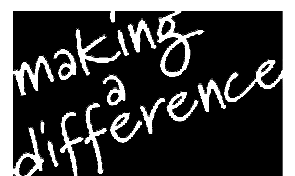


Licensing

Sub-Committee

Tue 8 June
2010
7.00 pm

Council Chamber
Town Hall
Redditch



www.redditchbc.gov.uk

Access to Information - Your Rights

The Local Government (Access to Information) Act 1985 widened the rights of press and public to attend Local Authority meetings and to see certain documents. Recently the Freedom of Information Act 2000, has further broadened these rights, and limited exemptions under the 1985 Act.

Your main rights are set out below:-

- Automatic right to attend all formal Council and Committee meetings unless the business would disclose confidential or “exempt” information.
- Automatic right to inspect agendas and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Council and its Committees

(or summaries of business undertaken in private) for up to six years following a meeting.

- Automatic right to inspect lists of background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral areas of all Councillors with details of the membership of all Committees etc.

A reasonable number of copies of agendas and reports relating to items to be considered in public must be made available to the public attending meetings of the Council and its, Committees etc.

- Access to a list specifying those powers which the Council has delegated to its Officers indicating also the titles of the Officers concerned.
- Access to a summary of the rights of the public to attend meetings of the Council and its Committees etc. and to inspect and copy documents.
- In addition, the public now has a right to be present when the Council determines “Key Decisions” unless the business would disclose confidential or “exempt” information.
- Unless otherwise stated, most items of business before the Executive Committee are Key Decisions.
- Copies of Agenda Lists are published in advance of the meetings on the Council’s Website:

www.redditchbc.gov.uk

If you have any queries on this Agenda or any of the decisions taken or wish to exercise any of the above rights of access to information, please contact the following:

Ivor Westmore

**Member and Committee Support Services Manager
Town Hall, Walter Stranz Square, Redditch, B98 8AH
Tel: (01527) 64252 Ext. 3269 Fax: (01527) 65216**

e.mail: ivor.westmore@redditchbc.gov.uk Minicom: 595528

Welcome to today's meeting.

Guidance for the Public

Agenda Papers

The **Agenda List** at the front of the Agenda summarises the issues to be discussed and is followed by the Officers' full supporting **Reports**.

Chair

The Chair is responsible for the proper conduct of the meeting. Generally to one side of the Chair is the Committee Support Officer who gives advice on the proper conduct of the meeting and ensures that the debate and the decisions are properly recorded. On the Chair's other side are the relevant Council Officers. The Councillors ("Members") of the Committee occupy the remaining seats around the table.

Running Order

Items will normally be taken in the order printed but, in particular circumstances, the Chair may agree to vary the order.

Refreshments : tea, coffee and water are normally available at meetings - please serve yourself.

Decisions

Decisions at the meeting will be taken by the **Councillors** who are the democratically elected representatives. They are advised by **Officers** who are paid professionals and do not have a vote.

Members of the Public

Members of the public may, by prior arrangement, speak at meetings of the Council or its Committees. Specific procedures exist for Appeals Hearings or for meetings involving Licence or Planning Applications. For further information on this point, please speak to the Committee Support Officer.

Special Arrangements

If you have any particular needs, please contact the Committee Support Officer.

Infra-red devices for the hearing impaired are available on request at the meeting. Other facilities may require prior arrangement.

Further Information

If you require any further information, please contact the Committee Support Officer (see foot of page opposite).

Fire/ Emergency instructions

If the alarm is sounded, please leave the building by the nearest available exit – these are clearly indicated within all the Committee Rooms.

If you discover a fire, inform a member of staff or operate the nearest alarm call point (wall mounted red rectangular box). In the event of the fire alarm sounding, leave the building immediately following the fire exit signs. Officers have been appointed with responsibility to ensure that all visitors are escorted from the building.

Do Not stop to collect personal belongings.

Do Not use lifts.

Do Not re-enter the building until told to do so.

The emergency Assembly Area is on Walter Stranz Square.

Declaration of Interests: Guidance for Councillors

DO I HAVE A "PERSONAL INTEREST" ?

- Where the item relates or is likely to affect your **registered interests** (what you have declared on the formal Register of Interests)

OR

- Where a decision in relation to the item might reasonably be regarded as affecting **your own** well-being or financial position, or that of your **family**, or your **close associates** more than most other people affected by the issue,

you have a personal interest.

WHAT MUST I DO? **Declare the existence, and nature, of your interest and stay**

- The declaration must relate to specific business being decided - a general scattergun approach is not needed
- **Exception** - where interest arises only because of your membership of another **public body**, there is no need to declare unless you **speak** on the matter.
- You **can vote** on the matter.

IS IT A "PREJUDICIAL INTEREST" ?

In general only if:-

- It is a personal interest **and**
- The item affects your **financial position** (or conveys other benefits), or the position of your **family, close associates** or bodies through which you have a **registered interest** (or relates to the exercise of **regulatory functions** in relation to these groups)

and

- A member of public, with knowledge of the relevant facts, would reasonably believe the interest was likely to **prejudice** your judgement of the public interest.

WHAT MUST I DO? **Declare and Withdraw**

BUT you may make representations to the meeting before withdrawing, **if** the public have similar rights (such as the right to speak at Planning Committee).

COMMITTEE PROTOCOL – LICENSING SUB-COMMITTEE

Each application that comes before this Sub-Committee will be treated on its own merits. This licensing authority will make its decision based on the merits of the application and the promotion of the four licensing objectives, namely:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance; and
- The protection of children from harm,

and will also have regard to the Guidance issued under Section 182 of the Licensing Act 2003 and the Redditch Borough Council Statement of Licensing Policy.

Members of the Sub-Committee will meet prior to the hearing to note matters to be presented, assisted by the legal and administrative support Officers only. The actual application will not be discussed.

LICENSING HEARING PROCEDURE

The Hearing

1. The Chair will open the meeting, outlining the nature of the decision to be taken, and will identify the members of the Sub-Committee and Council Officers present.
2. The Chair will then ask all parties present for that agenda item to introduce themselves.
3. The Chair will give a brief outline of the procedure to be followed at the hearing.
4. The Licensing Officer will present the report, outlining any relevant representations and relevancies to the Redditch Borough Council Statement of Licensing Policy and Guidance issued under Section 182 of the Licensing Act 2003.
5. The Licensing Officer may be questioned by members of the Sub-Committee and, if given permission by the Sub-Committee, the other parties present.

(Similar rights of questioning will apply, with the Sub-Committee's permission, in relation to paragraphs 7, 9 and 11 below.)

6. The Applicant and / or his / her representative will speak in support of the application.
7. The Applicant and / or his / her representative may be questioned by members of the Sub-Committee.
8. Any witnesses called, with due notice, by the applicant will, with the permission of the Sub-Committee, then make representations to the Sub-Committee.

(Similar rights will apply in relation to witnesses called by other parties.)

9. The witnesses may be questioned by members of the Sub-Committee.
10. The Licence Holder and / or his / her representative and any witnesses he / she wishes to call will be invited to make representations to the Sub-Committee.

- 11 The Licence Holder and / or his / her representative and any witnesses he /she has called may be questioned by members of the Sub-Committee.
12. The Licensing Officer will be invited to make a closing statement.
13. Licence Holder and / or his / her representative will be invited to sum up.
14. The Applicant and / or his / her representative will be invited to sum up.
15. The Chair will announce an adjournment of the hearing in order for the Sub-Committee to make its decision. The decision will be made in private and the Chair will, in accordance with the legal framework given in Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, move to exclude all parties present, with the exception of the members of the Sub-Committee and the legal and administrative support Officers, from the Sub-Committee's deliberations. Normally the Sub-Committee, legal adviser and committee administrator will withdraw from the room.
16. The Sub-Committee may return to the meeting room to seek clarification on any point. The Sub-Committee, legal advisor and committee administrator will then withdraw again.
17. The Chair may depart from the above procedure if he / she considers it is in the interests of natural justice to do so, either of his / her own volition or upon application by any party. Before doing so he / she shall invite the views of the parties present and consider any representations that may be made.

Decision

18. The hearing will reconvene, all parties being recalled.
19. The Chair will announce the decision, together with reasons for it in public at the conclusion of the hearing, together with any conditions placed upon the licence and the licensing objective they relate to.
20. The decision will be confirmed in writing to the Applicant and his / her representative (if appropriate), and the Licence Holder and / or his /her representative, and also to the Chief Officer of Police, as soon as is practicable after the hearing.

Notes

1. *Any changes in Sub-Committee membership will be given at the beginning of the meeting.*
2. *Each party will be limited to a maximum time of ten minutes in which to make representations to the Sub-Committee. This period may be extended at the discretion of the Chair. If an extension is agreed, all parties are to be allowed the same time to make representations. Where appropriate, if several parties wish to make the same representation, a spokesperson may, by consent, be appointed, in which case the spokesperson is to be allowed the same period of time as other representatives. If a spokesperson is not appointed, the amount of time must be shared between the persons wishing to make the same representation.*
3. *Any person wishing to make representations and Applicants / Licence Holders can be represented by a legal representative (at their own expense) or by a Councillor.*
4. *Late representations and evidence will only be considered with the agreement of all parties present.*
5. *Parties to the hearing will not normally be entitled to cross-examine any other party unless given permission by the Sub-Committee to do so.*
6. *The Sub-Committee may require any person attending the hearing, who in its opinion is behaving in a disruptive manner, to leave the hearing and may:*

- *refuse to permit that person to return; or*
- *permit that person to return only on such conditions as the Sub-Committee specify,*

but such person may, before the end of the hearing, submit in writing any such information which they would have given orally had they not been required to leave.

7. *Decisions will generally be taken regardless of whether the applicant is present.*
8. *In cases where a decision cannot be given at the end of the hearing, the Sub-Committee will make its decision within 5 working days beginning with the day or the last day on which the hearing was held, and will inform the applicant as soon as is practicable thereafter of its decision.*
9. *Should applicants have a right to appeal, details can be obtained via the Licensing Officer.*
10. *It is not the general policy of the Council to enter into discussions or correspondence on matters relating to the hearing or any decision made at the hearing.*
11. *Any irregularity resulting from any failure to comply with any provision of the relevant Regulations before the Sub-Committee has made a determination shall not of itself render the proceedings void. In the case of such irregularity, the Sub-Committee shall, if it considers that any person may have been prejudiced as a result of such irregularity, take such steps as it thinks fit to cure the irregularity prior to determination.*
12. *Clerical errors in any document recording a determination of the Sub-Committee or errors arising in such document from accidental slip or omission may be corrected by the Sub-Committee.*
13. *Parties are not normally permitted to cross-examine or question other parties at Licensing Sub-Committee hearings except with the permission of the Sub-Committee. It is important that questions should not be hostile or seek to unfairly undermine the position of any party.*



Licensing

Sub-Committee

8th June 2010
7.00 pm
Council Chamber Town Hall

Agenda

Membership:

Cllrs: M Braley
A Clayton
J Pearce
(The designation of the substitute Member to be confirmed)

<p>1. Chair's Welcome</p>	<p>The Chair will open the meeting and welcome all present.</p>
<p>2. Apologies</p>	<p>To receive apologies for absence and details of any Councillor nominated to attend the meeting in place of a Member listed above.</p>
<p>3. Declarations of Interest</p>	<p>To invite Councillors to declare any interest they may have in the item on the agenda.</p>
<p>4. Application for Review of a Premises Licence - Costcutter Supermarket, Woodrow Centre</p> <p>(Pages 1 - 32)</p> <p>S Jordan, Head of Regulatory Services</p>	<p>To consider an application for review of the Premises Licence for Costcutter Supermarket, Woodrow Centre, Redditch.</p> <p>(Report attached)</p> <p>(Greenlands Ward)</p>
<p>5. Exclusion of the Public and Press</p>	<p>During the course of the meeting it may be necessary, in the opinion of the Borough Director, to consider excluding the public from the meeting on the grounds that exempt information is likely to be divulged. Exclusion rules will also apply at the point when the Sub-Committee seeks to determine the application for Variation of the Premises Licence. It may be necessary, therefore, to move the following resolution:</p> <p>“That, under S.100 I of the Local Government Act 1972, as amended by the Local Government (Access to Information) (Variation) Order 2006, the public be excluded from the meeting for the following matter(s) on the grounds that it / they involve(s) the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 12 (A) of the said Act, as amended”.</p>



STATEMENT of (Full Name)

Steven Paul Wood

Age of Witness

(if over 21 enter "over 21")

Over 21

Occupation of Witness

Licensing Enforcement Officer

Address

Redditch Borough Council, Planning Services,
Town Hall, Walter Stranz Square, Redditch, B98 8AH

This statement (consisting of three 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 27th April 2010

Signed:

Steven Wood.

I am Steven Paul Wood, Licensing Enforcement Officer at Redditch Borough Council. I have held the position since 30th March 2009, having previously served 33 years as a Police Officer with West Midlands Police, of which my last 7 years service was as Licensing Officer.

On Thursday 23rd April 2009, I was engaged in joint operation with West Mercia Police Licensing Officer Neil Sharpe and officers from HM Customs and Excise visiting Licensed Premises.

At 1140hrs on the same day, we visited Costcutter Store, Unit 31, Woodrow Centre, Redditch, B98 7RY. At the premises I spoke to the DPS for the premises, Javed IQBAL. I saw that the premises licence summary was not on display at the premises as required under Section 57 of the Licensing Act 2003. I pointed out the offence to Javed IQBAL, and he could give no explanation as to why it was not on display. I asked to see the premises licence and was informed by him that it was not available at the premises. I again pointed out the offence

under Section 57 of the Licensing Act 2003, of failing to keep the premises licence or certified copy at the premises. Again Javed IQBAL he could give no explanation as to why the licence was not available.

I was aware that the premises had been subject of under age sales, and I asked to see the refusal book which has always been required to be kept as good working practice at all off licence premises. I was informed by Javed Iqbal that there was no such practice in operation. I was also met by the same response when enquiring about staff training and authority for staff to sell on his behalf. I detected from the responses given by Javed Iqbal that he had little knowledge of his responsibilities as DPS under the Licensing Act 2003.

The CCTV system appeared to be adequate, but I was informed that he was not able to download images in any evidential format.

I issued Javed IQBAL with a list of general requirements on behalf of Redditch Borough Council that are both legal and accepted good working practice and advised him to adhere to its directions and requirements. I advised him that I expected all of the listed requirements to be in place within 14 days.

I also assisted HM Customs and Excise in removing from the premises approx 60 cases of beer, 17 cases of wine, and 5 cases of spirits, all suspected of being counterfeit without payment of duty.

I can confirm from RBC licensing records that an application was made on 20th May 2009 for a replacement premises licence and summary, as these items had been declared as lost. These were sent out to the consultant acting on behalf of the premises on 27th May 2009.

At 1000hrs on Wednesday 21st April 2010, I visited the premises with Licensing Officer Tom Phelan. I saw that despite the previous warnings given, the premises licence summary was not on display. The DPS was not available, and I spoke to the 3 members of staff working at the premises who gave the names of Zahid Hussain, Azim Mahmood, and Sajid Ali who I believe is one of the premises licence holders together with Javed Iqbal. All three looked

J.P. Wood

puzzled when I questioned the absence of the premises licence summary, and were unable to produce the premises licence. All three admitted that they had not received any staff training and had no written authority to sell alcohol on behalf of the DPS. None of them were able to operate the CCTV system. A refusal note pad was in place since my last visit, but entries were sketchy with insufficient detail.

It is my opinion based on my dealings with the premises and the information submitted from Responsible Authorities, that it has not operated in a responsible manner that promotes the licensing objectives and that insufficient safeguards had been put in place following my initial advice given to Mr Javed IQBAL the DPS and joint premises licence holder.

I can produce copies of my visit reports and list of general requirements issued if required.

Signed: *S.P. Wood*..... Steven Wood.

Note: Statements to be signed at the bottom of each page and immediately after the last word of the statement.

Signed: *S.P. Wood*..... Steven Wood.



Premises Licence

Premises Licence No. **PREM0043**

Part 1 – Premises details

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

Kwik Save 31 Woodrow Centre Woodrow North Redditch B98 7RY

Telephone No:

This licence will take effect from **12/12/2007**

Licensable activities authorised by the licence

Supply of Alcohol (for consumption OFF the premises)

The opening hours of the premises are:

Monday	08:00hrs to 23:00hrs
Tuesday	08:00hrs to 23:00hrs
Wednesday	08:00hrs to 23:00hrs
Thursday	08:00hrs to 23:00hrs
Friday	08:00hrs to 23:00hrs
Saturday	08:00hrs to 23:00hrs
Sunday	10:00hrs to 22:30hrs
Others	08:00hrs 22:30hrs Good Friday 12:00hrs to 15:00hrs & 19:00hrs to 22:30hrs Christmas Day These hours relate to the sale of alcohol only

Where the licence authorises the supply of alcohol, this is for consumption **OFF** the premises

The times the licence authorises the carrying out of licensable activities: -

Supply of Alcohol	Monday to Saturday	08:00	23:00
Supply of Alcohol	Sunday	10:00	22:30
Supply of Alcohol	Good Friday	08:00	22:30
Supply of Alcohol	Christmas Day	12:00	15:00
Supply of Alcohol	Christmas Day	19:00	22:30

Part 2

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

Name: **Mohammed Sajid Ali**

Address: **51 Bankes Road
Small Heath
Birmingham**

Post code: **B10 9PP**

Telephone: **0121 785 2838**

Email :

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

Name: **Javid Iqbal**

Address: **212 Malmesbury Road
Small Heath
Birmingham**

Post code: **B10 0JJ**

Telephone: **0121 785 2838**

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

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

Name: **Javid Iqbal**

Address: **212 Malmesbury Road
Small Heath
Birmingham**

Post code: **B10 0JJ**

Telephone: **0121 785 2838**

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

Licence No: **908**

Issuing

Authority: **Birmingham City Council**

Annex 1 - Mandatory conditions

Mandatory conditions where licence authorises supply of alcohol

- (1) Where a premises licence authorises the supply of alcohol, the licence must include the following conditions.
- (2) The first condition is that 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.
- (3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Mandatory condition: exhibition of films

- (1) Where a premises licence authorises the exhibition of films, the licence must include a condition requiring the admission of children to the exhibition of any film to be restricted in accordance with this section.
- (2) Where the film classification body is specified in the licence, unless subsection (3)(b) applies, admission of children must be restricted in accordance with any recommendation made by that body.
- (3) Where: -
 - (a) the film classification body is not specified in the licence, or
 - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question, admission of children must be restricted in accordance with any recommendation made by that licensing authority.
- (4) In this section: -
 - "children" means persons aged under 18; and
 - "film classification body" means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984 (c.39) (authority to determine suitability of video works for classification).

Mandatory condition: door supervision

- (1) Where a premises licence includes a condition that at specified times one or more individuals must be at the premises to carry out a security activity, the licence must include a condition that each such individual must be licensed by the Security Industry Authority.
- (2) But nothing in subsection (1) requires such a condition to be imposed: -
 - (a) in respect of premises within paragraph 8(3)(a) of Schedule 2 to the Private Security Industry Act 2001 (c.12) (premises with premises licences authorising plays or films), or
 - (b) In respect of premises in relation to-
 - (i) any occasion mentioned in paragraph 8(3)(b) or (c) of that Schedule (premises being used exclusively by club with club premises certificate, under a temporary event notice authorising plays or films or under a gaming licence), or
 - (ii) any occasion within paragraph 8(3)(d) of that Schedule (occasions prescribed by regulations under that Act).
- (3) For the purposes of this section: -
 - (a) "security activity" means an activity to which paragraph 2(1)(a) of that Schedule applies, and
 - (b) paragraph 8(5) of that Schedule (interpretation of references to an occasion) applies as it applies in relation to paragraph 8 of that Schedule.

Annex 2 Conditions consistent with the operating schedule

Alcohol shall not be sold or supplied except during permitted hours.

In this condition, permitted hours means:

- a. On weekdays, other than Christmas Day, 8 am to 11 pm**
- b. On Sundays other than Christmas Day, 10 am to 10.30 pm**
- c. On Christmas Day, 12 noon to 3 pm and 7 pm to 10.30 pm**
- d. On Good Friday, 8 am to 10.30 pm.**

The above restrictions do not prohibit:

(a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

(b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

(c) the sale of alcohol to a trader or club for the purposes of the trade or club;

(d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

Annex 3 Conditions after Hearing

Not Applicable

Annex 4 - Plans

See Attached

**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 PC 3883 NEIL SHARPE

(Insert name of applicant)

apply for the review of a premises licence under section 51 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description COSTCUTTERS WOODROW CENTRE	
Post town REDDITCH	Post code (if known) B98 7RY

Name of premises licence holder or club holding club premises certificate (if known) MOHAMMED SAJID & JAVID IQBAL

Number of premises licence or club premises certificate (if known) PREM 0043
--

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 PC NEIL SHARPE 3883 WEST MERCIA POLICE REDDITCH POLICE STATION GROVE STREET REDDITCH B98 8DD
Telephone number (if any) 0300 333 3000 ex 3857
E-mail address (optional) neil.sharpe@westmercia.pnn.police.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

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

This application for a licence review for the premises 'Costcutters', Woodrow Centre, Redditch is being sought by West Mercia Police.

The store has failed to promote two of the four licence objectives from the Licensing Act 2003, the protection of children from harm and the prevention of crime and disorder.

The store has sold alcohol to minors on three separate occasions in the last eight months.

On two occasions, the store sold alcohol to minors as part of a Trading Standards test purchase operation. The other sale was witnessed by Police.

Police also state that they have no confidence in the premise licence holders, one of whom is the designated premise supervisor (DPS).

The premises failure to promote the licensing objective of prevention of crime and disorder came to light during a H M Revenue & Customs operation at Costcutters in 2009.

Incidents in chronological order:

Police Licensing Officer PC Neil Sharpe visited Costcutters on 27th March 2009 following information that under age sales were taking place. The DPS was not present, but staff were informed of the need to check persons age by way of ID and adopt the 'challenge 21' policy.

On 23rd April 2009, Police attended the store with officers from H M Revenue &

Customs as part of an operation into duty offences concerning alcohol and tobacco. The following was seized: 60 cases of beer, 17 cases of wine, 2 1/2 cases of brandy, 1 1/2 cases of whiskey. These were all seized due to revenue duty offences.

A test purchase operation run by Worcestershire Trading Standards took place on 12th June 2009. A female under the age of eighteen years bought alcohol at the store. This was sold to her by the DPS. Trading Standards decided to prosecute the premise for this offence.

On 13th June 2009 PC 57 Nigel Bennett, who is the Local Police Officer for the Woodrow area, was on patrol in the shopping centre. He witnessed a youth leaving the store carrying beer. PC Bennett challenged this youth, who was fifteen years old, and then took the youth back inside the store and identified the staff member who had made the sale. The member of staff admitted the sale and offence.

On 22nd June 2009 the two premises licence holders attended a meeting at Redditch Police Station with the District Inspector for Redditch, Inspector 273 Ian Joseph and PC Neil Sharpe.

They were warned about the the two underage sales and that further offences could lead to review. They were also written to on this date. Again, the letter made it clear that further offences could lead to a licence review.

On 9th December 2009, H M Revenue & Customs visited the premise. There were no offences.

On 10th February 2010, a court case took place in regards to the underage sale made by the DPS on 12th June 2009. The premise received a fine of £350 plus costs.

On 12th February 2010 Worcestershire Trading Standards again had a test purchase operation at the premise. Again, the DPS made the sale to a minor.

Police therefore have no other option but to seek Licence review in the Case of Costcutters, Woodrow Centre, Redditch.

There is no confidence in the way this premise is run, failure of the DPS, the joint premises licence holder, in making two underage sales himself and the blatant disregard for promoting the licensing objectives.

Police will ask the Licensing Committee to revoke the premise licence for this store, therefore stopping it from selling alcohol.

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

I attach the following information to support this review.

Statement from PC Nigel Bennett

Letter sent to the DPS from Police, dated 22nd June 2009

Evidence from Worcestershire Trading Standards

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

Please tick yes

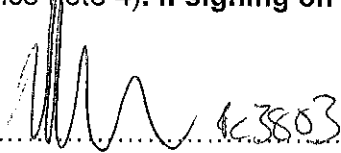
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

 123803

Date

6th April 2010

Capacity

Police Licensing Officer.

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. 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.



Licensing Act 2003

Section 146 Sale of alcohol to children

- (1) A person commits an offence if he sells alcohol to an individual aged under 18.**
- (2) A club commits an offence if alcohol is supplied by it or on its behalf—**
 - (a) to, or to the order of, a member of the club who is aged under 18, or**
 - (b) to the order of a member of the club, to an individual who is aged under 18.**
- (3) A person commits an offence if he supplies alcohol on behalf of a club—**
 - (a) to, or to the order of, a member of the club who is aged under 18, or**
 - (b) to the order of a member of the club, to an individual who is aged under 18.**
- (4) Where a person is charged with an offence under this section by reason of his own conduct it is a defence that—**
 - (a) he believed that the individual was aged 18 or over, and**
 - (b) either—**
 - (i) he had taken all reasonable steps to establish the individual's age, or**
 - (ii) nobody could reasonably have suspected from the individual's appearance that he was aged under 18.**
- (5) For the purposes of subsection (4), a person is treated as having taken all reasonable steps to establish an individual's age if—**
 - (a) he asked the individual for evidence of his age, and**
 - (b) the evidence would have convinced a reasonable person.**
- (6) Where a person ("the accused") is charged with an offence under this section by reason of the act or default of some other person, it is a defence that the accused exercised all due diligence to avoid committing it.**
- (7) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.**

RESTRICTED (when complete)

Page 1 of 2

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN:

Statement of: NEIL SHARPE

Age if under 18: Over 18

Occupation: POLICE CONSTABLE

This statement (consisting of 2 page(s) 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 anything in it, which I know to be false, or do not believe to be true.

Signature:  PC3883

Date: 27th APRIL 2010

Tick if witness evidence is visually recorded: *(supply witness details at end)*

I am PC 3883 NEIL SHARPE of West Mercia Police. My current position is that of Police Licensing Officer for the districts of Bromsgrove and Redditch in North Worcestershire.

I have looked after Redditch district for two years and took over responsibilities for licensing in Bromsgrove in June 2009.

This role deals with all aspects of the Licensing Act 2003, as well as partnership working with other responsible authorities.

This statement is being written to give back ground information regarding a licence review application, submitted by myself, for the Costcutters store, Woodrow Centre, Woodrow, Redditch.

Police are seeking licence review because of events at this store in the past twelve months. These events have highlighted that two of the four licensing objectives of the Licensing Act 2003 have not been promoted. These being:

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

On 23rd April 2009 I attended Costcutters, Woodrow Centre along with officers from HM Revenue & Customs.

I witnessed Customs Officers seize a quantity of alcohol. This was due to revenue offences. In all 60 cases of beer, 17 cases of wine, 2 ½ cases of brandy, 1 ½ cases of whiskey were seized.

At the time of writing this statement, I do not have information on whether HM Customs & Customs prosecuted for this offence.

Worcestershire Trading Standards run test purchase operations throughout the whole of the county.

They ask volunteers under the age of eighteen years to enter licensed premises and attempt to purchase alcohol.

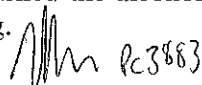
On 12th June 2009, a female test purchase volunteer entered the store and bought alcohol. She was sold the alcohol by the current Designated Premise Supervisor (DPS) Mr Javid Iqbal.

The next underage sale took place on the following day, 13th June 2009.

PC 57 Nigel Bennett who is the local Police Officer for the Woodrow area of Redditch was on patrol in the shopping centre.

He witnessed a youth leaving Costcutters carrying beer. PC Bennett challenged the youth, who was fifteen years old, and then took the youth back inside the store. They identified the staff member who had made the sale. The staff member admitted the sale and offence.

The youth returned the alcohol and was given a refund. The person who made the sale was given a verbal warning.

 PC3883

Signature:

Signature witnessed by:

2004/05(1)

n_sharpe01/04/10

RESTRICTED (when complete)

Page 2 of 2

Statement of: NEIL SHARPE

URN:

On 22nd June 2009, both of the Premise Licence holders, Mr Mohammed Sajid Ali and Mr Javid Iqbal were asked to attend a meeting at Redditch Police Station. This was with the Redditch district Inspector, Insp 273 Ian Joseph and myself.

We discussed both of the illegal underage sales and were assured that measures would be put in place to make sure it never happened in the future.

I also wrote to Mr Iqbal on 22nd June 2009 warning Costcutters that if a further underage sale took place in the coming months, Police would have no alternative but to seek licence review.

I produce a copy of this letter as exhibit NPS/1.

I again visited Costcutters with HM Revenue & Customs on 9th December 2009 to check on their alcohol. This time there were no offences and no seizures.

The court case took place on 10th February 2010 for the first test purchase operation on 12th June 2009. I am informed that the DPS pleaded guilty to the offence and was fined £742.77 including costs.

Then on 12th February 2010, Worcestershire Trading Standards again asked under eighteen year old volunteers to attempt to purchase alcohol from Costcutters as part of a test purchase operation. The DPS again made a sale of alcohol to a minor.

I therefore have no alternative than to ask for this Licence review against Costcutters on behalf of West Mercia Constabulary.

Police have no confidence that this store promotes the licensing objectives.

All of these objectives are of equal importance under the Licensing Act 2003, but failure to promote one of these ie the protection of children from harm, raises great concerns about there ability to run a lawful operation.

Police believe that this is even more serious as two of the sales have been made by the DPS, who is a partner in this business. Surely he should be fully trained, aware of the law and making sure that children are not served alcohol from his store.

Unfortunately, if the DPS was to be removed from this store, Police feel that this would be in name only. Mr Iqbal would still be in charge of the store and sales of alcohol.

Removing him as DPS would not make any difference to the sales of alcohol at Costcutters.

I would ask the licensing committee members therefore to revoke the premise licence from this store. Stopping it selling alcohol altogether.



Signature:

Signature witnessed by:

2004/05(1)

n_sharpe1/04/10

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

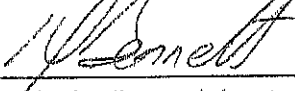
URN:

Statement of: Nigel Francis BENNETT

Age if under 18: over 18

Occupation: Police Constable 57

This statement (consisting of 1 page(s) 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 anything in it, which I know to be false, or do not believe to be true.

Signature: 

Date: 24th March 2010

Tick if witness evidence is visually recorded: *(supply witness details at end)*

I am currently the Local Policing Officer for the Greenlands Ward in Redditch. This area takes in the Woodrow Estate and I have been in post since Dec 2007.

On Saturday 13th June 2009 I was on duty and conducting foot patrol in the Woodrow Centre. At about 12.50 hrs that day I saw a youth walk out of the Costcutter store holding a box of 18 bottles of Carlsberg Export Lager. I immediately thought the youth looked to young to purchase the lager and approached him.

[REDACTED]

I took the youth back into the shop and spoke to the member of staff on the counter and he admitted to selling the lager to the young man saying he thought he was old enough. We had a discussion about the "If you do not look 21 prove you are 18" policy and he admitted he did not ask the youth for ID.

I created a log on the forces computer of the incident OIS ref 386s 130609 and passed advice to both the youth and the member of staff. The alcohol was returned and the youth refunded his money.



Signature:

Signature witnessed by:

2004/05(1)

n_ben001/03/10

Licensing Officer
West Mercia Police
Redditch Police Station
Grove Street
Redditch
Worcestershire
B98 8DD

22nd June 2009

Mr Javid Iqbal
Costcutters
Unit 31
Woodrow Centre
Redditch
Worcestershire
B98 7RY

Dear Mr Iqbal,

I am writing to you, ahead of our meeting today, to raise my concerns about Costcutters and your role as designated premise supervisor (DPS).

My concerns stem from the weekend of 12th & 13th June 2009. On these two days, on two separate occasions, your store sold alcohol to persons under 18 years old.

On the 12th June, a Worcestershire trading standards volunteer, aged 15 years old, bought alcohol without being challenged and no identification was asked for. This was part of a trading standards test purchase operation.

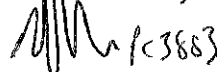
The second incident happened on 13th June, where the local Policing officer challenged a male youth aged 15 years he saw leaving your shop carrying cans of beer. This youth was taken back to the shop by the officer. A member of staff admitted serving the youth without asking for identification.

This also follows the Customs and Excise operation on 23rd April 2009 at the store where a large amount of alcohol was seized due to duty offences.

There is a real issue in the location of your store and the Woodrow Centre of youths drinking alcohol in the streets, which then leads to anti-social behaviour. It is therefore imperative that your staff adhere to the "challenge 21" policy and not serve anyone under the age of eighteen years old.

I must therefore formally warn you that if an underage sale occurs again within the coming months, I would have no alternative but to seek to take yourself as DPS and Costcutters to Licensing review. This could lead to your premise license having conditions placed on it, or even being revoked.

Yours sincerely



PC Neil Sharpe
Licensing Officer
Redditch & Bromsgrove



TRADING STANDARDS SERVICE

Form 13

STATEMENT OF WITNESS

Statement of witness (Criminal Procedure Rules, r27.2; Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)

STATEMENT OF (Full name) Tracey Jayne Blanchard
Age of Witness (If over 18 enter "over 18"): Over 18
Occupation of witness: Fair Trading Officer

This statement (consisting of 2 pages) 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.

I am a Fair Trading Officer employed by Worcestershire County Council, Trading Standards Service and authorised for the purposes of the Licensing Act 2003. On the 12 June 2009 officers from the Trading Standards Service attended the premises of Costcutter, Unit 31, Woodrow Centre, Redditch. This was as part of a covert exercise carried out by the Trading Standards Service to ascertain whether traders holding a license to sell alcohol were selling to persons under the age of eighteen. During this visit Javed Iqbal, owner of Costcutter and the designated premises supervisor sold

Signed: [Signature] (witness)
Date: 18.5.10

(To be completed if applicable: ... being ...
Unable to read the above statement I, ... of ...
Read it to him/her before he/she signed it.

Signed: ... Date: ...)

File Reference: TJB/

Witness Statement of: Tracey Jayne Blanchard

Continuation Page No: 2

Signed: *J Blanchard* (witness)
Date: *18.5.10*

alcohol to a person under the age of 18. On this occasion, officers witnessed Mr Iqbal sell a bottle of Strongbow Cider to a 14 year old girl. Mr Iqbal did not ask the girl her age and neither did he ask for any identification. As a result of this sale on 12 June 2009 Javed Iqbal was prosecuted by the Trading Service at Redditch Magistrates Court on the 10 February 2010. He was found guilty of selling alcohol to a person under the age of eighteen. Javed Iqbal did not attend the hearing and was found guilty in his absence. He was fined a total sum of £742.77 including costs. Two days later on 12 February 2010 officers from the Trading Standards Service returned to the premises of Costcutter, Unit 31, Woodrow Centre, Redditch. This was again part of a covert exercise carried out by the Trading Standards Service to ascertain whether traders holding a license to sell alcohol were selling to persons under the age of eighteen. On this occasion Javed Iqbal again sold alcohol, namely a can of Stella lager to a 15 year old boy. He did not ask the child's age and neither did he ask for any identification. This matter is still under investigation by the Trading standards Service with a view to prosecution and as such I would request that this evidence is not produced within the public domain at any licence review hearing.

Signed: *J Blanchard* (witness)
Date: *18.5.10*



WITNESS STATEMENT

(C J Act 1967. S.9
M C Act 1980. S.55A(3) & 5B
Criminal Procedure Rules 2005 R.27.1)

Appendix 2

STATEMENT of (Full Name)

Steven Paul Wood

Age of Witness

(if over 21 enter "over 21")

Over 21

Occupation of Witness

Licensing Enforcement Officer

Address

Redditch Borough Council, Planning Services,
Town Hall, Walter Stranz Square, Redditch, B98 8AH

This statement (consisting of three 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 27th April 2010

Signed:

Steven Wood.

I am Steven Paul Wood, Licensing Enforcement Officer at Redditch Borough Council. I have held the position since 30th March 2009, having previously served 33 years as a Police Officer with West Midlands Police, of which my last 7 years service was as Licensing Officer.

On Thursday 23rd April 2009, I was engaged in joint operation with West Mercia Police Licensing Officer Neil Sharpe and officers from HM Customs and Excise visiting Licensed Premises.

At 1140hrs on the same day, we visited Costcutter Store, Unit 31, Woodrow Centre, Redditch, B98 7RY. At the premises I spoke to the DPS for the premises, Javed IQBAL. I saw that the premises licence summary was not on display at the premises as required under Section 57 of the Licensing Act 2003. I pointed out the offence to Javed IQBAL, and he could give no explanation as to why it was not on display. I asked to see the premises licence and was informed by him that it was not available at the premises. I again pointed out the offence

under Section 57 of the Licensing Act 2003, of failing to keep the premises licence or certified copy at the premises. Again Javed IQBAL he could give no explanation as to why the licence was not available.

I was aware that the premises had been subject of under age sales, and I asked to see the refusal book which has always been required to be kept as good working practice at all off licence premises. I was informed by Javed Iqbal that there was no such practice in operation. I was also met by the same response when enquiring about staff training and authority for staff to sell on his behalf. I detected from the responses given by Javed Iqbal that he had little knowledge of his responsibilities as DPS under the Licensing Act 2003.

The CCTV system appeared to be adequate, but I was informed that he was not able to download images in any evidential format.

I issued Javed IQBAL with a list of general requirements on behalf of Redditch Borough Council that are both legal and accepted good working practice and advised him to adhere to its directions and requirements. I advised him that I expected all of the listed requirements to be in place within 14 days.

I also assisted HM Customs and Excise in removing from the premises approx 60 cases of beer, 17 cases of wine, and 5 cases of spirits, all suspected of being counterfeit without payment of duty.

I can confirm from RBC licensing records that an application was made on 20th May 2009 for a replacement premises licence and summary, as these items had been declared as lost. These were sent out to the consultant acting on behalf of the premises on 27th May 2009.

At 1000hrs on Wednesday 21st April 2010, I visited the premises with Licensing Officer Tom Phelan. I saw that despite the previous warnings given, the premises licence summary was not on display. The DPS was not available, and I spoke to the 3 members of staff working at the premises who gave the names of Zahid Hussain, Azim Mahmood, and Sajid Ali who I believe is one of the premises licence holders together with Javed Iqbal. All three looked

J.P. Wood

puzzled when I questioned the absence of the premises licence summary, and were unable to produce the premises licence. All three admitted that they had not received any staff training and had no written authority to sell alcohol on behalf of the DPS. None of them were able to operate the CCTV system. A refusal note pad was in place since my last visit, but entries were sketchy with insufficient detail.

It is my opinion based on my dealings with the premises and the information submitted from Responsible Authorities, that it has not operated in a responsible manner that promotes the licensing objectives and that insufficient safeguards had been put in place following my initial advice given to Mr Javed IQBAL the DPS and joint premises licence holder.

I can produce copies of my visit reports and list of general requirements issued if required.

Signed: *S.P. Wood*.....Steven Wood.

Note: Statements to be signed at the bottom of each page and immediately after the last word of the statement.

Signed: *S.P. Wood*.....Steven Wood.

-----Original Message-----

From: Plunkett, Adrienne (ChS, County Hall) [mailto:APlunkett@worcestershire.gov.uk]
Sent: 10 May 2010 16:36
To: licensing

Subject: RE: review costcutters - Woodrow Centre, Redditch

Thank you for the copy of the Application for a review of the premises licence by West Mercia Police in respect of Costcutters, Woodrow Centre, Redditch.

I fully support the action being taken by the Police. It is of concern that the store has been identified as selling alcohol to minors and been prosecuted in respect of this, but continues to do so. This demonstrates that the Designated Premises Supervisor has a lack of commitment to safeguarding children and young people and has not learnt from the action taken by the Police previously.

It is important that a clear message is given to the public/community that an unwillingness to operate a licence within the law will be treated seriously and licences will be revoked.

Please come back to me if I can assist further.

Adrienne Plunkett
Service Development Manager
Safeguarding and Quality Assurance

