.

In response to a further query, Ms Upton stated there were a number of measures that could be employed to prevent underage sales, however, she did not feel that, despite adopting several of the measures, Mr Ghafoor would put them into practice. Ms Upton considered that Mr Ghafoor's conviction and the footage shown at the Hearing evidenced this.

#### Questions to Mr Crick, Neighbourhood Safety Manager

The Barrister representing Mr Ghafoor referred to Mr Crick's statement and in response to a query, Mr Crick confirmed that it was common to have problems with youths congregating and drinking outside most licensed premises.

Mr Crick outlined the procedure followed in relation to door knock investigations and stated that he had attempted to contact residents living opposite Robin's but they had not been at home. Mr Crick confirmed that he did not ask for names/addresses of residents as most people did not like to offer this information.

In answer to a question, Mr Crick explained the procedure followed once a complaint was made to him. If the Police made a referral to him and identified the youth, Mr Crick would issue an initial warning letter to the child's parents. Should two or three reports be made to him, involving the same child, Mr Crick would arrange a joint review meeting with the Police, parents and child in question.

#### Questions to Mr Hilton, Street Warden

The Barrister representing Mr Ghafoor addressed Mr Hilton, Street Warden, and in response to a query, Mr Hilton confirmed that there were regular occasions when youths gathered in the vicinity of Robin's store, often with alcohol.

The Barrister referred to the service request forms appended to Mr Hilton's statement and an incident which occurred on 25 July 2007 where Mr Hilton and his colleague reported that they had attended the store and witnessed a youth purchasing two bottles of Lambrini. The Barrister queried whether Mr Hilton was certain that the youth had purchased the Lambrini from Robin's and stated that Mr Ghafoor did not sell it. Mr Hilton confirmed that he was certain the youth had purchased it there as he had witnessed them go into the store empty-handed and leave with the Lambrini and go into the play area near to the cemetery. Mr Hilton added that he was also certain the youth was under 18 years of age as part of his job was to make associations with youths in the area which involved knowing their ages.

The Barrister questioned why Mr Hilton had not stopped the youth and issued a warning letter to the parents. Mr Hilton responded that he was not empowered to do so and that, in such cases, he would report the matter to his Line Manager or to Mr Crick.

The Barrister referred to further incidents within the report and queried whether it was possible that he had made an honest mistake in relation to the ages of some of the youths. He accepted that there was a slight possibility but he was fairly certain of the ages of the youths he dealt with and would easily recognise those who were aged under 18.

The Barrister made reference to the mobile telephone footage obtained by Mr Hilton from one of the youths congregating outside Beresford Buildings and queried why he had offered the footage to Mr Hilton. Mr Hilton stated that the youth in question was asking him why the Street Wardens persisted to report him and his friends for underage drinking but did nothing about the people who selling it to them. Mr Hilton had advised him that the Street Wardens were unable to do anything about it and the youth had offered the mobile telephone footage.

In response to a query, Mr Hilton stated that groups of youths tended to seek out a premise that would sell them alcohol and return there to purchase alcohol.

The Barrister referred to the video footage and the unpleasant racial abuse directed at Mr Ghafoor and asked Mr Hilton whether he accepted that a gang of abusive young men could be intimidating and whether he had received training on how to deal with such situations. Mr Hilton agreed that it could be intimidating and that the Street Wardens were subjected to abusive language and that he had received limited training.

In response to a query, Mr Hilton confirmed that he and his colleagues had been called to Robin's by Mr Ghafoor on several occasions when Mr Ghafoor had experienced difficulty with youths in/outside his shop. In response to a further query, Mr Hilton confirmed that he had been present inside the store on occasions when Mr Ghafoor had refused sales of alcohol to underage youths.

#### Questions to Cleveland Police – PC Malcolm

The Barrister representing Mr Ghafoor made reference to PC Malcolm's Community Impact Statement and the concerns expressed by residents in relation to the area around Farnaby's takeaway, Beresford Buildings, with intimidating behaviour from rowdy youths swearing and drinking which was putting off other residents from using the shops on an evening. PC Malcolm confirmed that it was a real issue and that youths could gather in groups of up to 30 or 40 at a time.

PC Malcolm stated that there were two incidents which he was aware of where Mr Ghafoor had been subjected to racial abuse. No further action had been taken in relation to the first incident as youths could not be identified from CCTV footage, however, the second incident had resulted in a male being charged with a racially aggravated offence.

PC Malcolm confirmed that he had identified the youth in the video footage by name, as he was known to him. He added that the youth in question could be difficult but tended to be a different character when alone.

PC Malcolm was asked whether he had been back to the store since the improvements had been made and inspected the refusals book. He replied that he had visited the store since some of the improvements were made and noted the new signage, however, he had not visited the store since the layout had been changed or yet viewed the refusals book.

#### Questions from Members

Members were afforded the opportunity of asking questions of those parties making representations and the following issues were raised:-

- A Member referred to Mr Hilton's statement and the occasion when he and his colleague had been present inside Robin's store and Mr Ghafoor had appeared nervous. Mr Hilton explained that he had been on patrol at the time and noticed a large number of youths outside Robin's. He and his colleague entered the shop and stood near the counter. He observed alcohol on the counter and stated that Mr Ghafoor's body language changed when he noticed the Street Wardens and his voice began to tremble. Mr Ghafoor asked

the customer if he was over 18 to which he responded "why are you asking me that, I've been coming here for ages and you have never refused me before."

- Mr Hilton was asked whether Lambrini was on sale in the shop and he responded that he had seen it for sale in the shop.
- A Member of the Committee queried what an 'ASBO 13' was and Mr Crick explained that it was when a PCSO stopped a child to ask their name and date of birth, as the Street Wardens were not permitted to do this.
- A Committee Member asked Mr Carter-Bonsteel whether the local Ward Councillors were invited to attend the 3Cs Residents Group meetings and he confirmed that they were.
- A Member asked Sergeant Higgins whether Mr Ghafoor's CCTV system had been operational on the day that the 15-year-old had been sold alcohol leading to Mr Ghafoor's conviction. Sergeant Higgins responded that it had not been working and that it had not been working on previous occasions and he had failed to have it repaired. Upon previous requests from the Police to examine CCTV footage from the store, it was apparent that Mr Ghafoor did not know how to operate the system.

\*\* At 1.00pm, the Chair announced that the Committee would adjourn for a period of 30 minutes and that everyone should return at 1.30pm prompt. \*\*

At 1.30pm, all interested parties were present and the meeting was reconvened.

#### **Representations from the Licence Holder**

The Barrister representing Mr Ghafoor stated that she would take Mr and Mrs Ghafoor through the case and would also ask questions of Mr Lester, independent Licensing Consultant who had been assisting Mr Ghafoor, and residents living in the vicinity of Robin's who wished to speak in support of Mr Ghafoor.

Mr Ghafoor confirmed the contents of his submitted statement and, in response to a series of questions, Mr Ghafoor provided the following information:-

- Mr Ghafoor had been running the store for approximately 18 years.
- His average weekly profit was £400.
- Robin's was a convenience store selling newspapers, groceries and alcoholic drinks.
- That his store was situated in Cinderwood, a small estate within Thorntree, which was an underprivileged area of Middlesbrough.
- It could be difficult to run a shop in the area and that he had been subjected to harassment, threats and property damage.
- Mr Ghafoor stated that many underage youths attempted to buy alcohol from his store but he refused to sell to them.
- He confirmed that he had unintentionally sold alcohol to a 15-year-old female on 17 August 2007. She had assured him that she was over 18 years of age and when he had requested ID she had stated that she worked in the local supermarket and had sent off her application for ID. Her friend had also vouched for her age.
- As a result of the sale Mr Ghafoor had pleaded guilty to the matter in Court and was fined £4,5050 with costs in addition to £250.
- Mr Ghafoor confirmed that since the incident he had employed the services of Mr Lester, Independent Licensing Consultant, at his own expense and had implemented various measures in the store to ensure that effective steps were in place to prevent any further underage sales of restricted products.
- He had introduced the Challenge 21 policy which was a process used by large supermarkets and larger convenience stores and displayed signs around the store.
- A refusals book was now kept at the store to record any refusals of sales of age restricted products.

In relation to the occasions when Mr Ghafoor's CCTV system was found not to be working, he explained that there had been a fault with the monitor which he reported to the CCTV Company. He confirmed that the CCTV system had now been fixed and that he ensured it was fully operational at all times.

Mr Ghafoor advised the Committee that he offered Citizen Card ID forms to his customers and a supply was available at the till point for anyone wishing to apply for a card. This had been done following advice from Mr Lester.

Mr Ghafoor explained that he had altered the layout of the store, again following advice from Mr Lester and following the incident. All alcohol was now stocked behind the counter which meant that customers were unable to help themselves to these products and must ask whoever was serving. Mr Ghafoor stated that this meant he had more time to consider the customer's age and that he asked for ID if he felt the customer did not look 21 years of age. Anyone unable to produce the required forms of ID would be refused a sale.

In relation to the training courses provided by the Council, Mr Ghafoor stated that he had been unaware of these but when he had received letters in the past he had telephoned the Licensing Office to find out whether it was important for him to attend and was informed that it was not compulsory. Mr Ghafoor advised that he had attended the last meeting of the Off Licensing Forum and had found it to be very informative. He also advised that he was due to commence a BIIAB Level 2 National Certificate for Personal Licence Holders.

When questioned by his barrister, Mr Ghafoor advised that he had employed the services of Mr Lester, independent Licensing Consultant, who had assisted with the new shop layout and introduction of the Challenge 21 Policy. Mr Ghafoor had also agreed to a programme of continual monitoring by Mr Lester which would include unannounced test purchasing throughout the year. Mr Ghafoor stated that he was unaware of the concerns that had been raised by the Cs Residents Group as he had never been invited to the meetings and that no-one had approached him personally to raise their concerns with him, however, he stated that he had recently met with the Vice chair of the Residents Group and was willing to work with the Group and to listen to their concerns.

When asked to explain the situation in relation to the video shown to the Committee, Mr Ghafoor stated that he was very ashamed of his actions and realised that it was not acceptable to buy alcohol for underage persons. Mr Ghafoor explained that on the evening in question, he had gone to his brother's fish and chip shop to help out (Farnaby's) after closing his own store. He stated that there were lots of youths hanging around outside the shops and that both he and his brother had been subjected to anti social behaviour in the past. On the evening in question, a group of youths had been banging on the windows of Farnaby's takeaway and Mr Ghafoor's young son had been inside the takeaway at the time. Mr Ghafoor's son had asked his father for sweets and Mr Ghafoor had gone to Kelly's Wines a few doors away to purchase sweets for his son. A group of youths had gathered outside and were asking Mr Ghafoor to purchase alcohol for them, however, when he had refused to do so they had threatened to break the windows of the takeaway. Mr Ghafoor stated that he had decided to buy one bottle of alcohol for the group to avoid his brother's property being damaged. Mr Ghafoor highlighted that not all of the youths in the group were under 18 years of age and stated that he regretted his actions and would not repeat his mistake should he find himself in a vulnerable situation in the future.

The barrister referred to a petition signed by members of the public supporting Mr Ghafoor in keeping his licence to sell alcohol and also individual letters from residents in support of Mr Ghafoor, some of whom stated that they had witnessed Mr Ghafoor refuse the sale of alcohol to underage persons.

When asked whether he had changed the type of alcohol he stocked, Mr Ghafoor responded that underage persons were mainly attracted by white cider, cheap wine and small bottles and alcopops and stated he would be happy to stop stocking these items if the Committee suggested it.

In response to questions, Mr Ghafoor confirmed that he had started a refusals book following a request in August 2007 from PC Walker to view it. Mr Ghafoor had not kept a refusals book at the time of the request.

Mr Ghafoor stated that if his licence to sell alcohol was revoked, he would find it very difficult to remain open due to loss of earnings from the sale of alcohol.

#### Mrs Ghafoor

The Barrister addressed Mrs Ghafoor and asked her to explain to the Committee the difficulties she and her husband had experienced with running the shop.

Mrs Ghafoor stated that they were subjected to intimidation and verbal abuse on a daily basis. They had shop windows smashed and their cars damaged. She acknowledged that her husband had made a mistake by selling alcohol to an underage person but added that it was the only mistake he had made in 18 years and that he had been punished for it. She added that Mr Ghafoor had taken practical steps to improve the store in order prevent future alcohol sales to underage persons as well as taking steps to improve himself by educating himself to have a better understanding of the licensing laws and to improve the management of the shop.

Mrs Ghafoor highlighted that all of the problems on the estate had been attributed to Robin's shop but this was not the case. She stated that her husband had a very good relationship with his customers and that not one person from the Residents Association had approached him in relation to any of the problems, nor had he been approached by any of the other agencies with advice. Mrs Ghafoor added that her husband was a very co-operative person and would have listened to advice and taken it on board.

#### Mr Lester – Independent Licensing Consultant

Mr Lester, independent licensing consultant, addressed the Committee and advised that he had served with Cleveland Police for 31 years prior to retiring. Since then he had become an independent licensing consultant and provided advice to the retail and convenience trade in relation to licensing issues and staff training. Mr Lester was, himself, a Personal Licence Holder. Mr Lester confirmed that he had been working with Mr Ghafoor since February 2008 and had assisted him in implementing the 'Challenge 21 Policy'. The Challenge 21 scheme challenged customers who did not look over 21 and, unless they could produce valid identification to show that they were 18 years or older, they would be refused the sale of alcohol. Larger shelf edge labels in relation to Challenge 21 had been introduced at the store and photographs of 'before and after' were circulated to the Committee.

The Barrister representing Mr Ghafoor asked questions of Mr Lester and the following issues were raised:-

- In relation to the CCTV system at the store, Mr Lester circulated still photographs taken from CCTV footage in order to show the quality of the new digital system which was now up and running properly.
- In response to a query, Mr Lester advised that the CCTV system at the store was one with which he was very familiar and he had shown Mr Ghafoor how to obtain stills and record on a disc. He had left operating instructions with Mr Ghafoor and was aware that Mr Lester was able to contact the correct people to rectify the system should it fail.
- In relation to the suggestion that the CCTV system at the store was not running continually, Mr Lester confirmed that if the CCTV monitor was not showing any picture it did not necessarily mean that the system was not running and assured that the system would be running at all times. There were cameras situated outside the shop and six inside the shop covering the aisle and till areas.
- Citizen ID Card application forms were situated at the till point and it was highlighted that this could defuse situations when a person was refused a sale as they could be offered the forms to apply for a card.

- In response to a query, Mr Lester stated that Mr Ghafoor kept a refusals register in his diary which was inadequate so as part of the improvements an official refusals book was introduced and this was circulated to the Committee for inspection. All refusals of sales were recorded in the book as well as sales that had been made after ID had been requested and produced. Mr Lester had provided training to Mr Ghafoor in relation to the sale of age restricted products and now had a good understanding.
- Mr Lester stated that Mr Ghafoor's store was quite small and there was a Perspex screen to prevent customers from selecting alcohol themselves.
- It was confirmed that the store would be subject to a continual monitoring programme which involved test purchasing by 18 year olds who looked younger. Mr Ghafoor would be provided with feedback from the test purchases but would not know in advance that they were to take place. A printout in relation to four test purchases carried out on four dates in April was circulated to the Committee, detailing the name of the product the young person bought, whether they were asked for ID and whether Mr Ghafoor had been wearing his "Challenge 21" badge. Each person had been 18 years old and all had been asked for ID. It was envisaged that approximately two test purchases per month would be carried out at the store in future.
- Mr Lester confirmed that at a meeting on 21 April 2008, local residents were generally supportive of Mr Ghafoor and had expressed the view that the youths who gathered on the nearby wasteland did not live on the estate and brought alcohol with them. The residents named within the submitted documentation had all confirmed that they had witnessed Mr Ghafoor refusing the sale of alcohol to underage persons.

#### Local Residents

Several local residents living in close proximity to Robin's Store, were in attendance at the meeting to support Mr Ghafoor. The residents had signed a petition in support of Mr Ghafoor keeping his licence to sell alcohol and/or had written letters of support and had produced statements.

The residents were invited to speak in support of Mr Ghafoor.

#### Mr Green

Mr Green had produced a statement and letter of support and addressed the Committee. He stated he was a regular customer at Robin's and shopped there every day and purchased alcohol four to five times per week. Mr Green stated that he had witnessed Mr Ghafoor being racially abused in the shop and had intervened on several occasions. Mr Green confirmed that he had witnessed Mr Ghafoor refuse the sale of alcohol to young customers with no means of identification and, on one occasion, a sale was refused to Mr Green's friend who was 21 years old but had no ID with him.

Mr Green considered that the changes Mr Ghafoor had made to the store were for the better and confirmed that alcohol was now stocked behind the counter. Mr Green added that if Mr Ghafoor were to have his licence revoked the problems of litter and anti social behaviour on the estate would not go away. Mr Green stated that the youths who congregated near the shop brought their own alcohol with them and that it had always been a meeting place.

Mr Green summed up that it would be a loss to the community in general if Mr Ghafoor lost his licence.

#### Mr Kay

Mr Kay addressed the Committee and stated that he had lived at his current address, approximately 200 yards away from Robin's, for 24 years. Mr Kay had been a regular customer at the shop during that time. He stated that Mr Ghafoor was well-respected by the local community and that the anti social behaviour problems associated with Robin's were not caused

by youths from the estate. Mr Kay advised that the youths came from outside the estate and met outside the shop before congregating on the nearby wasteland to consume alcohol. Mr Kay stated that the youths could be intimidating and asked older people to go into the shop to buy alcohol for them and added that he had witnessed Mr Ghafoor being physically assaulted in the shop by youths. In relation to the 'door knock' exercise referred to by Mr Crick, Mr Kay informed the Committee that he had not been asked about Robin's shop and that the door knock had been in relation to a problem family on the estate.

Mr Kay considered that the general view of the community was that people living nearby needed the shop. He acknowledged that Mr Ghafoor had made one mistake in selling alcohol to an underage person but stated that he had apologised for his mistake and felt that he had let the community down.

#### Mrs Robson

Mrs Robson was invited to address the Committee in support of Mr Ghafoor and stated that she used the shop several times each day and felt safe going there. She highlighted that the nearest shop other than Robins would be a bus ride or a 25 minute walk away. Mrs Robson confirmed that she had witnessed Mr Ghafoor refuse the sale of alcohol to underage persons.

#### Mrs Kay

Mrs Kay was invited to address the Committee and spoke in support of Mr Ghafoor. She stated that she had lived in the area all her life and had always used the shop. Mrs Kay felt that it was the people coming to live on the estate that were causing trouble and not the shop and added that anti social behaviour was widespread across the estate not just outside Robins.

#### Ms Feary

Ms Feary was invited to address the Committee and confirmed that she had lived directly opposite the shop for 20 years. Ms Feary stated that she had two sons, aged 18 and 20, and that Mr Ghafoor had never served them with alcohol whilst they were under 18. She added that she had witnessed Mr Ghafoor refusing the sale of alcohol to youths and that he was verbally abused on a regular basis but tried to control the situation despite being intimidated.

Ms Feary stated that Mr Ghafoor was well-liked in the local community and that she had not experienced any trouble in relation to the shop. Ms Feary advised that, since Mr Ghafoor had made the changes to his shop, she had noticed that the area was much quieter.

#### Ms Parkes

Ms Parkes was invited to speak in support of Mr Ghafoor and she confirmed that she lived opposite the shop and nextdoor to Ms Feary. Ms Parkes confirmed that youths did congregate around the shop but felt that this was due to Mr Ghafoor refusing to serve them alcohol. Ms Parkes considered that Mr Ghafoor should be given another chance and that he had been punished for his mistake. Ms Parkes added that she had not been consulted in relation to the 'door knock' exercise referred to by Mr Crick and that she had never been asked for her views in relation to the shop by the Residents Association even though she lived directly opposite.

#### **Questions from the Barrister representing Middlesbrough Council**

Mr Greer, Barrister representing Middlesbrough Council, was afforded the opportunity to ask questions of the respondents and the following was highlighted:-

#### Questions to the Residents supporting Mr Ghafoor

- Residents confirmed that youths met on the wasteland near to the shop.
- In response to a query as to what had been meant by the statement that the area outside the shop was much quieter since Mr Ghafoor had made the changes to his shop, a resident stated that it was probably due to the poor weather rather than the suggestion



that Mr Ghafoor had ceased to sell alcohol to underage persons. It was also highlighted that the additional Street Warden deployed to the area had helped.

- When asked if their main concern was whether the store would close altogether, one resident stated that this was not the case as she had access to her own transport, however, the shop was essential for pensioners and those who were unable to walk far.
- When asked if they would have the same concerns if the shop were to remain open selling groceries and not alcohol, residents replied that Mr Ghafoor had indicated that he would be forced to close altogether if he lost his licence to sell alcohol.

#### Questions to Mr Ghafoor

- In response to a query Mr Ghafoor confirmed that he had accepted the systems he previously had in place, in relation to the running of the shop, were not sufficient and he had accepted that changes had to be made and had done so.
- Reference was made to the 15 year old female whom had been sold alcohol by Mr Ghafoor and Mr Ghafoor stated that it had been a one-off mistake. Reference was made to the female's statement which stated that she had purchased alcohol on five or six occasions prior to the incident and reference was also made to the incident caught on camera outside Farnaby's takeaway where Mr Ghafoor was seen handing over alcohol to an underage youth. Mr Ghafoor responded that he was unaware of ever making any more than one sale of alcohol to an underage person and that, in relation to the incident outside Farnaby's, he had been intimidated and that the youths had threatened to smash the windows of his brother's takeaway.
- It was put to Mr Ghafoor that he must have been aware that the youths had been drinking and he accepted that some of them had. It was suggested that by offering them alcohol he would be making the problem worse and Mr Ghafoor replied that he had been placed under great stress.
- When asked why the youths had approached Mr Ghafoor to purchase alcohol for them if they knew that he always refused the sale of alcohol to them, Mr Ghafoor stated that he had felt intimidated and would not let it happen again.
- Reference was made to the Police incident log and the entry made on 26 February 2008 when Mr Ghafoor had telephoned the Police due to problems with and stated the CCTV had not been working and that he was too busy serving customers to verify. Mr Ghafoor replied that he had been alone in the shop serving customers but was having problems with youths outside the shop throwing stones and trying to damage his property.
- When asked why there were few recorded incidents of Mr Ghafoor making reports of anti social behaviour to the Police, Mr Ghafoor replied that he did not want to waste Police time as he did not know the names and addresses of the youths and that it was something that happened all the time.
- In relation to the incident which had occurred outside Kelly's Wines, Mr Ghafoor confirmed that the youth in question had been known to him.
- In relation to the incident of underage sale of alcohol which had taken place on 17 August 2007 and reference was made to the failure of his CCTV system. Mr Ghafoor was asked why it had taken him until February 2008 to get it fixed. Mr Ghafoor responded that he had telephoned the CCTV company several times but that it had still not been fixed. Mr Lester had assisted Mr Ghafoor in approaching the company to fix his CCTV system.
- The Barrister referred to the earlier evidence provided by Mr Hilton, Street Warden, when he stated that he had witnessed a female leaving Robin's after purchasing a bottle of Lambrini and Mr Ghafoor had stated that he did not sell the product. Mr Ghafoor reiterated that he did not stock Lambrini but he did stock a similar product named Lambercini.

- The Barrister highlighted that both Mr Hilton and Mr Crick had received reports from people claiming that they had purchased Lambrini from Robins. Mr Ghafoor responded that he would never intentionally make a sale of alcohol to an underage person and considered that if people saw youths drinking alcohol near his shop they assumed that he had sold it to them.
- In response to a query, Mr Ghafoor confirmed that he had not yet received the results of the Licensing course he had recently attended.

#### Questions to Mr Lester

- Mr Lester confirmed that Mr Ghafoor had instructed him to act on his behalf in a licensing consultant capacity in mid-February 2008. Mr Lester had not met Mr Ghafoor prior to this.
- In response to a query as to who a test purchase failure would be reported to, Mr Lester advised that he would report to Mr Ghafoor that he had failed to maintain the Challenge 21 policy and clarified that all the test purchasers were aged 18 and over.
- Mr Lester confirmed that the new layout of the shop meant that customers did not have access to alcohol and that products must be requested over the counter.
- When asked why one of the test purchasers had stated that he had "taken the cider", Mr Lester clarified that the layout of the shop had not been altered at that point.

#### **Questions from the Barrister representing Cleveland Police**

Ms Smith, the barrister representing Cleveland Police, was afforded the opportunity to ask questions of the respondents and the following was highlighted:-

#### Questions to the Residents supporting Mr Ghafoor

- In response to a query, the residents confirmed that they and their families were on first name terms with Mr Ghafoor as they had used his shop for many years.
- Residents stated that Mr Ghafoor was part of their community and that if they were a few pence short when paying for goods in the shop, Mr Ghafoor would just ask them to bring it in next time.
- The residents confirmed that they had witnessed young people go into the shop and come out of the shop empty-handed which suggested that Mr Ghafoor had refused to sell them alcohol.
- When asked how many people could be in the shop to make it busy, a resident replied that if there were a few people in the shop at the same time, Mr Ghafoor tended to close the door and let the next person enter when a customer had left as it was a small shop and could become overcrowded in short space of time.
- The barrister asked whether Mr Ghafoor had ever operated a 'two children only' policy in the shop at any time and residents replied that he had limited the number of children inside the shop when St Anthony's school had been in operation.

#### Questions to Mrs Ghafoor

- In response to a query, Mrs Ghafoor stated that she believed that her husband would have acted upon guidance offered to him and she confirmed that she had seen PC Malcolm on two occasions at Farnaby's takeaway.
- When asked if Mr Ghafoor would have told her if he had been spoken to by a Police Officer, Mrs Ghafoor replied that he would not but that she believed he would take advice on board as he was a very approachable man.

- Mrs Ghafoor confirmed that she had been running the shop with her husband for the last 18 years and that they were both aware that it was illegal to sell alcohol to persons under 18 years of age.

#### Questions to Mr Ghafoor

- When asked why he had never previously displayed signs in relation to underage sales Mr Ghafoor replied that he had been running the shop for such a long time he felt that his experience would tell him whether a person was over 18 years and that he was shocked that the female he had sold alcohol to was only 15 years old. Following the incident Mr Ghafoor had contacted Mr Lester to help him to make some practical changes.
- Mr Ghafoor confirmed that he had not been aware of the Challenge 21 scheme until Mr Lester had introduced him to it.
- Mr Ghafoor confirmed that he had been invited to meetings for licence holders arranged by the Council and the Police but had not realised that he needed to attend. He added that he had recently attended such a meeting and had found it very useful.
- In relation to the incident on 17 August 2007, Mr Ghafoor stated that he had believed the girl when she had told him that she worked in the local supermarket and had sent away for her ID.
- When asked whether it was possible that Mr Ghafoor had believed people in the past and that he might have made further underage sales he responded that he asked for ID following the incident and that he was trying to build up trust again to show that he could change and learn from his mistakes.
- In response to a query as to why Mr Ghafoor had not had sufficient systems in place to deal with underage sales he stated that it had been due to a lack of education. The Barrister highlighted that Mr Ghafoor had been offered appropriate training by the Council and the Police but had not attended and also pointed out that PC Malcolm had offered guidance to him in the past all of which would have enabled him to make improvements prior to him securing the services of Mr Lester.
- Reference was made to the CCTV system installed in 2004 and that when the premise was visited by Sergeant Higgins in had not been working. Mr Ghafoor advised that it had been broken at that time but he had got it fixed. He clarified that it had been broken twice but he had ensured it was fixed.
- When asked whether the problem was largely due to Mr Ghafoor having never learned how to operate his own CCTV system, Mr Ghafoor confirmed that this had been a problem but he had now taken advice in relation to this and recognised that CCTV was not only beneficial for the Police but also for his own protection. The Barrister highlighted that if someone were to make a complaint that Mr Ghafoor had made an underage sale it could be looked at on his CCTV system. Mr Ghafoor agreed and advised that he had installed an additional video extension under the counter making it easier for him to review any customer who had asked for alcohol.
- Reference was made to the alcohol stocked by Mr Ghafoor at the shop and, in response to a query, he confirmed that he understood that 'perry' was cheap wine which would appeal to young people along with 'alco-pops'. Mr Ghafoor stated that he had taken some of these products off the shelf and would not longer stock them.
- The barrister referred to the new system in the shop whereby customers must come to the counter to request alcohol products and it would be at Mr Ghafoor's discretion whether he sold the product or not. The barrister asked how this was any different from the past when customers came to the counter with the product and Mr Ghafoor had the discretion at that point whether to sell the product or not. Mr Ghafoor responded that he

had been on the Licensing course and it had been explained to him how to deal with refusal situations and that he had passed this information on to his wife.

- It was acknowledged that Mr Ghafoor was often placed in stressful situations and that he had been threatened on a number of occasions, however, Mr Ghafoor accepted that the video footage showing him going into another off-licence to purchase alcohol for youths was not the actions of a responsible licence holder.
- It was suggested that if Mr Ghafoor was willing to purchase alcohol for an underage person that he would also be willing to sell alcohol to an underage person. Mr Ghafoor replied that this was not the case and also refuted allegations that he had been selling alcohol from his van after he had closed his shop.
- In relation to the video footage, it was highlighted that the youths had called Mr Ghafoor by his first name and he was asked whether he knew the youths. Mr Ghafoor responded that some of the youths were known to him. The Barrister queried why Mr Ghafoor had not reported the anti social behaviour to the Police and provided the names of the youths that were known to him. Mr Ghafoor stated that he had contacted the Police on other occasions.
- In relation to the refusals book, reference was made to an entry made at 11.00pm which had then been altered to 11.00am. Mr Ghafoor confirmed that the time had been altered to 11.00am as the original entry of 'pm' had been a mistake as his shop would never be open that late.

#### Questions to Mr Lester

- In relation to a query regarding the CCTV system at Robins, Mr Lester confirmed that when he was first contacted by Mr Ghafoor, the CCTV system had not been working, however, Mr Ghafoor had reported this to the CCTV company. Mr Lester had followed up the call-out and advised that it was urgent.
- Mr Lester confirmed that Mr Ghafoor had not been familiar with the system but had shown him how to use it and left instructions for him.
- In response to a query, Mr Lester acknowledged that an instruction book should have been provided when the system was first installed, however, he was unaware as to how much training Mr Ghafoor had been given in relation to its use.

#### Questions from Members of the Committee

Members of the Committee were afforded the opportunity to ask questions of the interested parties and the following issues were raised:-

- In relation to the incident shown on the video footage, a Member of the Committee asked Mr Ghafoor whether he had supplied the alcohol to the youths by prior arrangement or whether he had just happened to be in the vicinity at that time and the youths had asked him by chance to purchase the alcohol. Mr Ghafoor stated that he believed that he had been set up due to the incident being filmed on one of the youth's mobile phone.
- When asked what was the purpose of Mr Ghafoor being in the vicinity when the youths approached him to buy alcohol, he explained that he had been helping in his brother's takeaway and his young son had been present and asked his father for sweets. Mr Ghafoor had gone outside to Kelly's Wines to purchase sweets for his son when he was approached by the youths.
- A Member of the Committee queried Mr Ghafoor felt he had been 'set up' when he had originally gone to purchase sweets for his son as it was most unlikely that his son had been part of any conspiracy. Mr Ghafoor stated that he had been approached to buy alcohol on his way to purchase the sweets and that the youths had threatened to smash the windows of the takeaway. He stated that he had not intended to buy alcohol for them

but had done so once inside the shop so that they would not damage his brother's shop. Mr Ghafoor added that he felt he had been taken advantage of as they had filmed him handing over the alcohol on a mobile telephone and he had seen the telephone in the hand of one of the youths at that point.

- In relation to a query regarding the financial position of the shop, Mr Ghafoor believed that approximately half of his income was generated from the sale of alcohol and considered that if he lost his licence he would have to close the shop altogether.

At this point, the Chair announced that the meeting would adjourn and reconvene at 10.00am on 30 April 2008.

### **RECONVENED MEETING**

The Reconvened meeting of the Licensing Sub Committee C was held on 30 April 2008.

At the appointed time of 10.00am, Ms Goodwin, Barrister representing the licence holder, was not present and had requested that her submission, in relation to summing up, be circulated to the Committee and interested parties. With the consent of the Chair and all interested parties, Ms Goodwin's submission was circulated and she subsequently joined the meeting at 10.10am.

### **Summing Up**

The Chair invited all parties to sum up.

### **Trading Standards**

Mr Greer, the Barrister representing Middlesbrough Council, summed up by stating that the application for review had been brought about by Trading Standards for the following reasons:-

- An unprecedented amount of complaints had been received in relation to the premises – since 2001, 36 had been received – 14 direct to Trading Standards and the rest via Street Wardens, 7 through the anti social behaviour team and 8 were from residents voicing complaints regarding Robins.
- The number of complaints received in relation to Robins was disproportionate to the number of complaints received regarding other licensed premises in the area.
- The area suffered with problems of anti social behaviour which was contributed to by the sale of alcohol to underage persons.
- Despite Mr Ghafoor holding the licence at the shop for 18 years, and by his own admission, he had failed to participate in initiatives such as 'Challenge 21' and had failed to keep a record of refusals until August 2007 after the incident in relation to the underage sale occurred.
- Mr Ghafoor had stated that he refused to sell alcohol to underage person and that the youths gathering near to his shop were bringing their own alcohol with them, however, when the joint operation between Trading Standards and that Police was mounted, Mr Ghafoor had made an underage sale.
- The joint operation was mounted as a result of failed test purchases by Trading Standards which may have been due to Mr Ghafoor being wary of strangers (such as test purchasers) as the youths that congregated outside his shop were known to him and it was possible that he served them with alcohol.
- The joint operation was in the form of surveillance of the premises which resulted in a 15 year old female being apprehended by Police who then made a statement to say that she had purchased alcohol from Robins and had done so on 5 or 6 occasions previously and had travelled to the shop as she knew she would be served.

- Trading Standards considered that Mr Ghafoor was not a fit and proper person to hold a licence and referred to the incident shown on the video footage which was not behaviour indicative of a responsible licence holder to provide youths with alcohol.
- Mr Ghafoor stated that he often refused the sale of alcohol and local residents supported this saying that they frequently saw underage people being refused. If the youths knew that Mr Ghafoor refused to sell them alcohol, why would they approach him outside of another off-licence and ask him to purchase alcohol for them? When he was threatened by them, why did he not telephone the Police?
- It appeared that Mr Ghafoor had failed to co-operate with the Police and other agencies. He had the opportunity to speak to the Street Wardens in relation to the intimidating youths congregating outside of his shop and in relation to the adults coming into the shop to purchase alcohol for youths outside.
- Mr Hilton, Street Warden, had informed the Committee that he had witnessed a young person leave the shop having purchased some Lambrini but Mr Ghafoor had denied stocking the product. However, the photographs circulated at the meeting by Mr Lester showing the improvements made to the shop, clearly showed bottles of Lambrini stocked on the shelves.
- When Mr Ghafoor had been asked about stocking 'perry' and 'alco-pops' he had admitted that they were popular with young people.
- Mr Ghafoor had been presented with several opportunities to raise any concerns he had in relation to anti social behaviour or to seek advice from PC Malcolm but had failed to do so.
- Local residents had stated that the shop was a local meeting point for youths from outside the estate, bringing with them their own alcohol, however, following the changes made by Mr Ghafoor to the operation of the store, residents reported that things were much quieter around the shop which suggested the youths now knew that they would not be served alcohol and that Mr Ghafoor had been serving alcohol which had been contributing to anti social behaviour.
- Mr Ghafoor had indicated that the store would have to close if he lost his licence to sell alcohol and, therefore, it suggested that alcohol sales were needed to sustain the business which must mean that it was very tempting for Mr Ghafoor to make underage sales.
- Mr Ghafoor had demonstrated his inability to co-operate with agencies as he had failed to participate in various schemes/training until recently when the application for review was made.
- It was acknowledged that Mr Ghafoor had made changes to the operation and layout of the store which had resulted in a decrease in anti social behaviour, however, was this a permanent change? Trading Standards submitted that all the systems in the world could be implemented but if the licence holder was not responsible, with youths pressuring him and financial pressures, this would result in continuing problems.
- The attendance of local residents in support of Mr Ghafoor was acknowledged and the submitted petition was acknowledged, however, it was highlighted that 30% of the signatories were from outside the area.
- Trading Standards had grave concerns that Mr Ghafoor would be able to sustain operating his licence properly and that he was not a fit and proper person to hold a licence and to meet the licensing objectives.
- For the reasons outlined above, Trading Standards invited the Committee to consider revoking the licence.

Mr Carter-Bonsteel

Mr Carter-Bonsteel stated that Mr Ghafoor had been invited to several meetings of the Residents Association but had failed to attend. He added that many people who attended meetings of the residents association were afraid to speak on record about Mr Ghafoor's shop. Mr Carter-Bonsteel asked the Committee to consider revoking the licence.

Cleveland Police

Ms Smith, the barrister representing Cleveland Police, summed up by stating that the Police's position in relation to the application for review was that the licence should be revoked, for the following reasons:-

- The information in relation to underage sales was based on intelligence received and the conviction made as a result of the joint operation to observe young people entering the shop of their own accord and leaving with alcohol.
- The shop was based in the local community where residents and Mr Ghafoor were on first name terms. Evidence suggested that Mr Ghafoor did not sell alcohol to underage people that he did not recognise which meant that the test purchase exercises had always failed in the past.
- Mr Ghafoor had sold alcohol to an underage person and had willingly handed over alcohol to underage people and as a responsible adult and licence holder, Mr Ghafoor should not have handed alcohol to an underage person at any time.
- As a responsible licence holder, Mr Ghafoor had failed to adhere to the licensing objectives of protecting children from harm and the prevention of crime and disorder as he had given and sold alcohol to under 18s.
- In relation to the alcohol stocked in his shop, Mr Ghafoor had stated that "the kids like them" when talking about perry and alcopops which was the reason they were on the shelves – not because they were purchased by adults as young people were the target market for these particular products.
- Despite the alcohol now being placed behind the counter, Mr Ghafoor had always been in control of who he sold the items to and he had failed to exercise this control as he had sold alcohol to a 15 year old female and had failed to enforce any ID policy.
- Sergeant Higgins had been in contact with Mr Ghafoor since 2004 and his CCTV system had not been working for months. He had failed to request training for the system and had had years to do so.
- It was questioned whether underage sales would have been made had the CCTV system been working properly or whether that was, in fact, the reason he had not had it repaired.
- Mr Ghafoor kept referring to 'mistakes' but had failed to take steps to improve his business until August 2007 when he had been found guilty of serving a 15-year-old with alcohol.
- If Mr Ghafoor was a responsible licence holder, he should have known that it was to his benefit to keep a refusals book, yet he had failed to do so until Mr Lester had advised him.
- The only reason Mr Ghafoor had resolved his CCTV system was because Mr Lester had assisted him.
- PC Malcolm had visited the shop on more than 20 occasions since his time as Community Police Officer and had tried to assist Mr Ghafoor and given him the

opportunity to voice any concerns, however, there had been no improvements to the shop and a positive underage sale was made.

- There was a pattern that Mr Ghafoor had to be almost forced into taking steps and the Police had tried to assist him previously.
- Reference was made to 'grandfather rights' and it was highlighted that Police were not permitted to make representations regarding premises which had been transferred to a licence under grandfather rights but worked in partnership with such licence holders. There were strict rules on whether Personal Licences could be objected to and Mr Ghafoor had been given the benefit of the doubt.
- Sergeant Higgins was of the opinion that Mr Ghafoor would not change his ways and Ms Goodwin had stated that Mr Ghafoor should be embraced yet he had been offered help from the licensing authority and the Police. PC Malcolm had been made aware of the problems with Robin's when he had taken over as Community Police Officer and had attempted to help Mr Ghafoor.
- Although the 'Challenge 21' signs were now on display and a proper refusals book was being maintained and the CCTV system was working, a balance had to be struck with how the business benefited the community. The purpose of a local retailer was to benefit the community and the Committee was asked to consider whether this was true of Mr Ghafoor.
- The Committee was reminded of its powers to suspend the licence.

#### Mr Ghafoor

Ms Goodwin, the barrister representing Mr Ghafoor, summed up on his behalf by stating that he should be given another chance, for the following reasons:-

- Looking at the application made by Trading Standards, and supported by the Police, for review of the licence, it was highlighted that the Committee needed to be satisfied that all of the representations that could be made had been made.
- The material presented to Committee in relation to the Prevention of Crime and Disorder and the Protection of Children from Harm also referred to guidance under 182 section 11 'the light touch'. Partnership working should be promoted and Mr Ghafoor had not been dealing with issues in a way to make strategic improvements.
- Section 11.8 stated that it was good practice for people to come together. The application made by Trading Standards was based on complaints made over the years regarding irresponsible alcohol sales. Mr Ghafoor had been in the licensed trade for over 18 years and was a well-known and respected member of the community with several local residents attending the meeting to support him. They did not represent someone who was devious and manipulative and the suggestion that he was selling alcohol to underage persons for profit was not the case as the residents would not support him.
- Mr Ghafoor had operated under the old licensing regime and his application to transfer his licence under the new Licensing Act was devoid of how he would apply the four licensing objectives and had not been challenged. (It was explained that there was no requirement to fill out the section relating to the licensing objectives and the Police and Local Authority could not object).
- It was highlighted that Sgt Higgins' statement had identified problems with the premises dating back to 2003 yet no help had been offered to Mr Ghafoor to address the issues and the provisions of the Licensing Act 2003 made no formal statutory obligations to attend meetings/training regarding his licence. (eg alcohol awareness training, off licence forums).



- It was suggested that with a continuing programme of education in relation to his licence, Mr Ghafoor would have benefited and many of the problems that had arisen could have been avoided.
- The Committee was asked to take into consideration Mr Ghafoor's good character and to question whether he had deliberately set out to sell alcohol to underage persons or whether this had been due to a lack of education and support.
- It had been suggested that Mr Ghafoor would not make any underage sales to strangers which was the reason for the negative test purchases, however, it was highlighted that the reason for the negative test purchases could have been due to the fact that Mr Ghafoor did not make underage sales. The residents had spoken to say that they had witnessed Mr Ghafoor refuse sales to underage persons and that those who had been refused congregated outside the shop and pestered older customers to purchase alcohol for them.
- Evidence had been heard regarding the safeguards which had now been put in place which had not existed prior to the incident in August 2007 when Mr Ghafoor had been naïve and had believed the explanation provided to him by the 15 year old female.
- When Mr Ghafoor had been shown the video footage of him handing alcohol to a group of youths he had not tried to deny it but had accepted it.
- Reference had been made to the fact that youths moved around the estate and gathered outside other licensed premises. This had been referred to in the minutes of the Residents Group meetings and had also been accepted by the Street Warden.
- Reference was made to the examples of incidents provided by the Street Warden and it was considered that they were largely based on assumption that problems were linked to Robin's rather than fact.
- It was highlighted that comment had been made that Mr Ghafoor should contact the Police if he was experiencing trouble with youths, however, Mr Ghafoor had stated that the harassment took place on a daily basis and it would not be feasible to contact Police every time an incident occurred.
- Reference was made to how effective the management of the youths was, for example, the door knock exercise ... some of the residents present at the hearing had not been called upon and they lived directly opposite the shop.
- Reference was made to the incident reports provided by the Street Warden and it was highlighted that they were recorded in general terms and that, at no point, had Mr Ghafoor been spoken to about the issues raised.
- The incidents referring to underage youths gathering in the vicinity of Robins and consuming alcohol provided no facts that the youths were under 18, but the assumption that they were had been made and it was acknowledged that anyone could make a genuine mistake regarding age.
- Mr Greer had referred to a 'number of complaints' made in relation to the shop, however, when analysed not all of the complaints related to underage sales of alcohol.
- In relation to the video evidence, it was accepted that this demonstrated Mr Ghafoor in a bad light and that someone in Mr Ghafoor's position of responsibility, as a licence holder, should not have acted in such a way. It was highlighted, however, that Mr Ghafoor had been the subject of ongoing racial abuse and he and his family had suffered damage to their property and had been intimidated. He was under a great deal of pressure. The incident in question had been captured on a mobile phone and this had not been anticipated by Mr Ghafoor. Furthermore, it was considered unfortunate that the youth in the video had not been spoken to in due course.

- In relation to the representations made by the Police, it was noted that from the incident reports provided, not all could be attributed to the operation of Robins shop.
- Sergeant Higgins had stated that he felt Mr Ghafoor would not be able to change his ways but Mr Ghafoor was regarded as part of the local community and was the type of person who needed to be embraced and guided in the right direction.
- In response to why youths congregated outside the shop, residents had stated that there was a lack of playing areas.
- Trading Standards had acknowledged that the area had been much quieter more recently and it was considered that this was due to the improved operation of the shop.
- Mr Ghafoor had made a mistake and had been punished for it and would not wish to sacrifice his livelihood. Everyone described Mr Ghafoor as being an approachable man yet no-one had highlighted any particular issues of concern to him.
- Mr Ghafoor had been the victim of crime and disorder and incidents had been referred to by Trading Standards and the Police confirming this.
- The importance of partnership working was stressed and the need to keep all channels of communication open, such as ensuring that Mr or Mrs Ghafoor was invited to attend Residents Group meetings when discussing issues in relation to his shop.
- Mr Ghafoor had demonstrated his ability to change to improve his business. He had retained the services of an independent licensing consultant and had changed the layout of his premises, adopted the Challenge 21 policy, improved signage, established a refusals book, repaired and improved his CCTV and learned how to operate it correctly, introduced a citizen card scheme, had invested financially in attending a course agreed with the help of Mr Lester, had volunteered to participate in a test purchase programme which was continually monitored, had given a commitment to becoming involved in the Off Licence Forum.
- Without the licence to sell alcohol, Mr Ghafoor would more than likely be forced to close the shop due to the small profit margins on the groceries he sold. This would impact on the local community as residents had demonstrated that they relied on the store and a petition in support of Mr Ghafoor had been submitted.
- The Committee was asked to consider giving Mr Ghafoor a chance to prove that he now understood the licensing regime and to allow him the opportunity to sustain and improve upon the changes made to the operation of his store and to show that he was capable of being a responsible licence holder.

#### S Crick – Neighbourhood Safety Team

S Crick, Neighbourhood Safety Manager, summed up by stating that the video evidence demonstrated Mr Ghafoor's willingness to supply alcohol to youths. Mr Ghafoor had stated that he had felt intimidated, yet he could be heard asking the youths if they would like some alcohol. The male youth in question had been named and Mr Ghafoor had admitted to knowing him. The mobile phone footage was not obtained by the Street Warden until it had been requested by Ms Goodwin at the previous hearing on 14 April 2008. Mr Crick added that 99% of young people his team and the Street Wardens dealt with were under the age of 18 and anyone over 18 was referred to the Police, this was the reason the Street Wardens could be fairly certain of the ages of the youths.

#### Local Residents

Mrs Kay addressed the Committee on behalf of the residents in support of Mr Ghafoor and stated that he had done well over the years and deserved to be given a chance to make a fresh start.

It was confirmed that there were no further questions and all interested parties other than the Officers of Legal Services and the Members Office, withdrew whilst the Committee determined the application.

Subsequently all the parties returned and the Chair announced the Committee's decision.

### **DECISION**

**ORDERED** that the Premises Licence in respect of Robins General Dealers and Off-licence, Cinderwood, Thorntree, Middlesbrough, Ref No. MBRO/PR0276 be revoked.

In reaching the above decision Members had considered the following: -

1. The application for review of the premises licence, on its own merits.
2. The four Licensing Objectives of the Licensing Act 2003, in particular the Protection of Children from Harm and Prevention of Crime and Disorder.
3. Relevant Government Guidance, particularly in relation to:-
  - Reviews, starting at paragraph 11, with particular reference to:-
  - Paragraph 11.16 – the Committee believed action was required and that an informal warning or a step by step approach was not appropriate in this case.
  - Paragraph 11.17 – the Committee examined all options available to it and considered that the only appropriate course of action was to revoke the licence.
4. Middlesbrough Council's Licensing Policy particularly in relation to:-
  - Prevention of Public Nuisance, paragraphs 38 and 41.
  - Public Safety, paragraph 78.
  - Protection of Children from Harm, paragraph 99.
5. The representations made by Trading Standards and Cleveland Police in respect of the review of the Premises Licence.
6. The representations made by Mr Carter-Bonsteel on behalf of Charwood Residents Group in respect of the review of the Premises Licence.
7. The written representations submitted by Thorntree Community Council and Fleet House Residents Group.
8. The representation made by Environmental Health had been withdrawn prior to the Hearing following a visit to the premises which identified that the defect alluded to had been remedied.
9. The case submitted by Mr Ghafoor and his representatives.
10. The local residents who attended and addressed the Committee in support of Mr Ghafoor.

Members had made their decision based on the following reasons: -

1. In addition to the one conviction there had been a history of complaints over many years from the responsible authorities and residents within the local community, however, Mr Ghafoor had persistently flouted licensing laws with regular sales of alcohol to underage persons.
2. Whilst the DVD evidence was an unpleasant situation, it clearly showed Mr Ghafoor handing over alcohol to a group of youths.

3. The Committee had taken into account the economic impact on Mr Ghafoor and on residents in the area, however, it was considered that it was an unfortunate consequence and the only option available was to revoke the licence.

Mr Ghafoor was advised of his right to appeal to the Magistrates Court within 21 days of the date of the decision.