

**Application for the review of a premises licence or club
premises certificate under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Sinead Upton

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Polski Sklep 9 Parliament Road Middlesbrough	
Post town Middlesbrough	Post code (if known) TS1 4JU
Name of premises licence holder or club holding club premises certificate (if known) Mr Saman Abbasi	
Number of premises licence or club premises certificate (if known) MBRO/PRO465/054729	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address SINEAD UPTON PRINCIPAL TRADING STANDARDS OFFICER ENVIRONMENTAL HEALTH AND TRADING STANDARDS SECTION, IMPROVING PUBLIC HEALTH SERVICE MIDDLESBROUGH COUNCIL PO BOX 502 VANCOUVER HOUSE GURNEY STREET M'BRO
Telephone number (if any) 01642 728231
E-mail address (optional) sinead_upton@middlesbrough.gov.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)

Middlesbrough Council Trading Standards Service have serious concerns about the operation of this business, particularly in relation to the business being involved in activities which breach criminal legislation .

Trading Standards Officers have evidence that they are not complying with one area of law in relation to the supply of illicit tobacco. It is our view that this directly conflicts with the licensing objective of the prevention crime and disorder, putting public safety at risk and potentially putting children at risk. Trading Standards staff suspect that if the premises are not complying with one area of law it is likely that they not complying with other legislation and conditions on their license. It is therefore felt that the business is operating in breach of the licensing objective sof preventing crime and disorder, public safety and the protection of children from harm

Following the receipt of intelligence about sales of illicit tobacco from this premies, on 26th february 2015 Trading Standards carried out an exercise at the premises regarding illicit tobacco with the aid of a tobacco detection dog.

They were accompanied by the Police ,HMRC and Officers from the Border Agency. As the officers approached the premises, Mr Saman Abbasi the premises licence holder and DPS was seen leaving the premises carrying a black bag. He was walking to a white van which was parked on Worcester Street nearby. Mr Abbasi was stopped by one of the police officers and on examination of the black bag he was carrying it was found to contain illicit tobacco.

Mr Abbasi returned to the shop with the police officer and the bag containing the tobacco. Officers then opened up the white van which Mr Abbasi had approached. It was found to contain illicit tobacco .

In total, approximately 14480 cigarettes were seized :2700 from the black bag Mr Abbasi was carrying and 11780 from the van Mr Abbasi had control of at that time. CCTV and a mobile phone were also seized.

The tobacco was illicit ,it did not comply with the Tobacco Products manufacture,presentation and sale (safety) regulations 2002 regarding health warnings and therefore offences have been committed under the Consumer Protection Act 1987.

In addition it is suspected that some of the tobacco may be counterfeit and therefore offences may have occurred under s92 of the Trade Marks Act 1994. Officers are still awaiting forensic evidence from the CCTV and mobile phone and there are further investigations ongoing.

It is evident that Mr Abbasi was trying to hide the tobacco when the agencies approached which demonstrates his knowledge that he was committing a criminal activity.

Such conduct shown by Mr Abbasi brings into question his fitness and suitability to be a premises licence holder for this premises and also his role as the Designated Premises Supervisor.

He has demonstrated that he is willing to breach legislation in one area and this questions his ability to uphold the licensing objective in relation to the prevention of crime and disorder. It questions his ability to comply with the legislation in relation to the sale of alcohol and compliance with licensing conditions and legislation. It also questions what other legislation the business may not be abiding by.

This premise is also linked to the DPS of Princess food store, 39 Princes Road, Mr Harde Mhauden Kareem . Mr Kareem is understood to manage Polski Sklep,9 Parliament Road,Middlesbrough. Mr Saman Abbasi used to be the premises licence holder for Princess food store 39 Princes road,Middlesbrough from 10/6/11 to 16/3/14 , during which time Mr Kareem in his alias Mr H Karum was the DPS. Environmental Health colleagues can confirm that Mr Kareem and Mr Karum are in fact the same person.Mr Kareem is currently being investigated by another enforcement agency in relation to possession of a large quantity of tobacco.(over 81 000 cigarettes) after he was stopped by the police in a van on 2nd December 2014.

The supply of illicit tobacco ,in particular counterfeit tobacco is linked to organised crime . HMRC published a report in March 2015 titled "Tackling illicit tobacco :- from leaf to light ". in which it identifies that the illicit tobacco trade is dominated by internationally organised criminal groups often involved in other crimes .It is acknowledged that the illicit tobacco trade damages legitimate business,undermines public health and facilitates the supply of tobacco to young people. .

This review is being brought on the basis that Mr Saman Abbasi has failed to operate Polski Sklep, a premises licensed for the sale of alcohol in such a manner to uphold the licensing objectives of the prevention of crime and disorder, maintaining public safety and protecting children from harm . He is not fit to have the responsibility of holding a premises licence or have any involvement in a business involving the sale of alcohol.

Please provide as much information as possible to support the application
(please read guidance note 2)

statements to follow

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

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Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 1st April 2015

Capacity Principal Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

SINEAD UPTON
ENVIRONMENTAL HEALTH AND TRADING STANDARDS SECTION,
IMPROVING PUBLIC HEALTH SERVICE
MIDDLESBROUGH COUNCIL
PO BOX 502
VANCOUVER HOUSE
GURNEY STREET

Post town
Middlesbrough

Post Code
TS1 9FW

Telephone number (if any) 01642 728231

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

Notes for Guidance

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

Middlesbrough
Council



PREMISES LICENCE

Part A

Premises licence number

MBRO/PR0465/054729

Part 1 - Premises details

Postal address of premises, or if none, ordnance survey map reference or description	
Polski Sklep 9 Parliament Road	
Post town	Post code
Middlesbrough	TS1 4JU
Telephone number	
0752222293	

Where the licence is time limited the dates

N/A

Licensable activities authorised by the licence

Sale of Alcohol

The times the licence authorises the carrying out of licensable activities

SALE OF ALCOHOL OFF PREMISES

Monday to Sunday - 7.30am to 11pm

The opening hours of the premises

Monday to Sunday - 7.30am to 11pm

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

Alcohol sales permitted OFF the premises

Part 2

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

Mr Saman Abbasi
17 Westbourne Road
Linthorpe
Middlesbrough
TS5 5BN

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

N/A

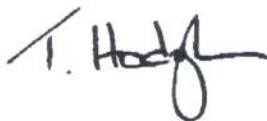
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Saman Abbasi
17 Westbourne Road
Linthorpe
Middlesbrough
TS5 5BN

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

MBRO/PL0954/073123 issued by Middlesbrough Borough Council

Granted on 14 January 2014



Authorised Officer

Annex 1 - Mandatory conditions

Mandatory conditions in accordance with Section 19 of the Licensing Act 2003:

Where a premises licence authorises the supply of alcohol:

- (i) No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
 - (ii) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
-
- (1) The premise licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
 - (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the operating Schedule

LICENSING OBJECTIVES

GENERAL - ALL FOUR LICENSING OBJECTIVES

Consult with all statutory bodies to secure implementation of licensing objectives.

THE PREVENTION OF CRIME AND DISORDER

To exercise vigilance and act appropriately.

Digital colour CCTV to be provided and a camera to be fitted to the front of the premises, CCTV footage to be retained in a secure cabinet for 31 days.

No perry to be offered for sale on the premises.

PUBLIC SAFETY

To ensure unimpeded access onto and from premises.

THE PREVENTION OF PUBLIC NUISANCE

To use our best endeavours to encourage patrons to leave the premises and surrounding area in a peaceful and quiet manner.

THE PROTECTION OF CHILDREN FROM HARM

1. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol from any customer who appears to be 18 years of age or under, the production of photographic identification bearing a date of birth that is either a recognised proof of age card accredited under the proof of Age Standards Scheme (PASS), or a passport, or new style driving licence. If this proof cannot be provided then the sale shall be refused.
2. Staff are fully trained and retrained on a regular basis in relation to the law and shop procedures regarding the sale of alcohol. They will be trained and instructed to request photographic ID, as mentioned above, and to operate a 'No ID - No sale' policy.
3. A refusal book to be maintained.

Annex 3 - Conditions attached after a hearing by the licensing authority

1. There shall be in place for the premises a written policy to prevent the sale or supply of alcohol from any customer who appears to be 18 years of age or under, the production of photographic identification bearing a date of birth that is either a recognised proof of age card accredited under the proof of Age Standards Scheme (PASS), or a passport, or new style driving licence. If this proof cannot be provided then the sale shall be refused.
2. Staff are fully trained and retrained on a regular basis in relation to the law and shop procedures regarding the sale of alcohol. They will be trained and instructed to request photographic ID, as mentioned above, and to operate a 'No ID - No sale' policy.
3. A refusal book to be maintained.
4. Digital colour CCTV to be provided and a camera to be fitted to the front of the premises, CCTV footage to be retained in a secure cabinet for 31 days.
5. No perry to be offered for sale on the premises.

Annex 4 - Plans

Attached



Community Protection

Neighbourhoods and Communities

Tel: (01642) 245432

Representations On A Current Application For A Grant/Variation of a Premises Licence Or Club Premises Certificate Under The Licensing Act 2003

Before completing this form please read the guidance notes at the end of the form

Please note that a full copy of your representation (including your personal details) will be sent to the Applicant and will be a public document at any hearing of this matter. Reports to the Licensing Committee and accompanying documentation will be published on the Council's website.

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I (Insert name)

Paul Higgins

Wish to make representation about the application for variation/grant for a premises licence/club premises certificate (delete as applicable)

PART 1 – PREMISES OR CLUB PREMISES DETAILS

Postal Address of Premises or Club Premises, or if none, ordnance survey map reference or description

Polski Sklep
9 Parliament Road
Middlesbrough

Post Town

Middlesbrough

Post Code

TS1 4JU

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

Saman ABBASI

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

MBRO/PRO465/054729

PART 2 – DETAILS OF PERSON MAKING REPRESENTATION

Please Tick

- | | | |
|----|---|--------------------------|
| 1) | Individual (please complete (a) below) | <input type="checkbox"/> |
| | Representative of Residents Association (please complete (b) below) | <input type="checkbox"/> |
| | Ward Councillor (please complete (b) below) | <input type="checkbox"/> |
| | Parish Council (please complete (b) below) | <input type="checkbox"/> |
| | MP (please complete (b) below) | <input type="checkbox"/> |
| | Trade Association (please complete (b) below) | <input type="checkbox"/> |
| | Other (please specify and complete (b) below) _____ | <input type="checkbox"/> |

Please supply details of those you represent e.g. residents of The Grove

2) Responsible Authority (please complete (c) below)

X

(A) DETAILS OF INDIVIDUAL MAKING REPRESENTATION (fill in as applicable)

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

Surname

First Names

I am 18 years old or over Yes Please Tick

Current Address	<input type="text"/>		
Post Town	<input type="text"/>	Post Code	<input type="text"/>

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER PARTY MAKING REPRESENTATION (e.g. Body or Business)

Name and Address	<input type="text"/>
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Telephone Number (If any)	<input type="text"/>
E-Mail address (optional)	<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY MAKING REPRESENTATION

Name and Address	Chief Constable of Cleveland Police c/o Sgt 944 Paul Higgins Middlesbrough Police Bridge Street West Middlesbrough
Telephone Number (If any)	01642 302160
E-Mail address (optional)	<input type="text"/>

PART 3 - REPRESENTATION

This representation relates to the following licensing objective(s)

- | | Please Tick |
|---|--------------------------|
| 1. the prevention of crime and disorder | X |
| 2. public safety | <input type="checkbox"/> |
| 3. the prevention of public nuisance | X |
| 4. the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for representation. (Please read guidance note 5)

A review of this premises licence has been brought about by Middlesbrough Council Trading Standards Section.

Cleveland Police wish to make representations to join the review of this licence for the following reasons.

Polski Sklep which is located at 9 Parliament Road currently has a licence to sell alcohol for consumption off the premises. The store is located in the Gresham Ward of Middlesbrough which suffers from high levels of crime and Anti Social Behaviour.

Much of the crime in the area is alcohol related and the area suffers from Anti Social Behaviour caused by street drinkers.

The problem of street drinking in the Gresham area is such that Middlesbrough Council introduced a Designated Public Place Order which enables the Police to stop an individual drinking alcohol in the street. Police have also sought Anti Social Behaviour Orders against some of the worst offenders.

The premises licence already has a number of conditions attached to it to promote the Licensing Objectives. One of these states "No perry to be offered for sale on the premises"

This was deemed necessary as many of the people who drink these products have alcohol dependency problems and purchase them because they are cheap and high strength but then engage in crime and anti social behaviour

On Wednesday 28th January 2015 PC Bryan from the Police Licensing department visited the Polski Sklep store to do a licensing inspection. At that time she located Perry products on sale. The premises licence holder Saman ABBASI was present and was informed and warned of the breach of the Licence condition.

The store sells a large number of high strength beers and ciders which are not prohibited under the condition around Perry, however these products are being sold in individual cans and are often purchased by people who engage in crime and anti social behaviour in the Gresham area.

The review initiated by Trading Standards identifies a problem with illicit and counterfeit tobacco. It is of serious concern to the Police that the Premises Licence Holder of a store with an Off Licence would be engaged in this type of criminality.

As stated the Gresham area suffers from issues of alcohol related crime and disorder. The area needs Off Licence operators to conduct their business to the highest standards. The premises licence holder Saman ABBASI has demonstrated by his involvement with illicit cigarettes, the sale of perry products and single cans of high strength lager that he does not maintain these standards and as a consequence the Licensing Objectives are being undermined.

Please provide as much information as possible to support the representation. (Please read guidance note 5)

Have you made any representation relating to these premises before?

NO

If Yes, please state the date of that representation

Day		Month		Year			

If you have made representation before relating to this premise please state what they were and when you made them.

PART 4 – SIGNATURES

Signature		Date	28/4/15
Capacity	Licensing Sergeant, Cleveland Police		

Tel: (01642) 728020

e-mail: edward_kunonga@middlesbrough.gov.uk

Mr Saman Abbasi
Polski Sklep
9 Parliament Road
Middlesbrough
TS1 4JU

Director of Public Health
PO Box 505
Civic Centre
Middlesbrough
TS1 9FZ

Tel: 01642 728755

Fax: 01642 728935

Dated: 15 April 2015

Dear Mr Abbasi

**Review application – Polski Sklep, 9 Parliament Road, Middlesbrough
Licensing Act 2003**


I am writing to advise you that as the Responsible Authority for Health, we have made a representation to the Licensing Authority in support of the above review application made by Middlesbrough Council's Trading Standards Service.

This representation is made in relation to upholding the Crime and Disorder and Public Safety licensing objectives and your involvement in the recent criminal investigation regarding the supply of illicit tobacco from the above premises.

It is our opinion that the evidence provided by the Trading Standards shows your inability as Premises Licence Holder/Designated Premises Supervisor to uphold the law. This raises grave concern with regard to the Licensing Act 2003. Illegal and irresponsible alcohol sales not only impacts on crime and disorder and public safety but also has a negative impact on the health of Middlesbrough residents and those who are alcohol dependant.

Papers will be circulated in due course to support this representation.

Yours sincerely,



Edward Kununga
Director of Public Health