

**FOR THE CHAIR AND MEMBERS OF
THE LICENSING SUB-COMMITTEE
FOR 27 JULY 2015**

APPLICATION FOR REVIEW OF PREMISES LICENCE

Applicant: Middlesbrough Council Trading Standards **Ref.No.** OL/15/9

Premises: Multi Culti, 244 Linthorpe Road Middlesbrough TS1 3QP

Application received: 1 June 2015

Summary of current Licensable Activities:

Sale of Alcohol – 8am to 10pm daily

Full details of the application to review the premises licence and accompanying documentation have been reproduced at Appendix 1. A copy of the current premises licence and accompanying operating schedule have been reproduced at Appendix 2

1. Notification to Responsible Authorities:

The Principal Trading Standards Officer confirmed that a copy of the application was submitted to all other Responsible Authorities and the current Premises Licence holder on 1 June 2015.

2. Notice of Application:

The required notices were displayed in close proximity to the premises and at the Council Offices as required by the Licensing Act 2003

3. Legislation

The Licensing Act 2003 requires the Licensing Authority to carry out its functions with a view to promoting the four licensing objectives:

- The Prevention of Crime and Disorder
- Public Safety
- The Prevention of Public Nuisance
- The Protection of Children from Harm

The Licensing Authority must also have regard to its Licensing Policy and any guidance issued by the Secretary of State.

4. Background

The premises consist of a ground floor convenience store located within a block of retail units on Linthorpe Road in Middlesbrough. The premises have traded with the benefit of a Premises Licence since a licence was first granted to the premises on 21 May 2012.

5. The Representations

On 30 June 2015 a representation was received from Cleveland Police supporting the application on the grounds of preventing crime and disorder. A copy of this representation is attached at Appendix 3.

6. The Licensing Policy

Members are referred to the following relevant sections of the Council's Licensing Policy.

Public Safety	Pages 30 to 31
Prevention of Crime and Disorder	Pages 32 to 42
Protection of Children from Harm	Pages 43 and 44

And any other sections of the Policy which Members consider to be relevant.

7. Guidance to the Licensing Act 2003

Members are referred to the following relevant sections of the Guidance.

Public Safety	Starting at paragraph 2.8
Prevention of Crime and Disorder	Starting at paragraph 2.1
Protection of Children from Harm	Starting at paragraph 2.25
Reviews	Starting at paragraph 11
Determination of Reviews	Starting at paragraph 11.16
Reviews in connection with crime	Starting at paragraph 11.24

And any other sections of the Guidance which Members consider to be relevant.

8. Members' Options

Members may consider the following options:

1. Modify conditions in place on the current Premises Licence
2. Exclude a licensable activity from the scope of the licence
3. Remove the Designated Premises Supervisor
4. Suspend the licence for a period not exceeding 3 months
5. Revoke the licence

Members are reminded that any aggrieved party (i.e. Applicant, Responsible Authority, Other Person) may appeal any decision of the Licensing Committee to the Magistrates' Court.

Contact Officer: John Hodgson
Senior Licensing Officer
Tel. 728719

For admin use only:

Decision:

Reasons:

Middlesbrough Council

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 Multi Cult 242 -244 Linthorpe Road	
Post town Middlesbrough	Post code (if known) TS1 3QP
Name of premises licence holder or club holding club premises certificate (if known) Mr Asos Ali Mohammad	
Number of premises licence or club premises certificate (if known) MBRO/PR0256/075543	

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sinead Upton Principal Trading Standards Officer Environmental Health and Trading Standards Team Public Protection Service Improving Public Health Service Middlesbrough Council PO Box 502 Vancouver House Gurney Street Middlesbrough TS1 9FW
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)

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

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

Middlesbrough Council Trading Standards Service have serious concerns about the operation of this business and their ability to uphold the licensing objectives in relation to crime and disorder, due to this licensed premises proven involvement in criminal activity.

Multi Culti were successfully prosecuted in relation to the supply of illicit and counterfeit tobacco by Middlesbrough Council's Trading Standards Service. The prosecution related to a visit made by Trading Standards Officers to the Multi Culti store on 5th August 2014, regarding concerns about illicit tobacco being sold from the premises. Officers were accompanied by the Police, Scambusters North East team, officers from HMRC and a tobacco detection dog. A search of the premises resulted in the seizure of 11,000 illicit cigarettes and 500g hand rolling tobacco from a hidden compartment underneath the counter.

On 12th May 2015, Teesside Magistrates found Multi Culti (2014) Ltd, registered office 242 Marton Road, Middlesbrough to be guilty of 25 offences in relation to this illicit and counterfeit tobacco. (Offences under the Consumer Protection Act 1987 in relation to breaches of the Tobacco Products (manufacture, presentation and sale) (safety) regulations 2002 regarding health warnings and the Trade marks Act 1994 in relation to counterfeit.) The company were fined £12,500 and ordered to pay £2100 costs plus £50 victim surcharge, making a total penalty of £14650.

Mr Asos Ali Mohammad is the the Premises licence holder and designated premises supervisor of Multi Culti and he is the sole Director of Multi Culti (2014) Ltd. As the Trading Standards Responsible Authority, there are concerns that the selling of illicit tobacco from this premises and the successful conviction at Teesside Magistrates demonstrates that Mr Mohammad is not able to uphold the licensing objectives in relation to the prevention of crime and disorder, public safety and the protection of children from harm. Trading Standards Officers are of the opinion that as this premises was clearly committing offences in one area of law, are they suitable to uphold the law in relation to the Licensing Act.

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 Multi Culti (2014) Ltd and therefore Mr Mohammad as sole director, has failed to operate Multi Culti ,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 . Mr Asos Ali Mohammad 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 3)

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

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year
+	+	+

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

yes

Please tick ✓

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

Date **1st June 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 6)

Environmental Health and Trading Standards team,
Public Protection
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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

6. This is the address which we shall use to correspond with you about this application.

**Middlesbrough Council
Community Protection Service
STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: CAROLINE LISA MCNAMARA

SHEET NO. 1

AGE(if over 18 enter "over 18"): OVER 18

OCCUPATION OF WITNESS: SENIOR TRADING STANDARDS OFFICER

This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 13th July 2015

Signed: *cmcnamara*

I am a Senior Trading Standards Officer employed by Middlesbrough Council and I am authorised under the Trade Marks Act 1994 and the Consumer Protection Act 1987.

On the 5th August 2014 I was taking part in Operation Henry a multi agency initiative. This operation involved taking tobacco detection dogs into premises where we had received intelligence about the sale of illicit tobacco.

I entered the premises with my colleagues from Trading Standards, Scambusters, Cleveland Police and HMRC. There was one male working in the shop. I introduced myself and the male introduced himself as Aras KARIM with the date of birth 18/12/1988. He claimed he just worked there on a morning and then made a call on his mobile phone claiming he was calling the owner.

The tobacco detection dog was brought into the premises with its handler. The dog was taken around the premises. Almost immediately the dog indicated at the front of the

Signed *cmcnamara* Dated *13/7/15*

**Middlesbrough Council
Community Protection Service
STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: CAROLINE LISA MCNAMARA

SHEET NO. 2

...serving area and was taken to the area behind the serving area where the till was. The dog handler was certain that illicit tobacco was somewhere hidden in the area indicated by the dog.

Greg WALTERS and Howard TURTON inspected the area and they stated there was a screw in a panel and they got a screwdriver. Shortly after this they alerted me to the fact that the panel was open and they had uncovered packets of illicit tobacco behind the panel. I went round to the area and had a look at it. My colleagues then seized the tobacco from the hidden area. I was also shown a large quantity of money in the vicinity of the located cigarettes; this consisted of a large bundle of £50 notes and another bundle of other denominations.

During the visit a male and female entered the premises. The male claimed he was the owner of the shop and he gave his name as Ali Mohammad with the date of birth 01/01/1973, the female introduced herself as his wife Veronika RANDAKOVA with the date of birth 3/2/1981. At 10.12am I cautioned MOHAMMAD and explained what the caution meant. He told me that he had taken over the business on the 20th May 2014 and he was the Director of Multi Culti 2014 Ltd; he showed me the paperwork from Companies House; from this I could see that his full name was Aso Ali Mohammad. He stated he did not know anything about the cigarettes which were concealed under the counter as he had only recently taken over the shop.

I was working as the exhibits officer and officers brought me any items they had seized. The seizures were recorded in a seizure log, a copy was given to Mr Aso MOHAMMAD but he refused to sign it.

Signed Caroline McNamara Dated 13/7/15

**Middlesbrough Council
Community Protection Service
STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: CAROLINE LISA MCNAMARA

SHEET NO. 3

In total 11,240 Cigarettes, 500g of hand rolling tobacco and three diaries were seized.

During the visit to the premises a cash and carry card was found which was for a shop called European Foods which was once situated on Borough Road in Middlesbrough, the card was in the name Aram HUSSEINI. With previous knowledge of intelligence received concerning Multi-Culti and European Foods I became suspicious about the true identity of the male who had introduced himself as Aras KARIM.

I was also aware that there was usually a vehicle outside the shop which had a private registration plate and this related to an Aram HUSSEINI. I had a look outside at a silver Audi that was parked outside the shop and noticed that the registration number was ARA55; I was certain that this vehicle was associated with an Aram HUSSEINI.

It transpired that the male in the shop was Aram HUSSEINI and not Aras KARIM as stated. I asked the male who I had now established as Aram HUSSEINI for the keys to the vehicle outside which I had reason to believe was his vehicle. He refused to hand over any keys stating that the car was not his. The police also made attempts to get the keys off Mr HUSSEINI to no avail.

The shop had a large TV screen up which had a CCTV feed on it. I asked Mr MOHAMMAD about the CCTV and where the hard drive was located. Mr MOHAMMAD could not explain so he indicated to Aram HUSSEINI who explained that the CCTV hard drive was not connected as it had been returned as the police had seized it and it was still not connected. He claimed that it hadn't worked for about 6 months.

Signed ...  ... Dated..... 13/7/15

**Middlesbrough Council
Community Protection Service
STATEMENT OF WITNESS**

*(Criminal Procedure Rules, r 27.1(1);
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: CAROLINE LISA MCNAMARA

SHEET NO. 4

I asked Mr MOHAMMAD about the large sum of money which had been found. He claimed he was going to the bank that day and had an appointment about a business account at 2pm with Scott at Natwest on Linthorpe Road.

During the visit the postman came and HUSSEINI signed for one of the items in the post.

Whenever I asked Mr MOHAMMED a question he couldn't answer he would look to Mr HUSSEINI who would then answer the question. The questions I did ask I would have expected the owner to have answered and I was quite concerned that Mr MOHAMMAD was not familiar with the day to day running of the premises.

Signed Caroline Lisa McNamara Dated 13/7/15

**MIDDLESBROUGH COUNCIL
COMMUNITY PROTECTION SERVICE
STATEMENT OF WITNESS**
(CJ Act 1967 S9 MC Act 1980 S5A (3(a)) & S5B MC Rules 1981 R70)

STATEMENT OF: Gregory Walters

AGE (if over 18 enter "over 18"): over 18

OCCUPATION OF WITNESS: Trading Standards Tobacco & Underage Sales Enforcement Officer

This statement (consisting of 3 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 10th day of July 2015

Signed: _____

I am a Trading Standards Tobacco & Underage Sales Enforcement Officer employed by Middlesbrough Council and as such I am duly authorised for the purposes of the Consumer Protection Act 1987 and the Trade Marks Act 1994.

On the 5th of August 2014 I participated in a regional multi-agency initiative, Operation Henry aimed at recovering illicit tobacco from business premises with the assistance of a tobacco detection dog. At 9.40 I arrived at Multi Culti, 242 - 244 Linthorpe Road, Middlesbrough with Caroline McNamara, Senior Trading Standards Officer and entered the premises to carry out an inspection. Working behind the counter when I entered the premises was a male who was later identified as Aram Hussein. After the premises was secured the dog handler with a detection dog entered the premises and then indicated that there was tobacco hidden in the counter to the side of one of the tills. After checking the area it became apparent that there was a hidden compartment which could be accessed via a screw. Using a screw driver I opened the panel with a turn of the screw, which opened easily and revealed a quantity of tobacco.

I took photographs of the compartment with the panel open displaying the cigarettes, which I now produce as exhibit GW1 and the panel closed exhibit GW2. I seized the following tobacco products; 10 x 50 g pouches of Golden Virginia Hand Rolling Tobacco, 110 x packs of 20 Red & Blue Minsk Cigarettes, 28 x packs of 20 NZ Black & Gold Cigarettes, 58 x packs of 20 Marlboro Gold Cigarettes, 125 x packs of 20 Pect Red & Blue Cigarettes, 80 x packs of

Signed: _____ Dated: 10/7/15

20 L & M Red & Blue Cigarettes, 56 x packs of 20 Jin Ling Cigarettes as none of it complied with The Tobacco Products (Manufacture, Presentation and Sale)(Safety) regulations 2002 as amended.

Following the seizure of the tobacco products I inspected the premises further and discovered a screw driver behind a stereo which was on a shelf behind the counter and within close proximity of the hidden compartment. During the inspection I found no further illicit tobacco products.

At 10.45 I was notified by Kerrie Gibson, Trading Standards Enforcement Officer, that she had located what appeared to be a large sum of money which she took from a bag next to where the hidden compartment was, it also contained receipts as well as an A4 Hardback Book. I took photographs of the money which I now and bag which I now produce as GW3 – GW6. I placed the money back into the bag it had come from as well as the receipts.

I then seized 3 Diaries from under the shop counter, Mr HUSSEINI stated that one of the diaries was his. I then seized the hardback A4 book which was found with the money. I then seized a A4 ring bound booklet from under the shop counter.

At 11.00 I left the premises with the seized goods which were put into secure storage.

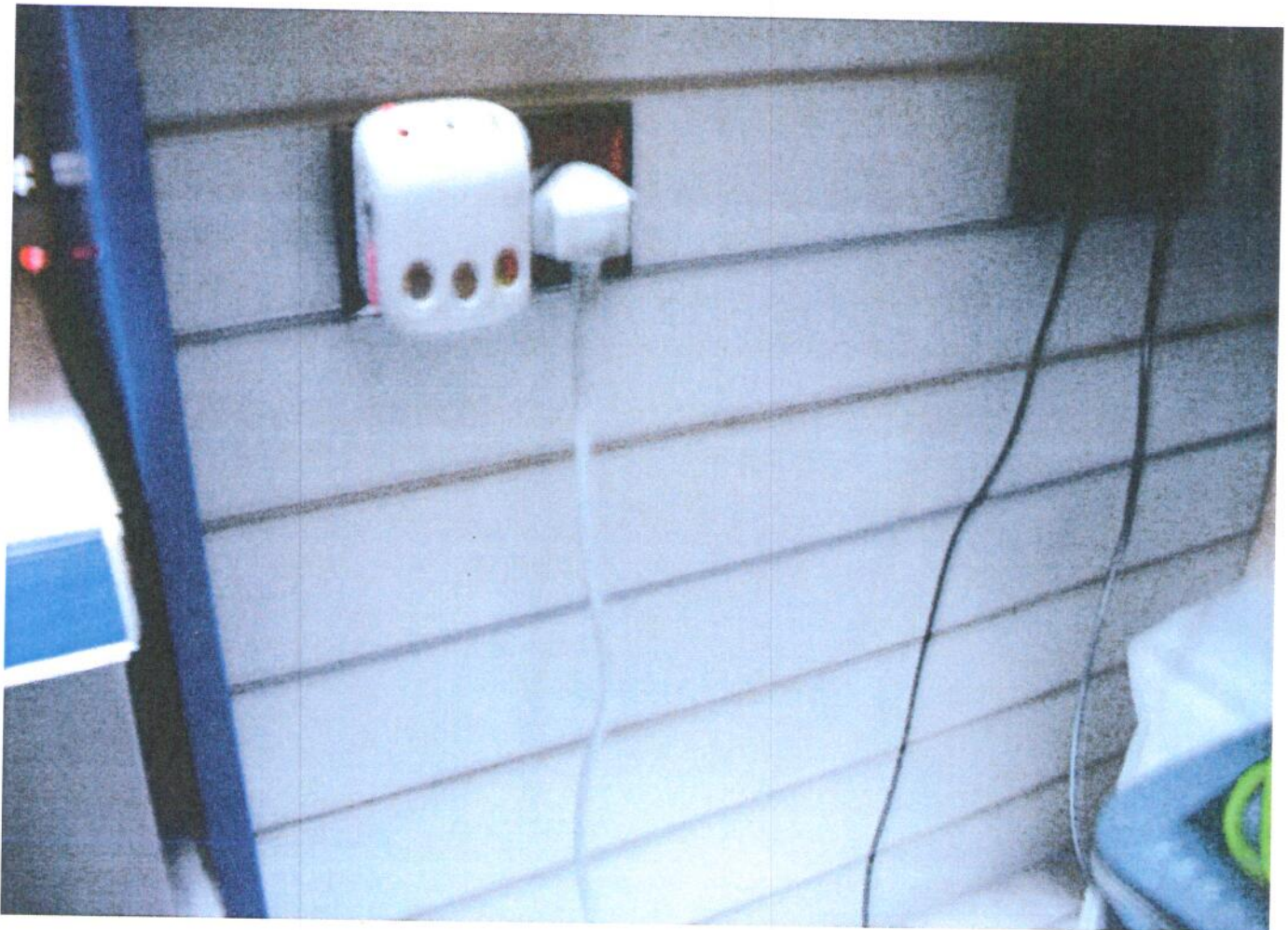
After examining the tobacco I can state that none of it complied with The Tobacco Products (Manufacture, Presentation and Sale)(Safety) regulations 2002 as amended due to incorrect health warnings, which is an offence under the Consumer Protection Act 1987. Further to this the L & M Red, L & M Blue Cigarettes and the Golden Virginia Hand Rolling Tobacco were found to be counterfeit by the respective Trade Mark holders.

On the 10th of December 2014 in Vancouver House, Gurney Street, Middlesbrough at 16:11 I conducted an interview in accordance with the Police and Criminal Evidence Act 1984 with Mr Aso Ali MOHAMMAD regarding the seized tobacco, Caroline McNamara, Senior Trading Standards Officer, was also present. During the interview Mr MOHAMMAD stated he had sacked Mr Aram HUSSEINI on the advice of D & B Licensing. Mr MOHAMMAD claimed he hadn't known the tobacco was there, although he did admit that he had been asked for illicit tobacco. At no point during the interview did he give any indication as to who may have been responsible for the tobacco other than it may have been left there by the previous owner.

Signed:  Dated: 10/7/15

On the 1st of June 2015 at 15.15, I assisted Sinead Upton, Principal Trading Standards Officer, in the serving of a notice for a Licensing Review of Multi-Culti, 242 - 244 Linthorpe Road, Middlesbrough. When I entered the premises two males were behind the counter, one male I knew to be Mr Aso Ali MOHAMMAD the other male who was stood next to the till behind the counter is known to me as Mr Aram HUSSEINI. I was surprised at MR HUSSEINI's presence as I had been told that he had been sacked. After the notice had been served I left the premises and returned to Vancouver House.

Signed:  Dated: 10/7/15



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the PHOTOGRAPH
Referred to in my statement as
Exhibit No: G01
Signature: A
Date: 10/07/15



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the **PHOTOGRAPH**
Referred to in my statement as

Exhibit No: **GW2**

Signature: **AA**

Date: **10/07/15**



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the **PHOTOGRAPH**
Referred to in my statement as

Exhibit No: **623**

Signature: **A**

Date: **10/07/19**



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the **PHOTOGRAPH**
Referred to in my statement as

Exhibit No: **GW 9**

Signature: **[Handwritten Signature]**

Date: **10/07/15**



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the **PHOTOGRAPH**
Referred to in my statement as

Exhibit No: **GW 5**

Signature: **[Handwritten Signature]**

Date: **10/7/15**



**MIDDLESBROUGH COUNCIL
TRADING STANDARDS**

This is the PHOTOGRAPH
Referred to in my statement as

Exhibit No: 626

Signature: [Signature]

Date: 10/7/15

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

Multi Culti
242-244 Linthorpe Road
Middlesbrough

Post Town
Middlesbrough

Post Code
TS1 3QP

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

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

MBRO/PR0256/075543

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			

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"/>
------------------	----------------------

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 | <input type="checkbox"/> |
| 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.

The review brought by Trading Standards follows the conviction of Multi Culti (2014) Ltd of 25 offences in relation to 11,000 illicit cigarettes and 500g of tobacco which were recovered from the premises by Trading Standards on 5th August 2014. The company was fined £12,500 and ordered to pay additional costs making a total penalty of £14650 on 12th May 2015

The trade in illicit tobacco is linked to international organised crime groups who have the ability to manufacture both the product and packaging. The Home Office Guidance under Section 182 of the Licensing Act 2003 identifies in Paragraph 11.27 the sale or storage of smuggled tobacco as a type of criminal activity that should be treated particularly seriously.

The Multi Culti premises gave rise to Police concerns about the amount of super strength alcohol being served within the shop. Complaints of Anti Social Behaviour were being made about street drinkers who were drinking at some public seating near to the shop during the day. Police Officers were regularly finding known dependant drinkers at this location and at the back of the shop drinking alcohol. The drinkers were attracted to the strong beers and lagers being sold in the shop.

Police held meetings with the premises Licence holder Aso Ali Mohammed with regard to this problem who agreed to stop selling the products and make a voluntary change to his licence to prohibit the sale of any beers, lagers, cider or perry above 6.5% alcohol content. Since making that change the problem of street drinking has moved away from the store.

Although Mr Mohammed was willing to co-operate with Police with regard to this problem, he is the sole director of Multi Culti (2014) he is also the premises licence holder. The Police view the supply of illicit tobacco as so serious that anyone who engages in this sort of criminal activity cannot be viewed as sufficiently responsible to uphold the 4 Licensing Objectives. It is for this reason that the Police believe that the crime and disorder objective is 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	30/06/15
Capacity	Licensing Sergeant, Cleveland Police		