

Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: MONDAY, 29 MARCH 2021
TIME: 10:00 am
PLACE: Zoom Meeting

Members of the Sub-Committee

Councillors Pickering, Shelton and Westley

Members of the Sub-Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for Monitoring Officer

Officer contact: Angie Smith / Jacob Mann / Jason Tyler
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Information for members of the public

PLEASE NOTE that any member of the press and public may listen in to proceedings at this 'virtual' meeting via a weblink which will be publicised on the Council website at least 24hrs before the meeting. Members of the press and public may tweet, blog etc. during the live broadcast as they would be able to during a regular Committee meeting at City Hall / Town Hall. It is important, however, that Councillors can discuss and take decisions without disruption, so the only participants in this virtual meeting will be the Councillors concerned, the officers advising the Committee and any objectors and applicants relevant to the applications to be considered.

Attending meetings and access to information

You have the right to attend/observe formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

Dates of meetings and copies of public agendas and minutes are available on the Council's website at www.cabinet.leicester.gov.uk or by contacting us using the details below.

Making meetings accessible to all

Braille/audio tape/translation - If you require this please contact the Democratic Support Officer (production times will depend upon equipment/facility availability).

Further information

If you have any queries about any of the above or the business to be discussed, please contact Angie Smith, Democratic Support on **(0116) 454 6354** or email angie.smith@leicester.gov.uk

For Press Enquiries - please phone the **Communications Unit on 0116 454 4151**

LEICESTER CITY COUNCIL LICENSING SUB-COMMITTEE PROCEDURAL GUIDE

INTRODUCTORY PHASE

The meeting will be held in public unless stated otherwise in the report.

Present at the hearing will be Members of the Licensing Sub-Committee (minimum 3 Members), Officers from the Licensing Authority, a Legal Adviser to the Sub-Committee, an Officer from Democratic Services.

1. Participants at the meeting will introduce themselves as follows:
 - a. Members and Officers
 - b. Statutory Consultees (if any)
 - c. The Applicant and any representatives
 - d. Persons who have made representations
2. The Chair will check that the Applicant has received a copy of the Officer report.

INFORMATION GATHERING

3. The Licensing Officer presents the report (previously circulated)

Questions (for clarification purposes only):
Members
Statutory Consultees (if any)
Persons who have made representations
Applicant and Representative (s)
4. Depending on the nature of the report, Statutory Consultees present their comments.

Questions (for clarification purposes only):
Members
Officers
Persons who have made representations
Applicant and Representative(s)
5. Persons who have made representations

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees (is any)
Applicant and Representative(s)
6. Applicant's Case

Questions (for clarification purposes only):
Members
Officers
Statutory Consultees
Persons who have made representations

7. Summing up in the following order

Officers

Statutory Consultees

Persons who have made representations

Applicant and Representative(s)

8. The Legal Adviser to the Sub-Committee to advise the Sub-Committee in the presence of the Applicant, Representatives, Officers, Statutory Consultees, and persons who have made representations on relevant issues the Members need to be aware of when they come to make their decision.

DECISION MAKING

9. Apart from the Sub-Committee Members and the Democratic Support Officer everyone will be asked to withdraw from the meeting The Legal Adviser to the Sub-Committee may be called back to the meeting to advise on the wording of the decision the Sub-Committee Members will have made during private deliberation.
10. The Applicant will be advised that the decision made by the Sub-Committee will be made public within 5 working days of the meeting.

PUBLIC SESSION

AGENDA

LIVE STREAM OF MEETING

A live stream of the meeting can be viewed here:

https://www.youtube.com/channel/UCddTWo00_gs0cp-301XDbXA

- 1. APPOINTMENT OF CHAIR**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATIONS OF INTEREST**

Members are asked to declare any interests they may have in the business to be discussed.

- 4. MINUTES OF PREVIOUS MEETINGS**

Appendix A

The minutes of the meetings of the Licensing (Hearings) Sub-Committee meetings held on 26 February, 4 March and 11 March 2021 are attached, and Members will be asked to confirm them as correct records.

- 5. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: UNI, 39 WESTERN BOULEVARD, LEICESTER, LE2 7HN**

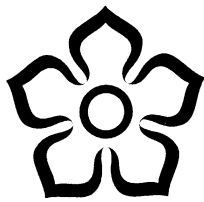
Appendix B

The Director of Neighbourhood and Environmental Services submits a report on an application for a review of an existing premises licence for Uni, 39 Western Boulevard, Leicester, LE2 7HN.

Report attached. A copy of the associated documentation is attached for Members only. Further copies are available on the Council's website at www.Cabinet.leicester.gov.uk or by telephoning Democratic Support on 0116 4546354.

(Wards affected: Westcotes)

- 6. ANY OTHER URGENT BUSINESS**



Leicester
City Council

Appendix A

Minutes of the Meeting of the LICENSING (HEARINGS) SUB-COMMITTEE

Held: FRIDAY, 26 FEBRUARY 2021 at 10:00 am

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Fonseca

Councillor Shelton

* * * * *

60. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

61. APOLOGIES FOR ABSENCE

There were no apologies for absence.

62. DECLARATIONS OF INTEREST

Councillor Fonseca declared for the avoidance of doubt that he was the Councillor for the Ward in which the premises was situated, but had had no contact with the applicant.

63. MINUTES OF PREVIOUS MEETINGS

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 26th January 2021 adjourned to 10.00am on 9th February 2021 and 11.00am 9th February 2021 be confirmed as a correct record.

64. PRIVATE SESSION

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

B1) Application for a new Premises Licence, Off Licence: 10-12 Uppingham Road, Leicester, LE5 0QD.

65. APPLICATION FOR A NEW PREMISES LICENCE, OFF LICENCE: 10-12 UPPINGHAM ROAD, LEICESTER, LE5 0QD

Introductions were made and the procedure for the meeting was outlined.

The Chair confirmed with Sub-Committee Members that reports for the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report on an application for a new Premises Licence, Off Licence, for 10-12 Uppingham Road, Leicester, LE5 0QD.

The applicant was present. Mr Dave Braithwaite (Deputy Licensing Manager, Leicestershire Police), PC Niahul Patel (Leicestershire Police), Licensing Team Manager (Policy and Applications), a local resident who had submitted an objection, and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. Members noted that an application was received for a new Premises Licence was received on 7 January 2021,

and that Leicestershire Police submitted an objection to the application on 27 January 2021 on the grounds of to the prevention of crime and disorder, the prevention of public nuisance, public safety, and the protection of children from harm.

The Sub-Committee further noted that twenty-one representations had been made by members of the public against the grant of the application based on all the licensing objectives. In addition, three petitions opposing the application had been submitted.

Mr Dave Braithwaite and PC Niahul Patel for Leicestershire Police were given the opportunity to outline the reasons for the objection to the new Premises Licence and answer questions from Members.

The local resident was given an opportunity to outline the reasons for their objection to the new Premises Licence and answer questions from Members.

The applicant was given the opportunity to present their case and answered questions from Members, Officers, the Police and local resident.

Each party then made a closing submission.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the application for a new Premises Licence, Off Licence for 10-12 Uppingham Road, Leicester, LE5 0QD be REFUSED.

Members of the Sub-Committee had considered all the representations and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The application before Members of the Sub-Committee was for a Premises

Licence authorising off-sales of alcohol at a proposed new convenience store / off-licence at 10-12 Uppingham Road, Leicester, seven days a week from 7 am to midnight, those hours also being the proposed opening hours of the premises. The premises were located in a residential area where there were currently some shops and other off-licences. Members were informed the applicant was to be the Designated Premises Supervisor (DPS) at the premises. Members were further informed the applicant had held a Premises Licence for another off-licence in Leicester since 2012 and was the DPS at those premises.

Representations against the application had been received from Leicestershire Police. 21 members of the public had made representations against the application, and three petitions containing some 227 signatories against the application were also received.

The representations were based on all four of the licensing objectives, namely the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

In summary, both the Police and the members of the public objected to the grant of a premises licence on the basis that it would add to existing crime and disorder and public nuisance in the area. The premises was situated opposite Humberstone Road pocket park, also known as Sparrow Park. Despite the alcohol related Public Space Protection Order which was in place in respect of all public places within the City of Leicester, there were longstanding ongoing issues with males congregating and drinking alcohol in the park. The park was often littered with empty bottles, cans and broken glass and residents were prevented from using the park for fear of intimidation. Members were informed by the Police and resident that the issues were not limited to the Park area and existed in the immediate vicinity of the premises. Residents were concerned about leaving their houses in an evening and reference had been made to 51 crime reports having been made in connection with violent and sexual offending, criminal damage, arson, anti-social behaviour, vehicle crime and public order incidents in the immediate vicinity of the premises between July and November 2020.

Sparrow Park had a children's play area and the resident reported the area could not be used safely because of the littering issues, and that parents were unwilling to allow their children to be witness to the anti-social behaviour involving groups of males drinking and urinating on the park.

Quite separately, the Police raised concerns regarding the applicant's ability to uphold the licensing objectives and reported that the applicant's current off-licence in Leicester had been subject to a licence compliance check on 15 January 2021 by the Police following complaints from local residents in that area that single cigarettes were being sold and that people were drinking alcohol inside the premises. On inspection, the Police had seized a substantial quantity of rolling tobacco and cigarettes on which no UK duty had been paid. The tobacco and cigarettes were found behind the serving counter at the premises. It was further reported the applicant had maintained a no comment

response when interviewed under caution by the Police, who had since submitted a file to the Crown Prosecution Service.

During his submission at the meeting, the applicant in response explained his intention to operate what they referred to as a unique community store offering organic food and vegetables, vegan foods and locally made beers and wines, and that the sale of alcohol would only account for some 10% of the business.

The applicant accepted that there were current crime and disorder and public nuisance issues in the area and offered conditions to be placed on the premises licence should it be granted which would assist in combating those issues. He offered the operation of a can and bottle deposit scheme (with each item being stamped with the details of the business) which would provide a financial incentive for the return of empty cans and bottles. He further offered the provision of bins, security personnel and CCTV outside the premises covering Sparrow Park.

In the relation to the tobacco seized at the applicant's current premises he denied any wrongdoing and stated that not all of the items seized required UK duty to be paid. The Police had not asked them for evidence that duty had, where appropriate, been paid. The applicant indicated that he welcomed a court appearance so that he would be able to clear his name and to that end would produce evidence that the UK duty had been paid in court.

Members of the Sub-Committee accepted that the applicant had played no part in the creation of the current issues in the area. Members of the Sub-Committee also noted that the Police had not provided crime figures for the area and had not currently made an application for a review of the applicant's existing Premises Licence. Members were told that may follow in due course.

Members were extremely concerned that rolling tobacco and cigarettes on which UK duty had not been paid were seized on 15 January 2021 from the existing premises for which the applicant was the Premises Licence holder and at which he was the DPS. The applicant had not provided the Sub-Committee with the evidence, which he indicated he had, to show payment where appropriate of UK duty. The circumstances surrounding the rolling tobacco and cigarettes seizure raised issues in connection with his ability to uphold the licensing objectives in an area where there were substantial existing problems.

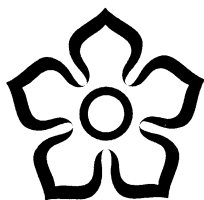
Members believed the issues in relation to crime and disorder and public nuisance in the vicinity of the premises were clear and present. They in turn raised serious concerns for public safety and the protection of children from harm. Members considered the introduction of another premises selling alcohol in the circumstances outlined would have added to the difficulties.

Members of the Sub-Committee felt that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm, to refuse the application.

The applicant would be advised of the right to appeal to the Magistrates Court within 21 days of receipt of the decision.

66. ANY OTHER URGENT BUSINESS

There being no other business, the meeting closed at 12.32pm.



Leicester
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Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE
(ZOOM VIRTUAL MEETING)

Held: THURSDAY, 4 MARCH 2021 at 10:00 am

P R E S E N T:

Councillor Pickering (Vice Chair in the Chair)

Councillor Cank

Councillor Westley

* * * * *

67. APPOINTMENT OF CHAIR

Councillor Pickering was appointed as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

68. APOLOGIES FOR ABSENCE

There were no apologies for absence.

69. DECLARATIONS OF INTEREST

There were no declarations of interest.

70. MINUTES OF PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting of the Licensing (Hearings) Sub-Committee held on 30th October 2020 be confirmed as a correct record.

71. PRIVATE SESSION

RESOLVED:

That the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involves the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act, and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to an individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7

Information relating to the any action taken or to be taken in connection with the prevention, investigation, or prosecution of crime.

B1) Application for a review of an existing Premises Licence: Doner Master, 124 Narborough Road, LE3 0BT.

72. APPLICATION FOR A REVIEW OF AN EXISTING PREMISES LICENCE: DONER MASTER , 124 NARBOROUGH ROAD, LE3 0BT

Introductions were made and the procedure for the meeting was outlined.

The Chair confirmed with Sub-Committee Members that reports for the meeting had been read and that CCTV/Bodycam footage had been viewed,

The Director of Neighbourhood and Environmental Services submitted a report on an application for a review of an Existing Premises Licence for Doner Master, 124 Narborough Road, LE3 0BT.

The applicants and representatives were present. PC Jeff Pritchard (Leicestershire Police), Licensing Team Manager (Policy and Applications), and the Legal Adviser to the Sub-Committee were also present.

The Licensing Team Manager (Policy and Applications) presented the report and outlined the details of the application. Members noted that an application was received on 18 January 2021 for the review of the existing Premises Licence.

PC Pritchard was given the opportunity to outline the reasons for the application for the review and answer questions from Members.

The applicants and representative were given the opportunity to present their

case and answered questions from Members, Officers, and Police.

All parties were then given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present.

In reaching their decision, Members felt they should deliberate in private on the basis that this was in the public interest, and as such outweighed the public interest of their deliberation taking place with the parties represented present.

The Chair announced that the decision and reasons made during private deliberation would be publicly announced in writing within five working days. The Chair informed the meeting the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Sub-Committee recalled the Legal Adviser to the Sub-Committee to give advice on the wording of the decision.

RESOLVED:

That the Premises Licence for Doner Master, 124 Narborough Road, LE3 0BT be REVOKED.

Members of the Sub-Committee were asked to determine an application made under the LA 2003, for a review of the premises licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and the representations made by Leicestershire Police. The members had also considered the representations made by the representative of the Premises Licence Holder (PLH) and the legal advice given to them during the hearing.

The Sub-Committee Members considered the licensing objectives to be of paramount concern and had considered the application on its own merits and in accordance with the licensing authority's Statement of Licensing Policy and guidance issued under Section 182 of the Licensing Act 2003.

Leicestershire Police had applied for the review as they were satisfied that the premises were not being run in an acceptable manner by the PLH or members of his staff and that they had no confidence in the PLH's ability to promote and uphold the licensing objectives.

The Sub-Committee had considered carefully the representations made on

behalf of the PLH including the proposed conditions which the representative for the PLH stated would address the concerns raised by the police.

The Members had not taken anything presented to them at face value and they confirmed that they had scrutinised the information put before them by all parties.

The Sub-Committee had considered each of the options available to them. As a result of what they had heard, Members were satisfied that that it was appropriate and proportionate in light of the licensing objectives to revoke the premises licence.

REASONS FOR THE DECISION

Members accepted the evidence presented by the police and were satisfied that the premises were not being run in an acceptable manner by the PLH despite previous warnings and communications from the police. They had no confidence that the PLH or his staff would promote or uphold the licensing objectives and Members felt that lessons that should have been learnt from incidents in 2015 had not been.

The Members had no confidence that the premises were being run responsibly or in compliance with the requirements of the Licensing Act 2003. With regards to the Coronavirus Pandemic, Members stated it was every business owner's duty to ensure they understood the rules and regulations so as to ensure their duty in relation to the health and safety of customers and staff members was upheld. Members had no confidence this had been, or would be, complied with in the future.

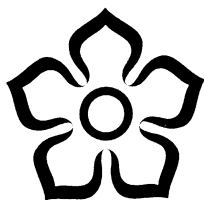
Members had no confidence that training in relation to the licensing objectives had been, or would be, undertaken or provided to all staff members in the future. Members also stated that the PLH or members of his staff had failed to engage appropriately with the police on a number of occasions when they had been requested to do so.

The Sub-Committee's decision was made in the interests of promoting the licensing objectives, particularly public safety, the prevention of crime and disorder and the protection of children from harm.

The Premises Licence Holder Would be informed that an appeal against the decision must be made within 21 days to the Magistrates Court.

73. ANY OTHER URGENT BUSINESS

There being no other urgent business, the meeting closed at 11.55am.



Leicester
City Council

Minutes of the Meeting of the
LICENSING (HEARINGS) SUB-COMMITTEE

Held: THURSDAY, 11 MARCH 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Vice-Chair in the Chair)

Councillor Cank

Councillor Westley

* * * * *

1. APPOINTMENT OF CHAIR

Councillor Singh Johal was appointed as Chair for the meeting.

It was noted that the hearing of the application was held virtually in accordance with the Local Authorities and Police and Crime Panels (Coronavirus)(Flexibility of Local Authority and Police and Crime Panel Meetings)(England and Wales)(Regulations) 2020 (the 2020 Regulations) and in accordance with the Council's own Remote Procedure Rules.

2. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dr. Moore. Councillor Westley was present for Councillor Moore.

Introductions made and the procedure for the meeting was outlined by the Chair.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. APPLICATION FOR A NEW PREMISES LICENCE: NEW PARKS FOOD, 63 KEIGHTLEY ROAD, LEICESTER, LE3 9LQ

The Chair confirmed with the Sub-Committee Members that reports for the meeting and additional information that had been circulated prior to the meeting had been read.

The Director of Neighbourhood and Environmental Services submitted a report

on an application for a new premises licence for New Parks Food, 63 Keightley Road, Leicester, LE3 9LQ.

Members noted that a representation had been received, which necessitated the application had to be considered by the Sub-Committee.

A representative for the applicant, Mr Anthony Close, Mrs Lilu Odedra (owner of a nearby store) and Miss Rakhi Odedra were present. Also present was the Licensing Team Manager (Policy and Applications) and the Legal Adviser to the Sub-Committee.

The Licensing Team Manager (Policy and Applications) confirmed with all those present that petitions from both parties had been received and circulated to Members.

The Licensing Team Manager (Policy and Applications) presented the report and outlined details of the application. It was noted that a representation was received on 17th February 2021 from a local business which related to all four licensing objectives.

Miss Odedra on behalf of Mrs Odedra was given the opportunity to outline the reasons for the objection and answered questions from Members.

Mr Close on behalf of the applicant was given the opportunity to outline the reasons for the application and answered questions from the objector to the application.

All parties were given the opportunity to sum up their positions and make any final comments.

The Sub-Committee received legal advice from the Legal Adviser to the Sub-Committee in the presence of all those present and were advised of the options available to them in making a decision. The Sub-Committee were also advised of the relevant policy and statutory guidance that needed to be taken into account when making their decision.

In reaching their decision, the Sub-Committee felt they should deliberate in private on the basis that this was in the public interest and as such outweighed the public interest of their deliberation taking place with the parties represented present, in accordance with the Licensing Act 2003 (Hearings) Regulations 2005.

The Chair announced that the decisions and reasons would be publicly announced and confirmed in writing within five working days. The Chair informed the meeting that the Legal Adviser to the Sub-Committee would be called back to give advice on the wording of the decision.

The Chair then asked all but the Members of the Sub-Committee and Democratic Support Officers to disconnect from the meeting. The Sub-Committee then deliberated in private to consider their decision.

The Legal Adviser to the Sub-Committee was called back to the meeting to give advice on the wording of the decision.

RESOLVED:

That the application for a new premises licence for New Parks Food, 63 Keightley Road, Leicester, LE3 9LG be GRANTED.

Members of the Sub-Committee were asked to determine an application made under the Licensing Act 2003 for a new premises licence.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications) and all the representations, and had taken account of the Statutory Guidance, the Regulators' Code and the Council's Licensing Policy.

The application before the Sub-Committee was for a Premises Licence authorising off-sales of alcohol at New Parks Food, a new convenience store on Keightley Road, seven days a week from 8 am to 11 pm, those hours also being the opening hours of the premises. The premises were located on a main road next door to a Chinese takeaway.

The Sub-Committee noted a single representation against the application had been received within the required timeframe from a nearby store owner who had also submitted a petition with approximately 100 signatures opposing the application. The representation related to all of the licensing objectives.

The Sub-Committee heard the objector did not oppose the grant of a licence. Rather, the objector took issue with the requested licensed hours, believing a grant in those terms would lead to underage drinking and anti-social behaviour. Those were the problems the objector had encountered when opening the objector's premises approximately 17 years ago. The objector's premises were licensed for off-sales of alcohol until 11 pm daily but those present at the meeting were informed that, through choice, the objector currently closed the premises around 8.00 pm daily.

In response, the applicant noted the somewhat historic nature of the objector's representations and referred to the lack of evidence of any anti-social behaviour. The applicant referred to the details in the Operating Schedule which set out how underage drinking would be combated should such an issue arise. The applicant had also submitted a petition with approximately 50 signatures in support of the application.

REASONS FOR THE DECISION

The Sub-Committee noted that the Police had not objected to the application, nor had any representations been received from any Responsible Authorities. The Sub-Committee had not been provided with any crime report details or evidence of anti-social behaviour. In those circumstances Members felt that it

was appropriate for the promotion of the licensing objectives to grant the application in the terms requested. Members were of the opinion that if issues did arise in future, which were not properly addressed by the applicant, then procedures were available under the licensing legislation to seek a review of the licence.

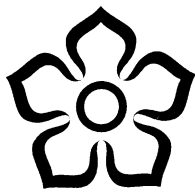
Members' decision was to grant a Premises Licence, authorising off-sales of alcohol at the premises seven days a week from 8 am to 11 pm daily, subject to the conditions detailed in Appendix C of the Officer's Report.

CONDITIONS CONSISTENT WITH THE OPERATING SCHEDULE

- The Licence Holder will install an 8-camera multiplex CCTV system will be in operation with visible monitor and due warning signs displayed to the public of it's use within the premises. One interior camera is positioned to focus on the entrance and exit doorways to help with the prevention and detection of crime and help with the protection of customers' and staff safety. Recording data will be timed, dated and have a minimum 31 days records. The Police and Local Authority Officers may have access to the system at any reasonable time and downloadable recordings on request. A refusal register is to be kept to record any incidents.
- A maximum of 3 unaccompanied children are allowed in the shop at any one time.Challenge 25 and "Pass" approved Notices displayed requesting valid proof of age for any age restricted products. "No I.D - No Sale". All staff are trained to serve alcohol and age sensitive products under the guidance of the DPS.
- A waste bin is provided. The front pavement is swept daily or more frequently if littered.
- Signage will be clearly displayed requesting customers leave quietly and with respect to nearby residents.

5. CLOSE OF MEETING

There being no further items of urgent business, the meeting closed at 6.15pm.



Leicester
City Council

WARDS AFFECTED
Westcotes

Appendix B

FORWARD TIMETABLE OF CONSULTATION AND MEETINGS:
Hearing under the Licensing Act 2003

29th March 2021

**Application for a review of an existing premises licence
Uni, 39 Western Boulevard, Leicester, LE2 7HN**

Report of the Director of Neighbourhood and Environmental Services

1. Purpose of Report

- 1.1. This report provides information for Members about an application made under the Licensing Act 2003, to assist them in determining the outcome of that application.

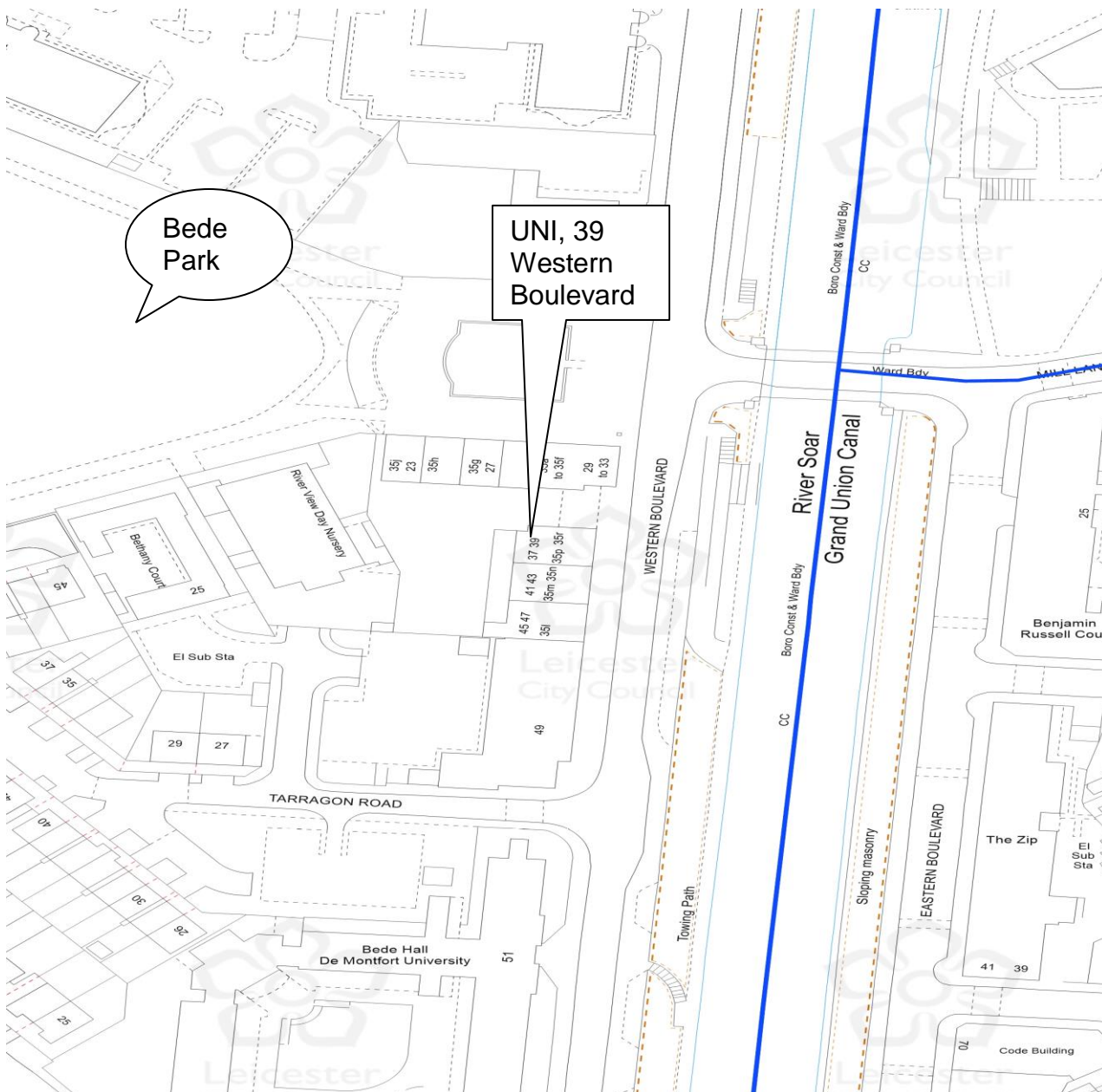
2. Determination to be made

- 2.1. Having considered the application and representation(s), Members must consider whether to
- Reject the review application
 - Modify the conditions of the licence
 - Exclude a licensable activity from the scope of the licence
 - Remove the designated premises supervisor
 - Suspend the licence for a period not exceeding three months
 - Revoke the licence
- 2.2 Where Members take the decision to reject the review application, they are permitted to issue an informal warning to the licence holder and / or recommend improvement within a particular period of time.

3. Summary

- 3.1 This report outlines an application for a review of an existing premises licence for Uni, 39 Western Boulevard, Leicester and summarises the representations received. It also highlights the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

4. Location Plan



5. Existing Licence

- 5.1. The existing licence is attached at Appendix A.
- 5.2. The activities and hours permitted by the existing licence are as follows:

Licensable activity	Current Hours
Supply of Alcohol (consumption off the premises)	Mon – Sun 07:00am to midnight
Opening hours	Mon – Sun 07:00am to midnight

6. Review application

- 6.1 An application was received on Monday, 8th February 2021 from Leicestershire Police for a review of the existing premises licence for Uni, 39 Western Boulevard, Leicester. The application was made on the grounds of the prevention of crime and disorder, public safety and the protection of children from harm. A copy of the application is attached at Appendix B. Attached at B1 – B3 is further information in support of the application submitted by Leicestershire Police.
- 6.2 Leicestershire Police have stated that in recent months there have been multiple incidents regarding the premises – illegal foreign cigarettes being sold from the premises, a public order incident and coronavirus offences. The Police have had no success in engaging with the licence holder, who has repeatedly shown a disregard for the law, the conditions of his Leicester City Council premises licence and has demonstrated that he is unwilling to support the fundamental principles of the licensing objectives.
- 6.3 The application also states that in May 2014, the premises was subject of a licensing review after Leicestershire Police raised concerns about alcohol being sold to persons under the legal age. At the time the premises had a different licence holder and Designated Premises Supervisor. As a result of the review hearing in 2014, the Licensing Authority attached a number of conditions to the licence. These additional conditions are included within Annex 3 of the licence.
- 6.4 The Police have submitted Bodycam Footage of a visit by PC Jeff Pritchard to the premises on 29 January 2021 – this footage has been viewed in advance of the hearing by all parties.

7. Representations

- 7.1 Attached at B4 is information from Trading Standards sent to Leicestershire Police in support of the review application
- 7.2 Attached at B5 is information from Public Health sent to Leicestershire Police in support of the review application.
- 7.3 The Solicitor for the licence holder has submitted a letter in response to the review application this is attached at B6

8 Steps to Promote the Licensing Objectives

- 8.1 In arriving at its decision on the review application, the Licensing Authority's primary consideration must be the promotion of the licensing objectives.

9. Statutory Guidance

- 9.1 Any decision made by the Licensing Authority must be in accordance with the licensing objectives. In addition, the government has issued guidance under section 182 of the Licensing Act 2003. The relevant parts of the guidance in this case are as follows:

Section	Heading
1.2 – 1.5	The licensing objectives
1.15	General principles
1.16	Each application on its own merits
2.1 – 2.6	Crime and disorder
2.7 – 2.14	Public safety
2.22 – 2.31	Protection of children from harm
8.41 – 8.49	Steps to promote the licensing objectives
9.11 – 9.12	Role of responsible authorities
9.13 – 9.19	Licensing Authorities acting as responsible authorities
9.20 – 9.24	Health bodies acting as responsible authorities
9.25	Home Office Immigration Enforcement acting as responsible authority
9.31 – 9.41	Hearings
9.42 – 9.44	Determining actions that are appropriate for the promotion of the licensing objectives
10.1 – 10.3	Conditions - general
10.8 – 10.9	Imposed conditions
10.10	Proportionality
10.25 – 10.66	Mandatory conditions in relation to the supply of alcohol
11.1 – 11.29	Reviews
14.51 – 14.52	Licensing hours

10. Statement of Licensing Policy

- 10.1 The relevant parts of the Licensing Authority's Statement of Licensing Policy are as follows:

Section	Heading
2	Fundamental Principles
5	Licensing Hours
7	Prevention of Crime and Disorder
8	Public Safety
10	Protection of Children from Harm
12	Duplication
13	Standardised conditions

11. Points for Clarification

- 11.1 The licence holder and the applicant for review have been asked to clarify certain points at the hearing, as follows:

By the premises licence holder

1. Whether the premises licence holder considers that the concerns outlined in the review application are valid, and if not why not?

2. In the light of the review application, does the applicant wish to propose any additional steps for the promotion of the licensing objectives?

By the applicant for review

1. Whether they have any additional information to support the review application they have made?

2. Whether there are any additional steps that could be taken which would be equally effective in the promotion of the licensing objectives?

12. Other Implications

OTHER IMPLICATIONS	YES/ NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Parag. 6 – the review application was made on the grounds of the prevention of crime and disorder
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

13. Background Papers – Local Government Act 1972

None.

14. Consultations

14.1 The Licensing Authority has fulfilled its obligations under the Licensing Act 2003 by preparing a notice which has been:

- Displayed at the premises
- Published on our website, and
- Displayed in Customer Services (91 Granby Street)

for 28 days.

15. Report Author Valentina Cenic

Licensing Officer
0116 454 3081
valentina.cenic@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application for review
B1 – B3	Additional Information submitted by Leicestershire Police
B4	Statements from Trading Standards
B5	Public Health Response
B6	Letter from Solicitor in response to review application

Licensing Act 2003
Premises Licence

LEIPRM1423



Leicester
City Council

Local Services & Enforcement
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

(0116) 4543040
licensing@leicester.gov.uk

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Uni

39 Western Boulevard, Leicester, LE2 7HN.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

Expires **no expiry**

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Sunday	7:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	Midnight

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE

Nawzad Sharif-Nazhad

87 Cherryleas Drive, Leicester, LE3 0LT.

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

Nawzad SHARIF-NAZHAD



Licensing Act 2003
Premises Licence

LEIPRM1423



Leicester
City Council

Local Services & Enforcement
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

(0116) 4543040
licensing@leicester.gov.uk

**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. LEIPRS4135

Issued by Leicester

ANNEXES

Annex 1 - Mandatory conditions

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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either-

- a) a holographic mark, or
- b) an ultraviolet feature.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Annex 2 - Conditions consistent with the operating schedule.

The licence holder shall ensure a door supervisor is used when necessary.

The licence holder will ensure all deliveries are made to the rear of the premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

All alcohol sales be made by the holder of a Personal Licence

The licence holder will introduce an age verification policy requiring the production of "proof of age" for any sale where there is a suspicion that the customer is under 25. Such proof must be in the form of a valid passport, driving licence, P.A.S.S. hologram card or HM Forces identity card

The licence holder will ensure that a minimum of 5 notices are displayed in prominent positions on the premises informing customers that Challenge 25 is in operation on the premises

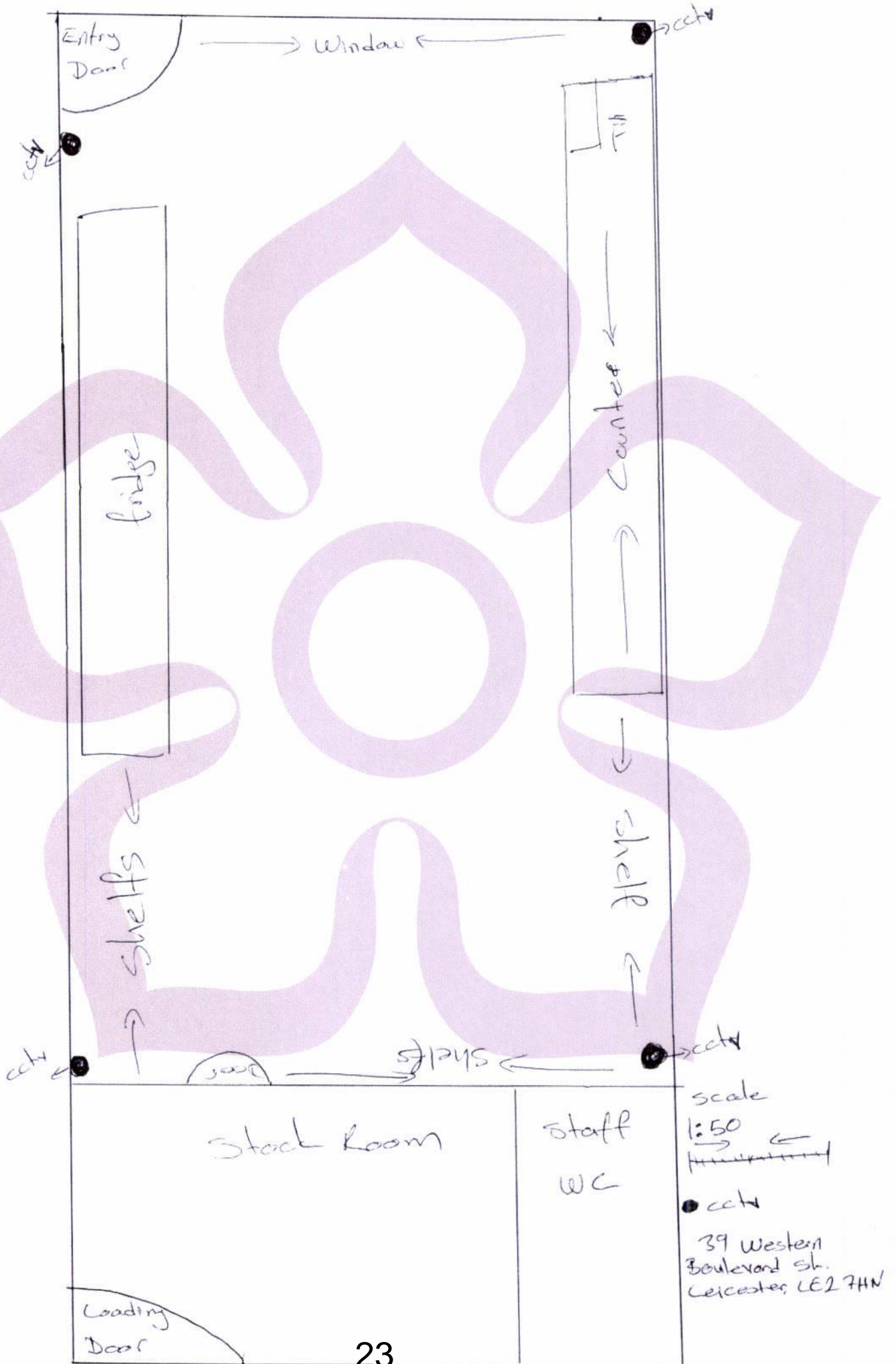
The licence holder will ensure that the premises has a digital CCTV system installed and that images are recorded at all times during the premises opening times and retained for a minimum of 31 days. This system will be maintained in accordance with the Information Commissioners CCTV Code of Practice and recorded images will be made available to Police or Responsible Authorities within 24 hours of a formal request being made

The licence holder will ensure that all staff are trained at 3 monthly intervals and that the training is documented. The training must include their responsibilities in relation to the Licensing Act 2003 and Age Verification procedures as a minimum before they are allowed to sell alcohol. A signed record of the training and a copy of the documented training to be kept on site and made available to any responsible authorities on request.

The licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon requests to any responsible authority.



39 Western Boulevard Sh.



Premises Licence Summary



Leicester
City Council

Local Services & Enforcement
Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

(0116) 4543040
licensing@leicester.gov.uk

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Uni

39 Western Boulevard, Leicester, LE2 7HN.

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
J. Supply of alcohol for consumption OFF the premises only	Monday to Sunday	7:00am	Midnight

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	Midnight

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Nawzad Sharif-Nazhad

87 Cherryleas Drive, Leicester, LE3 0LT.

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nawzad SHARIF-NAZHAD

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED



**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 Police Constable **Jefferson Pritchard**

(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	
Uni 39 Western Boulevard	
Post town Leicester	Post code (if known) LE2 7HN

Name of premises licence holder or club holding club premises certificate (if known)
Mr Nawzad SHARIF-NAZHAD

Number of premises licence or club premises certificate (if known)
LEIPRM1423

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) - **YES**

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

Please tick ✓ yes

I am 18 years old or over

**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 Police Constable 2093 - Jefferson Pritchard Leicester City Centre Police Licensing Officer Licensing Department Leicestershire Police Mansfield House Police Station 74 Belgrave Gate Leicester LE1 3GG
Telephone number (if any) 101 / 07976 845205
E-mail address (optional) jefferson.pritchard@leicestershire.pnn.police.uk licensing@leicestershire.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 - **YES**
- 2) public safety - **YES**
- 3) the prevention of public nuisance -
- 4) the protection of children from harm - **YES**

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

The premises is currently known as “Uni”, however it was formally known as “Schnaps”.

The Leicester City Council premise licence number is LEIPRM1423.

The premises licence was initially granted in May 2012, however the licence has been transferred several times since 2014.

The current premises licence holder and designated premises supervisor since February 2020 is Mr Nawzad SHARIF-NAZHAD.

The premises is located on a busy thoroughfare and close to De Montfort University and Bede Park.

The premises licensable activities includes the sale of alcohol for consumption off the premises only, daily from 7am until midnight.

In May 2014, the premises was subject of a licensing review after Leicestershire Police raised concerns about alcohol being sold to persons under the legal age.

As a result of the review hearing in 2014, the licensing authority attached a number of conditions.

These additional conditions are included within Annex 3 of the licence.

In September 2020, Leicestershire Police received some intelligence stating that illegal foreign cigarettes were being sold from the premises.

As a result of further suspicions arising from an incident at the premises on Sunday 6th December 2020, Leicester City Council Trading Standards sent a letter dated Monday 11th January 2021 to the premises licence holder making him aware of his legal obligations and notifying him that he was liable to prosecution if he failed to comply with the law.

On Friday 29th January 2021, Leicestershire Police located a quantity of illegal cigarettes under the counter at the premises, contrary to Section 144 Licensing Act 2003 – The keeping of smuggled goods.

On Sunday 6th December 2020, the premises licence holder was suspected to have been involved in a public order incident at the premises. It was alleged that an argument arose over the sale of single cigarettes resulting in the premises licence holder allegedly threatening a customer with a baseball bat.

A baseball bat was found behind the counter by the attending police officers and the premises licence holder stated he was unable to operate the CCTV system.

Therefore, the premises licence holder himself is suspected to have been involved in a criminal offence and is suspected to have deliberately obstructed a criminal investigation involving himself.

On Thursday 17th December 2020, both the premises licence holder and a member of staff were witnessed within the premises whilst not wearing a face mask or covering. This was despite other members of the public being within the premises. The premises licence holder displayed a blasé attitude towards the current coronavirus pandemic regulations.

The premises licence holder has repeatedly ignored warnings from Leicestershire Police and continued to breach the conditions of its Leicester City Council premises licence.

Leicestershire Police have attempted to engage with the premises licence holder without success.

The premises licence holder has repeatedly shown a disregard for the law, the conditions of its Leicester City Council premises licence and has demonstrated that he is unwilling to support the fundamental principles of the licensing objectives.

Given the actions of the premises licence holder himself and the actions of his staff with his knowledge, Leicestershire Police have no confidence in his ability to promote and uphold three out of the four licensing objectives in terms of:

- (1) The prevention of crime and disorder.
- (2) Public Safety
- (3) The protection of children from harm.

Therefore, Leicestershire Police respectfully requests that the licensing committee revokes the premises licence, as no alternative remedies are viable.

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

Incident 1

Sunday 6th December 2020 at 19:14 hours.

Public Order Incident / Offensive Weapon

Crime Number – 2000064443

Leicestershire Police received a report from a member of the public stating that he had been involved in an argument concerning the sale of single cigarettes with a person at the premises.

It was alleged that during the argument the owner / owner's son threatened him with a baseball bat and hammer.

However, on police arrival the caller did not wish to engage but the attending officers did locate a baseball bat behind the counter.

The premises licence holder denied the allegation and when officers requested to review the premises CCTV system, were told that it was not available.

On Wednesday 13th December 2020, the investigating officer returned to the premises to review the CCTV, given the nature of the allegation and a licence condition that stipulates that CCTV footage must be retained for a minimum of thirty one days. However, the investigating officer was informed that the CCTV footage was only retained for 24 hours and was therefore no longer available in relation to the incident on Sunday 6th December 2020.

Therefore a breach of its licence had been committed as an Annex 3 condition stipulates, *"The licence holder will ensure that the premises has a digital CCTV system installed and that the images are recorded at all times during the premises opening times and retained for a minimum of 31 days... .."*

As the witness refused to provide an evidential statement and without any CCTV evidence there were no viable lines of enquiry and the criminal investigation was filed no further action.

Incident 2

Thursday 17th December 2020 at 11:50 hours.

Police Licensing Visit / Breach of Licence / Coronavirus Offences / Licensing Concerns.

As a result of the incident on Sunday 6th December 2020, a police licensing visit was conducted at the premises.

A police licensing officer observed a staff member serving a customer whilst not wearing a face mask/covering and also whilst there was no protective screen to prevent the aerial transmission of coronavirus.

The premises licence holder also walked into the premises, whilst not wearing a face mask/covering.

Despite a police licensing officer engaging and explaining the importance of wearing a face mask/covering, given the current coronavirus pandemic, the premises licence holder made no reference to a legal exemption and displayed a poor attitude towards the current pandemic.

The premises licence holder confirmed that the premises CCTV was only retained for a short period and not the time period specified in its Leicester City Council licence.

The premises licence holder was personally handed a Leicestershire Police letter which highlighted significant concerns the police had identified in relation to the events of Sunday 6th December 2020.

Whilst explaining the content of the letter, the premises licence holder smirked which the officer considered to be both disrespectful and unprofessional given the situation.

The premises licence holder was reminded of his responsibilities under the Licensing Act 2003 and reminded that it was his responsibility to ensure that the conditions of its Leicester City Council premises licence, was adhered to.

Incident 3

Monday 11th January 2021

Leicester City Council Trading Standards Letter Dated Monday 11th January 2021

Leicester City Council Trading Standards sent the premises licence holder a letter dated Monday 11th January 2021, making him aware of suspicions identified by Leicestershire Police and reminded him of his responsibilities in relation to selling single cigarettes and cigarettes that do not conform to UK standards.

The premises licence holder was reminded that any person found guilty of these offences would be liable to prosecution.

Incident 4

Friday 29th January 2021 at 11:00 hours.

Leicestershire Police Licensing Visit – Breach of Licence / Criminal Offences

A further police licensing visit was conducted and the same staff member as on Thursday 17th December 2020 was present.

The staff member admitted that he did not hold a personal licence himself, despite selling alcohol to customers.

Given that another licence condition under Annex 3 stipulates, *“All alcohol sales be made by the holder of a personal licence”* a further breach was committed.

The staff member argued the fact, despite the relevant condition being clearly visible on the Leicester City Council premises licence, displayed behind the counter.

At the same time, the staff member was unable to produce a refusal register, mainly as he didn't know what one was.

Therefore a further breach of another Annex 3 condition that stipulates, *"The licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon requests to any responsible authority"*.

During the visit a quantity of illegal cigarettes, consisting of "duty free" and non UK brands were seized from a shelf directly under the till. The cigarettes were in clear view of anyone working behind the counter.

A suspected home-made offensive weapon was located under the counter and within arm's reach of anyone working behind the counter. The suspected offensive weapon consisted of two wooden poles about one meter in length, secured together with sellotape. This is further to the incident on Sunday 6th December 2020, when a baseball bat was found behind the counter and the premises licence holder issued with a warning.

The premises licence holder later arrived and after caution admitted knowledge of the cigarettes on the premises, however refused to elaborate. The premises licence holder later stated that the packet cost £6.

The premises licence holder was again challenged about the premises CCTV system retention period, given its licence condition and as a result of events on Thursday 17th December 2020.

The premises licence holder was unable to prove he was adhering to the conditions of its licence in regards to the CCTV retention period.

The premises licence holder was notified that his staff member did not hold a personal licence and was therefore unauthorised to sell alcohol to customers, as per an Annex 3 condition.

The premises licence holder argued the fact, despite it being written on the licence which was on display behind the counter.

The premises licence holder was given a number of options but was warned that if his staff member or anyone else without a personal licence continued to sell alcohol to customers they would be both in breach of their licence, committing an offence and most likely subject of a licensing review.

Incident 5

Monday 1st February 2021 at 18:24 hours.

Leicestershire Police Licensing Visit – Breach of Licence

A customer was seen to buy a single bottle of alcohol from the premises, whilst only the same member of staff as on Thursday 17th December 2020 and Friday 29th January

2021 was present. The staff member again admitted to selling the alcohol and again admitted that he did not have a personal licence himself.

The staff member again argued the condition despite it being clearly visible on the premises licence on display behind the counter.

The staff member stated that the premises licence holder was aware that he was working at the premises.

Later that evening the premises licence holder confirmed in a telephone conversation which staff member was working at the premises. The premises licence holder requested a further two weeks to resolve the matter, so that the staff member could obtain a personal licence himself. At no point during the conversation did the premises licence holder say he would instruct his staff member to stop selling alcohol to customers, despite being told of the offence being committed.

Please tick ✓ yes

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

If yes please state the date of that application

Day		Month		Year			
2	2	0	5	2	0	1	4

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

On the 22/05/2014, Inspector Nigel Rixon of Leicestershire Police submitted a review application for the same premises, when it was known as “Schnaps”.

The premises was operated by a different licence holder and designated premises supervisor at that time.

As a result of concerns in relation to the sale of alcohol to persons under eighteen years of age, Leicestershire Police requested a review but also recommended a number of further conditions in order to enforce and promote the licensing objectives in regards to – the protection of children from harm.

At a later hearing, Leicester City Council licensing committee agreed with Leicestershire Police and attached a number of conditions under Annex 3.

These Annex 3 conditions are still active today, despite a different premises licence holder and designated premises supervisor.

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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 PC2093 Jefferson Pritchard.

.....

Date 08/02/2021

.....

Capacity **Leicestershire Police - Leicester City Centre Police Licensing Officer**

.....

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

NOTE

Any personal data that you provide will be processed in accordance with current data protection laws. It will be used by Leicester City Council and our partners to deliver and improve services and fulfil our legal duties. We will not disclose any personal information to anyone else unless required or allowed to do so by law. Read more about how we use personal data in our Privacy Notice on our website www.leicester.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.

WITNESS STATEMENT

(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)

URN

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Statement of: **Jarrold Heath Paterson**

Age if under 18 over 18 (if over 18 insert 'over 18') Occupation: Police officer

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

Signature

Date 5th February 2021Tick if witness evidence is visually recorded ☐ (supply witness details on MG11b)

I am PC 1864 Paterson of Leicestershire police currently based in the professional development unit.

On the evening of Sunday 6th December 2020 I was on duty in full uniform in company with PS 1918 Willoughby, PS 3029 Leggate and PC 1684 Culverwell when at around 1930 hours we made my way to the Uni off licence, 39 Western Boulevard, Leicester following a call from a member of the public stating there was a male with a bat and a hammer and the male in question was the owner or owner's son of the shop. The caller had been arguing with him regarding the sale of single cigarettes.

On our arrival we were met outside by the caller and his two friends, who were all intoxicated. They stated that they were banned from the shop but had entered nevertheless to purchase some single cigarettes, an argument has then ensued with the shop keeper who has then produced a hammer and a baseball bat and the three friends left the shop.

We then entered and spoke with a male who I now know to be Mr Nawzad SHARIF-NAZHAD, he stated that the three males are banned from the shop for continually shop lifting and causing problems and when he told them to leave they became abusive towards him. He seemed agitated with their behaviour whilst explaining this to me. He denied threatening them with a baseball bat or a hammer despite us checking behind the till area and locating a silver baseball bat which he still denied using.

Signature:



37

Signature witnessed by:



We asked to view the CCTV footage from inside the shop but he stated that he couldn't get it working, the three males then walked away and left the area.

I then called back at the shop on Wednesday 13th December to discuss viewing the CCTV but the member of staff (not SHARIF-NAZHAD) stated that it is recorded over every 24 hours.

Signature:



Signature witnessed by:

Signature:

#3301864 PATERSON, J.

Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN

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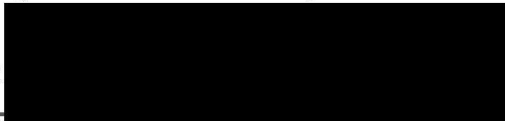
Statement of: Jefferson Pritchard

Age if under 18: Over 18 (if over 18 insert 'over 18')

Occupation: Over 18

This statement (consisting of 9 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 in it anything which I know to be false, or do not believe to be true.

Signature:



Date: 08/02/2021

I am PC2093 Pritchard of Leicestershire Police, currently based at Mansfield House police station in Leicester city centre.

I am employed as the alcohol licensing officer for the central Leicester policing area.

My role involves acting as a point of contact for licensed premises and includes working with premises licence holders and designated premises supervisors in order to resolve issues. This incremental and partnership working approach is encouraged by the Licensing Act 2003.

This statement refers to a licensed premises known as "Uni" located a 39 Western Boulevard. Leicester. LE2 7HN. However, the premises was formally known as "Schnaps".

The Leicester City Council premises number is – LEIPRM1423.

The current premises licence holder and designated premises supervisor as of 13/02/2020 is Mr SHARIF-NAZHAD.

In September 2020, Leicestershire Police received some intelligence through Crime Stoppers alleging that foreign cigarettes were being sold from the premises. As a result the information was forwarded to Leicester City Council Trading Standards as the primary agency.

In December 2020, I became aware of an alleged public incident that occurred at the premises on Sunday 6th December 2020, which allegedly involved Mr SHARIF-NAZHAD. The relevant Leicestershire Police crime report stated that Mr SHARIF-NAZHAD was allegedly unable to operate the premises CCTV system. This seemed suspicious given the nature of the allegation and that it involved himself.

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

It was also noted that the premises had a relevant condition on its Leicester City Council premises licence, under Annex 3 (conditions attached after a hearing by the Licensing Authority), that stipulates *"the licence holder will ensure that the premises has a digital CCTV system installed and that the images are recorded at all times during the premises opening times and retained for a minimum of 31 days"*.

PC1864 PATTERSON who attended the original incident on Sunday 6th December 2020 and was later appointed as the investigating officer, later informed me that he had re-attended the premises on Wednesday 13th December 2020 to review the footage but was told by another staff member, that the CCTV footage was only retained for 24 hours and therefore no longer available.

Given the events of Sunday 6th and Wednesday 13th December 2020, a letter dated 16/12/2020 was drafted. Please see exhibit JJP01.

The above letter was hand delivered to the premises licence holder on Thursday 17th December 2020. The letter expressed the police's concerns about the incident itself, given the nature of the allegation and as a baseball bat was located behind the counter. But also as a criminal investigation had been hindered by the premises licence holders inability to operate the CCTV footage and later breach of its premises licence conditions, by not retaining CCTV footage for 31 days as per a condition of its licence.

The letter reiterated Mr SHARIF-NAZHAD responsibilities as per the Licensing Act 2003 and advised him to adhere to the conditions of its Leicester City Council premises licence but also the principles of the licensing objectives.

Mr SHARIF-NAZHAD was advised that the letter should considered as a formal police, written warning.

On Thursday 17th December 2020, I attended the premises to conduct a licensing visit but to also serve the above mentioned letter (exhibit JJP01) upon Mr SHARIF-NAZHAD.

On my arrival, a single member of staff was working behind the counter and was serving a customer. However, there was no proactive screen and nor was he wearing a face mask/covering. Therefore committing an offence under the current coronavirus regulations and guidance. The staff member later gave his details as Mr Ali AMINI-MAZRE.

Whilst discussing the importance of current coronavirus regulations in order to prevent the aerial transmission of the disease, a male who I now know to be Mr SHARIF-NAZHAD walked into the premises whilst also not wearing a face mask/covering.

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

As Mr SHARIF-NAZHAD entered the shop, Mr AMINI-MAZRE said something to him, I assume in their first language. Mr SHARIF-NAZHAD proceeded to walk past me carrying two large carrier bags but did not return until a short time later after depositing the bags in the rear stock room.

I proceeded to identify myself and explain the purpose of the visit. Mr SHARIF-NAZHAD confirmed that the premises CCTV footage was only retained for 24 hours, at which point I highlighted the relevant condition listed on its premises licence. I noted that only page one of its Leicester City Council premises licence was displayed on the wall behind the counter and not page two that lists the premises conditions. I therefore explained that all three pages needed to be displayed as per the law.

Mr SHARIF-NAZHAD was advised that the premises CCTV footage had to be retained for 31 days as per the licence and not 24 hours.

On challenging Mr SHARIF-NAZHAD as to why, he was not wearing a face mask/covering himself, he gave no reason and nor did he give a medical exemption reason. Nor did he make any attempt to put a mask on whilst I spoke to him inside the premises. In short, Mr SHARIF-NAZHAD displayed a blasé attitude towards the current coronavirus health pandemic.

I personally hand exhibit JJP01 dated 16/12/2020 to Mr SHARIF-NAZHAD. As I explained the contents of the letter Mr SHARIF-NAZHAD smirked throughout.

As a police officer and a police licensing officer I found Mr SHARIF-NAZHAD response to be disrespectful and unprofessional, given the seriousness of incident. Mr SHARIF-NAZHAD was advised that if he did take his responsibilities as premise licence holder and designated premises supervisor seriously, failed to uphold the law or promote the licensing objectives, then he shouldn't be surprised if the police sought to review his premises licence.

Mr SHARIF-NAZHAD stated that he would address the CCTV retention period issue and get it rectified over the weekend. I proceeded to inform him that it needed to be rectified immediately, if he wished to comply with the conditions of his licence.

Overall, I was very disappointed with the poor attitude shown by Mr SHARIF-NAZHAD during the visit in relation to adhering to the conditions of its premises licence and promoting the licensing objectives.

On Friday 29th January 2021, I completed a further visit to the premises. On entering the shop Mr AMINI-MAZRE was again the only person present.

Mr AMINI-MAZRE was quick to show me the premises Leicester City Council licence that was

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard
now correctly displaying all three pages.

However, when I asked Mr AMINI-MAZRE if he had a personal licence he said "No". This was despite Mr AMINI-MAZRE admitting to selling alcohol to customers.

On pointing out the relevant offence to Mr AMINI-MAZRE, he argued the fact stating that he did not need one and has never required one. I explained the requirement and despite me pointing to the relevant condition on the licence that was clearly on display that states that *"All alcohol sales be made by the holder of a personal licence"*, he refused to accept and continued to dispute the condition.

As I elaborated, it was clear that he understood the requirement but elected to ignore the condition, possibly as he feared losing his job at the premises.

As we spoke several customers entered the shop and started to select alcohol from the shelf/refrigeration units. At no point did Mr AMINI-MAZRE tell them that he was not authorised to sell them alcohol but waited until they approached the counter and waited for me to notify them.

I am under no doubt, that once I left the premises he would continue to serve alcohol to customers, despite the verbal warning about the relevant offence.

I proceeded to ask to view the premises CCTV, to which he stated only Mr SHARIF-NAZHAD had access.

I asked Mr AMINI-MAZRE to see the refusals register and it was clear that he did not know what one was, as I had to explain what it was and its purpose. I also pointed to the Annex 3 condition on the licence located on the wall that stipulates, *"the licence holder will operate and maintain a refusals register which must remain on the premises and be made available immediately upon request to any responsible authority"*.

As Mr AMINI-MAZRE attempted to find a refusal register, I stood at the end of the counter. It was then that I could see some suspicious items on a shelf, in clear view, directly below the till.

Mr AMINI-MAZRE was asked to step out from behind the counter, so that I could take a closer look.

The position of the items were recorded on my personal issue body worn camera E9945. I later uploaded the short clip up onto the police's secure database and I can produce the footage as exhibit JJP01 dated 29/01/2021.

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Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

I also took some photographs and can produce these as exhibits:

JJP02A – A partially covered cardboard box containing a quantity of illegal cigarettes next to some further illegal cigarettes was positioned on a shelf directly below the till. A suspected homemade offence weapon was also positioned in close proximity to the cigarettes.

JJP02B – Contents of the box.

JJP02C – A suspected homemade offence weapon and its proximity behind the counter.

JJP02D – A suspected homemade offence weapon and its proximity behind the counter.

JJP02E – UK legal cigarettes (tax paid and displaying the correct public health warning) in a cabinet on the wall behind the counter. Each packet had a price sticker attached.

JJP02F – UK legal tobacco products (tax paid and displaying the correct public health warning) in a cabinet on the wall behind the counter. Each packet had a price sticker attached.

In total 114 packets of cigarettes were seized as exhibit JJP03 and later booked into the police property store.

I can produce a photograph of these seized cigarettes (exhibit JJP03) as exhibit JJP03A.

Later that day, further photographs were taken of each different type/brand and sent to Elaine Watterson at Leicester City Council Trading Standards, for identification purposes.

The individual exhibit numbers are:

JJP04A to JJP04D – Omega Ice Blue – Peppermint Capsules 20 cigarettes. X 4 packets.

JJP05A to JJP05D – Compliment Blue Demi Slims 6mg "Duty Free". X 1 packet.

JJP06A to JJP06D – Dunhill Fine Cut. X 7 packets.

JJP07A to JJP07D – Marlboro Gold 20. Health warning in English but no public health picture. X12 packets.

JJP08A to JJP08D – Lambert & Butler Original Silver 20 "Duty Free". X4 packets.

JJP09A to JJP09D – Benson & Hedges Option 20. X2 packets.

JJP10A to JJP10D – Marlboro Gold 20 (NB -1 packet was open with one cigarette missing). X7 packets.

JJP11A to JJP11D – Winston Blue Firm Tech Filter 20 "Duty Free". No public health warning picture. X7 packets.

JJP12A to JJP12D – L&M Fine Tobaccos Finely Cut 20. Writing in a foreign language. X6 packets.

JJP13A to JJP13D – Rothermans D Series Blue 20. Writing in a foreign language. X12 packets.

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

JJP14A to JJP14D – NZ Black 20. Writing in a foreign language. X3 packets.

JJP15A to JJP15D – NZ Gold. Writing in a foreign language. X3 packets.

JJP16A to JJP16D – NZ Gold. Writing in a foreign language. X3 packets.

JJP17A to JJP17D – Kopoha Menthol Super Slims. X3 packets.

JJP18A to JJP18D – Kent Switch (British American Tobacco Group). X5 packets.

JJP19A to JJP19D – Mayfair Kingsize 20. "Duty Free for sale outside of the European Union. SON/MPR/FT02443. The public health warning was in a foreign language. X5 packets.

JJP20A to JJP20D – Marlboro Touch. X5 packets.

JJP21A to JJP21D – Minsk Capital QS20. Writing in a foreign language. X4 packets.

JJP22A to JJP22D – Pect. Writing in a foreign language. X6 packets.

JJP23A to JJP23D – L&M Link. X2 packets.

JJP24A to JJP24D – Richmond Kingsize 20. "UK Duty Paid". Despite the writing being in English there were no public health warning displayed. X11 packets.

On discovering the above items I asked some colleagues to join me as I was also aware that Mr SHARIF-NAZHAD had been contacted and was on route as well.

Mr AMINI-MAZRE was asked about the items behind the counter but made no legible reply and remained silent.

A short time later an unknown gentlemen arrived at the premises, stated he was a relative of Mr SHARIF-NAZHAD and started to ask what was happening. I politely informed him that I needed to speak to the relevant responsible person first.

Mr SHARIF-NAZHAD arrived a short time later, as did my colleagues with some evidence bags.

I proceeded to caution Mr SHARIF-NAZHAD before asking him about the items under the counter. Mr SHARIF-NAZHAD stated the cigarettes belonged to him and said people had brought them into the shop. When asked what his intentions were with the cigarettes, he remained silent. When challenged he then stated that he did not understand.

Mindful as not to cross examine Mr SHARIF-NAZHAD which could potentially jeopardise any such future criminal proceedings, I continued to stop asking questions as he admitted knowledge of them and continued to seize the cigarettes.

Whilst at the premises I started to explain the price difference between legal and illegal cigarettes to my colleagues. As I did so, I held up a packet of the illegal cigarettes as an example. As I was speculating the cost of the packet in my hand, Mr SHARIF-NAZHAD replied

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

“£6”.

Mr SHARIF-NAZHAD was informed that Mr AMINI-MAZRE did hold a personal licence but had admitted to selling alcohol to customers. Therefore, a breach of its licence and that he was permitting unauthorised licensable activity to occur as a result.

Various options were discussed with Mr SHARIF-NAZHAD, however it was made clear that Mr AMINI-MAZRE was unable to sell alcohol to customers until he had obtained a personal licence himself. And that no other staff without a personal licence could sell alcohol.

The consequences of a repeat were re-laid to Mr SHARIF-NAZHAD.

Mr SHARIF-NAZHAD was asked to access the premises CCTV system to prove the CCTV retention period issue had been resolved and that he was adhering to his licence. Mr SHARIF-NAZHAD accessed the CCTV system via his mobile phone device and showed me a footage from seven days ago. However, he was unable to recover any footage from 31 days ago, as per his licence condition and his previous warnings in December 2020.

Mr SHARIF-NAZHAD continued to fiddle with his phone as I spoke with my colleagues. It was this point I overheard him say words to the effect of, “It’s only kept for two or three weeks”.

On Monday 1st January 2021, I re-attended the premises to conduct a further licensing visit.

At 18:22 hours, I observed a customer walk into the premises empty handed and after a short while, approached the counter. As the premises door was open I could see into the premises. More so as the counter is at the front of the shop, next to the door.

The customer exited the premises a short time later carrying a bottle in his right hand.

I approached the male, identified myself and explained the reason for speaking to him. On speaking with the male, I could immediately smell intoxicating liquor upon his breath despite maintaining social distancing due to the coronavirus pandemic.

The male admitted he had bought the 500ml bottle of Lech 5%ABV beer from the shop for £1.49. The same type of beer was later seen located in the cooler cabinet, in the premises.

At approximately 18:27 hours, I walked into the premises and observed Mr Ali AMINI-MAZRE sat down behind the counter.

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

Mr AMINI-MAZRE confirmed that he was the only person in the shop and was the only person working.

Mr AMINI-MAZRE admitted that he had just sold some alcohol to a customer.

Mr AMINI-MAZRE again confirmed that he does not hold a personal licence himself but was going to apply.

Mr AMINI-MAZRE stated that Mr SHARIF-NAZHAD had given him permission to sell alcohol as he was a personal licence. Mr AMINI-MAZRE produced a piece of paper to this effect. The piece of paper stated that the designated premises supervisor (Mr SHARIF-NAZHAD) hereby passes his authority to Ali AMINI-MAZRE to authorise the sale of alcohol in his absence.

Mr AMINI-MAZRE was informed that this notification was good practice under normal circumstances but was irrelevant given the specific condition on the premises licence, which had been previously discussed in-detail. Mr AMINI-MAZRE continued to argue the fact whilst I kept on referring to the licence condition listed under Annex 3 on the licence that was clearly on display behind the counter.

Mr AMINI-MAZRE then produced a Leicester City Council Personal Licence Holder document from a pile of paperwork. However, the document was in someone else's name and not his. I later discovered the name of personal licence holder document was the premises former premises licence holder between 05/12/2018 and 14/10/2019.

Mr AMINI-MAZRE proceeded to state that Mr SHARIF-NAZHAD was self-isolating due to coronavirus and that he was running the shop in his absence. Mr AMINI-MAZRE requested a further two weeks to rectify the situation.

Once again, several customer entered the shop and selected alcohol. And once again, at no point did Mr AMINI-MAZRE inform them that he was unable to sell them alcohol but rather left it to me to tell them.

Once again, I am under no doubt that once I left the premises, Mr AMINI-MAZRE would have continued to sell alcohol to customers.

Later that evening, I spoke with Mr SHARIF-NAZHAD on the telephone. Mr SHARIF-NAZHAD stated he was self-isolating but was aware that Mr AMINI-MAZRE was working at the premises. Mr SHARIF-NAZHAD also requested a further two weeks to rectify the situation.

I reminded Mr SHARIF-NAZHAD of our conversation a few days earlier on Friday 29th January

Signature:



Signature witnessed by:

Continuation of Statement of: Jefferson Pritchard

2021 about Mr AMINI-MAZRE.

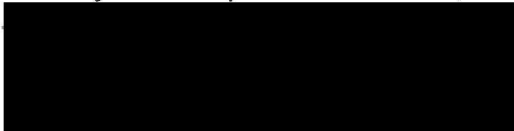
At no point during the conversation did Mr SHARIF-NAZHAD say he was going to instruct Mr AMINI-MAZRE to stop selling alcohol to customers. Mr SHARIF-NAZHAD continued to ask for a further two weeks to rectify the situation. In fact when I said, "Are you asking a police licensing officer to turn a blind eye to an offence being committed", Mr SHARIF-NAZHAD replied "Yes".

With that, I proceeded to tell Mr SHARIF-NAZHAD that premises was highly likely going to be subject of a licensing review. Mr SHARIF-NAZHAD proceeded to state that he did not understand and asked that I speak with a family member.

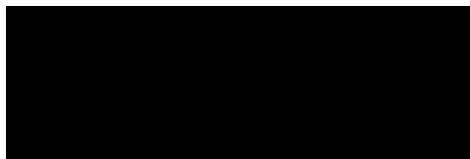
A few minutes later, a male claiming to be a family member of Mr SHARIF-NAZHAD contacted me stating that he had been asked to call me. I proceeded to re-iterate what had already been said to Mr SHARIF-NAZHAD.

Since my last conversation with Mr SHARIF-NAZHAD on Monday 1st February 2021, he has not been in contact to discuss these serious matters.

It is my opinion, that Mr SHARIF-NAZHAD is not fulfilling his role and responsibilities as both premises licence holder and designated premises supervisor. Also, that his actions demonstrates his unwillingness to resolve any of the issues associated to the premises and has no intention of adhering to the conditions of its Leicester City Council premises licence, upholding the law or promoting the licensing objectives.



Signature:



Signature witnessed by:

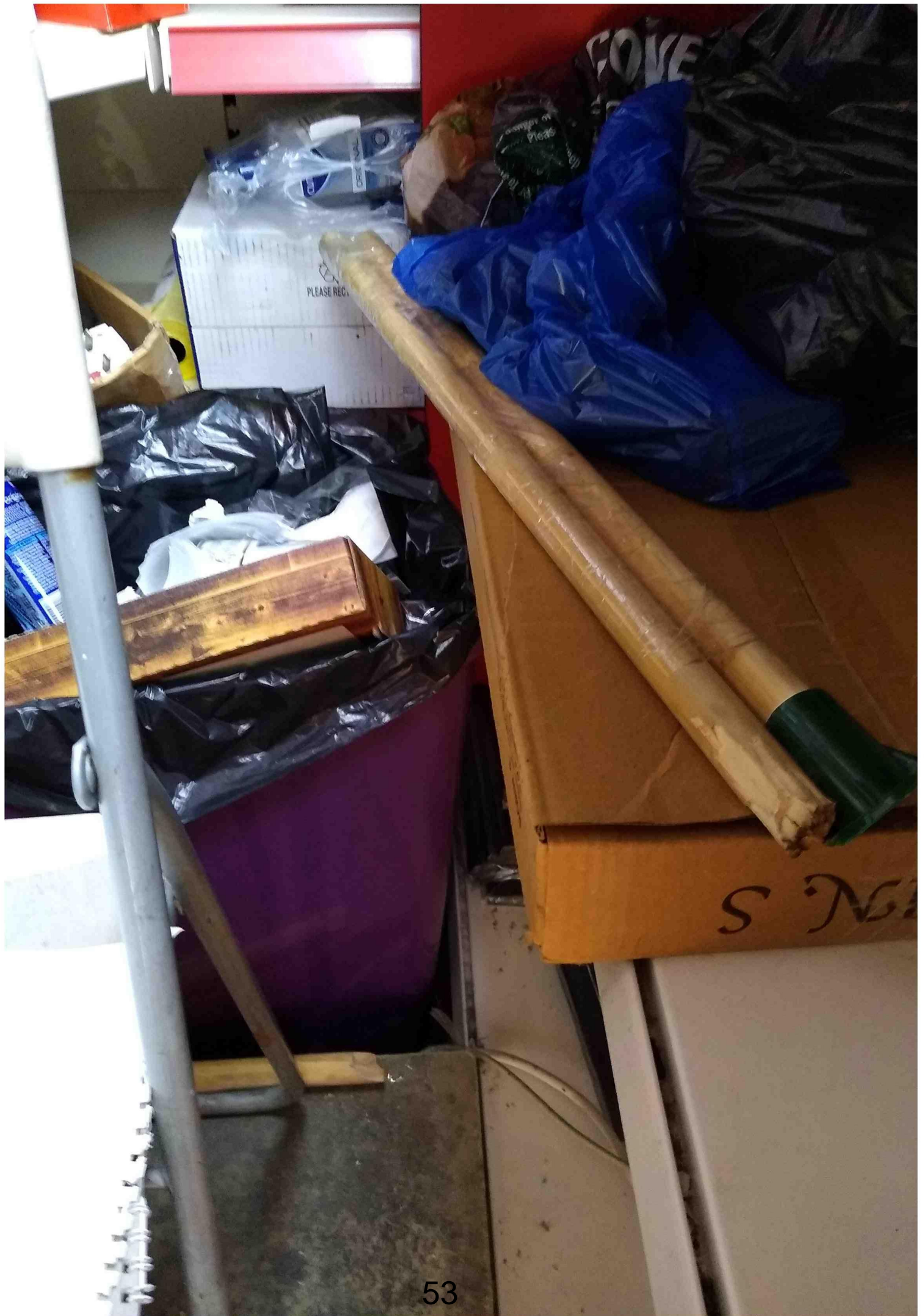


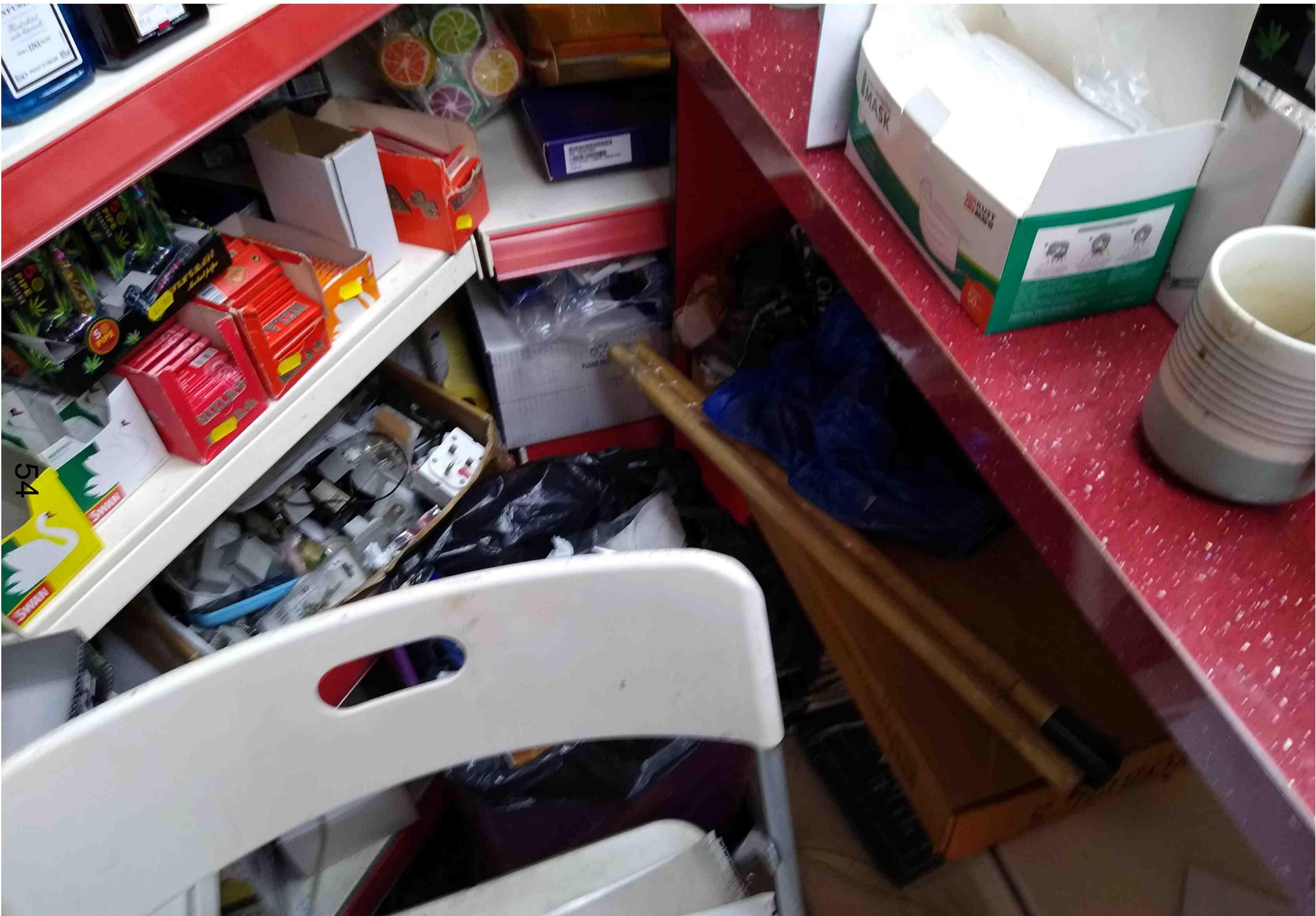


51











Leicestershire
Police
Protecting our communities

Mr Nawzad Sharif-Nazhad

39 Western Boulevard

Leicester

LE2 7HN

Letter dated 16/12/2020

Reference: Uni, 39 Western Boulevard, Leicester. LE2 7HN.

Leicester City Council Premises Licence LEIPRM1423

&

Leicestershire Police Crime Reference Number 20000644843

Dear Mr Sharif-Nazhad,

This letter is in reference to the incident at the premises on Sunday 6th December 2020.

During which, it is alleged that a staff member, possibly yourself, threatened several members of the public with an offensive weapon.

I am aware that police officers located a baseball behind the counter and requested to view the premises CCTV as part of the criminal investigation. However, they were told that it was not currently available to view.

Also that on Sunday 13th December 2020, the officer in the case was informed by the same person that the CCTV was no longer available, as it is only retained for 24 hours.

Therefore, a criminal investigation has been severely hindered.

As your existing premises licence states under Annex 3 (conditions attached after a hearing by the licensing authority) ***"the licence holder will ensure that the premises has a digital CCTV system installed and that the images are recorded at all time during the premises opening times and retained for a minimum of 31 days. This system will be maintained in accordance with the Information Commissioners CCTV code of practice and recorded images will be available to the police or responsible authorities within 24 hours of a formal request being made"***.

Therefore, the above is breach of your Leicester City Council premises licence and you should consider this letter as formal police written warning.



**Leicestershire
Police**
Protecting our communities

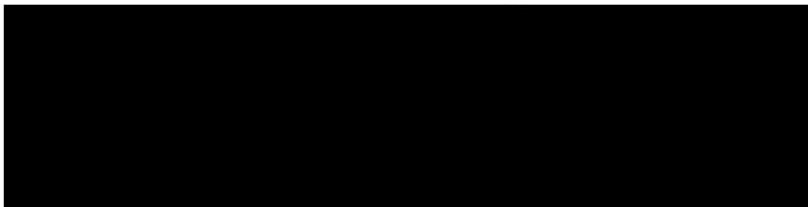
The criminal investigation in relation to the incident on Sunday 6th December 2020 has now concluded. The crime report has now been filed, as no further action, as it has been deemed that there are no further lines of enquiry, given that the premises CCTV is no longer available.

As both a personal licence holder, the premises licence holder and the designated premises supervisor, it is your responsibility under the Licensing Act 2003 to ensure that the conditions of your Leicester City Council premises licence are adhered to and the principles of the licensing objectives are upheld.

A copy of this letter will be forwarded to the licensing authority for their reference.

If you have any questions or queries, please do not hesitate to contact me.

Yours Faithfully,



Leicester City Centre Licensing Officer

Leicestershire Police

Mansfield House Police Station

74 Belgrave Gate

Leicester LE1 3GG

Tel 101 or direct – 07976 845 205 / Email – jefferson.pritchard@leicestershire.pnn.police.uk

Please ask for: Mrs Watterson
Telephone: (0116) 454 3225
Email: elaine.watterson@leicester.gov.uk
Our ref: 20210111 uni off licence
Date: 11 January 2021



Trading Standards Service

Leicester City Council
Phoenix House
1 King Street
Leicester
LE1 6RN

Tel: 0116 454 3200

Email: trading.standards@leicester.gov.uk
www.leicester.gov.uk/business/trading-standards/

Mr N Sharif -Nazhad
Uni off licence
39 Western Boulevard
Leicester
LE2 7HL

Dear Mr Sharif-Nazhad

Ref:-Children and Young Persons Act 1933
The Standardised Packaging of Tobacco Products Regulations 2015
The Tobacco and Related Products Regulations 2016
Licensing Act 2003

This Service has recently received information from the police in which it has been alleged that single cigarettes are being sold in your shop. Since the above legislation came into force, cigarettes **must now** be sold in packets of 20 with plain packaging carrying the prescribed health warnings. You can be prosecuted for selling cigarettes which do not have the required labelling.

I also write to remind you of your responsibility not to sell alcohol, cigarettes or any other age restricted product to under 18s. You need to take every reasonable precaution to ensure that neither yourself nor any of your employees sell any age-restricted product to anyone who is under the legal age. I encourage you to ensure that all staff who sell such goods receive regular training about the requirements of the law.

As part of our enforcement activities we carry our regular "mystery shopper" test purchases of age-restricted products to establish whether retailers are complying with the law. Any person found guilty of selling cigarettes/tobacco products and alcohol without the required labelling and to children could be prosecuted. Such conduct could also result in the possibility of removal of any alcohol license you hold.

Yours faithfully


E Watterson
Trading Standards Officer

Smoking clogs your arteries

Get help to stop smoking at www.nhs.uk/quit



Tobacco smoke
contains over 70
substances known
to cause cancer

Brand
Variant

20

50

Smoking clogs your arteries

Get help to stop smoking at www.nhs.uk/quit

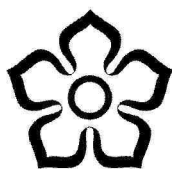


UK DUTY PAID



Smoking kills
- quit now





Leicester
City Council

Trading Standards Service

**Statement of
Witness**

**(Criminal
Procedure
Rules, r 16.2;
Criminal
Justice Act
1967, s9**

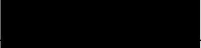
Statement of: Elaine Watterson

Over 18

Age of witness (if over 18 enter "over 18"):

Occupation of witness: Trading Standards Officer


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 in it anything which I know to be false or do not believe to be true.

Dated the 1 day of February, 2021. (Signed) 

I am a Trading Standards Officer employed by Leicester City Council Trading Standards Service and I am based at Phoenix House, 1 King Street, Leicester.

On the 1 February 2021 I received some photographs of cigarettes by email from PC2093 Jeff Pritchard of Leicestershire Police. I understood that these cigarettes had been seized from Uni Off Licence, 39 Western Boulevard, Leicester.

I have examined these photographs reference JJP04 – JJP24 A to D on 1 February 2021 and I have concluded that the exhibits do not comply with the requirements of the Tobacco and Related Products Regulations 2016, in that, the items do not carry a combined English health warning as prescribed by Regulations 5 (3) of the said regulations. Namely the cigarettes/tobacco must have one of the text warnings listed in Annex 1 to the Tobacco Products Directive together with a corresponding colour photograph, as specified in the picture library in Annex II to that Directive(1); and the following smoking cessation information: "Get help to stop smoking at www.nhs.uk/quit".



**Statement of
Witness**

**(Criminal
Procedure
Rules, r 16.2;
Criminal
Justice Act
1967, s9**

Statement of: Elaine Watterson

Page: 2

Further, they did not comply with the requirements of the Standardised Packaging of Tobacco Products Regulations 2015, in particular, regulation 3(2), in that, the external packaging of the product was not in the only colour or shade permitted, namely Pantone 448C with a matt finish. I now produce a photograph which demonstrates what cigarettes should now look like as exhibit EW1.

These regulations came into force on 20 May 2016 and had a lead in time until 20 May 2017. Since this date all packets of cigarettes and tobacco for supply in the UK must have the Pantone standard colour plain packaging and the specific UK health warnings.

On the 11 January 2021, I wrote to the premises licence holder Mr N Sharif Nazhad regarding the allegation of sale of single cigarettes. This letter reminded the licence holder that cigarettes must be sold in packs of 20 and have the prescribed labelling as outlined above. I also advised against the sale of age restricted products to children. I now produce this letter as exhibit EW2.



1 February 2021

**(Continuation
Sheet)**

Public Health response to an Application to review premises licence LEIPRM1423

Leicestershire police have made an application to review the premises licence LEIPRM14253. Whilst health is not a licensing condition Public Health as a responsible authority is a consultee and wish to support this application and offer the following comments.

Sale of illegal tobacco products

There are three types of illegal tobacco:

1. smuggled, non-duty paid or bootlegged tobacco, which often includes packets with foreign language health warnings and no health warning pictures
2. counterfeit or fake tobacco, which looks like well-known tobacco brands but is manufactured illegally
3. 'cheap whites', which are foreign brands lawfully produced in one country but intended for smuggling into another

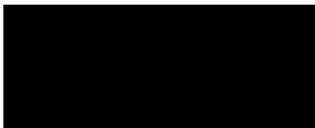
The report presented suggests that the illegal tobacco products were those in category 1 above and potentially are a risk to public health as they do not have the relevant health warnings required in the UK.

Sale of single cigarettes

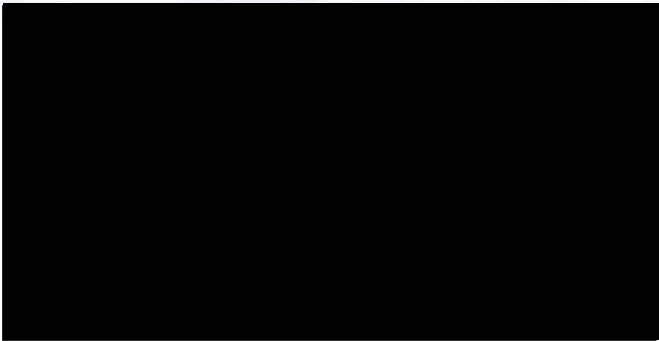

The report refers an altercation related to the sale of single cigarettes. It is illegal in the UK to sell single cigarettes, the cost of which is much lower than buying a full pack. The law exists to prevent sales at pocket money prices to children. The prevention of sales of single cigarettes contributes positively to improving the health and wellbeing of the community.

Operating in a non-Covid safe manner

This type of retail premise is allowed to remain open during the current lockdown provided they operate in a Covid-safe way. The description provided by the police demonstrates that this premise is not operating appropriately with regards to face coverings and use of a screen. This poses a public health risk to the staff working in the shop and to customers entering the shop.



Consultant in Public Health Leicester City Council



PRIVATE AND CONFIDENTIAL
Leicester Licensing Authority

March 9, 2021

Dear sirs,

Re: The Uni Shop, 39 Western Boulevard, Leicester, LE2 7HN (LEIPRM1423)

We write in relation to our above named client who we have today been informed that he has a licensing hearing on the 29th March 2021.

We had been instructed in relation to this matter on the 10th February 2021. On that date we made contact with the licensing authority and spoke to Toni. We raised that we did not appear to have all the relevant material in order to make representations and that we wished to speak to the licensing officer dealing with the matter in order to discuss the matter further and then make representations accordingly.

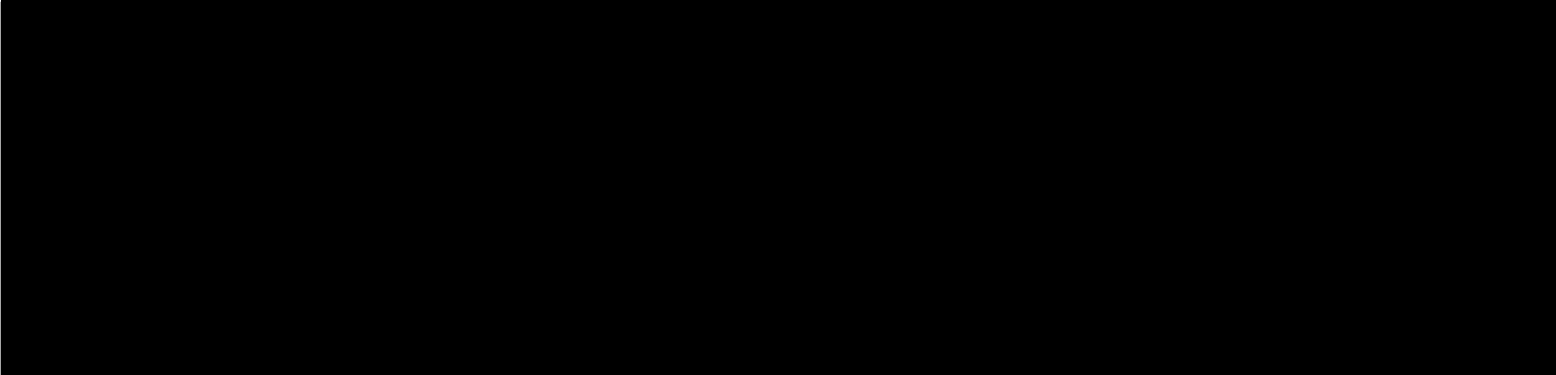
We then received a call back on the 11th February 2021 but regrettably Mr Munir was in court. Mr Munir then attempted to call the officer back and followed this up with an email inviting a call back in order for our issues to be resolved.

We would suggest that this is important because, we have today been provided with body worn video in relation to the aspect of this case pertaining to the 29th January 2021. This is exhibit JJP01 and is the Body worn video of PC 2093 Pritchard. Our clients inform us that they were provided this today and is fundamental to our consideration of this matter in order for us to provide written representations. You will appreciate that we are unable to make effective representations where evidence is provided piecemeal.

We have also recently learned that the deadline for written representations was the 8th March 2021. We would be grateful if our written representations could be considered, notwithstanding this date, as our intention has been to assist and also bearing in mind we have sought to clarify matters, including seeking an opportunity to speak to the relevant licensing officer.

We ask that any documents referred to within the body of the application are provided to us. This includes, by way of example any letters that have been sent and confirmation of the manner in which those letters were sent.

With the material we have been provided, we provide our initial representations in the following terms.



The application for review relates to the "Uni" shop which was formally known as "Schnaps". The licence number is LEIPRM1423 and it was initially granted in May 2012. It has been transferred a number of times, although the details of this are not known to us. Mr Sharif-Nazhad became the premises supervisor in February 2020. He came to manage the shop with a view to establishing a long term business and not with a view to overlook the purposes of the licensing regime.

There were issues in 2014 about the sale of alcohol to persons under the legal age. This, of course, could not be a criticism of Mr Sharif-Nazhad, who took over in February 2020.

There do not appear to be any issues or concerns raised between February 2020 and September 2020.

In September 2020 (date not specified in the application for review), the police receive intelligence about the sale of illegal foreign cigarettes. We are not informed about the veracity of the intelligence and whether any steps were taken at that stage to look into that suggestion. Certainly, no further intelligence or evidence is provided between September 2020 and December 2020.

The first substantive issue raised by the police takes place on the 6th December 2020. On this occasion it is alleged that during an argument the owner or owners son threatened a member of the public with a baseball bat and hammer. The caller to the police did not wish to engage with police officers but police officers found a baseball bat in the shop premises. Our client is clear about this incident. The member of the public is known to have stolen alcohol from the shop. He was told not to come into the shop and was not threatened at any stage. The criminal investigation was filed as "No further action". There is therefore no evidence, on the face of it, of any criminal liability in relation to this incident.

The secondary concern arises from the attempt by officers to obtain CCTV on the 13th December 2020. It is unclear who the officers spoke to on this occasion but it appears on the face of it, that the person attending the shop was unable to use the CCTV. Certainly the application does not indicate that the investigating officer who attended on the 13th December or 17th December had investigated how far the CCTV did go back. In any event, we invite the licensing authority not to view this as an ongoing problem because our client is clear that the CCTV is working in accordance with the licensing conditions and we invite any officers to come and check the same.

Our client does not accept smirking or being rude on the 17th December. We make this assertion as a side point. This may be a misunderstanding of our client's slight nervous disposition.

It is clear that a number of the issues that follow from December relate to a staff member who was present and behaving in a way that was contrary to the licence conditions. These are summarised as relating to the sale of alcohol, the recovery of illegal cigarettes and a suspected offensive weapon. That member of staff was dismissed and therefore does not work for the Uni shop. Mr Sharif-Nazhad has taken on board all concerns and has asked for the assistance of his uncle, Sheakha Sharif, in order to ensure that the licensing conditions are satisfied. Mr Sheakha Sharif has held a licence since 2016. We also point out that there is no evidence that the two poles that were discovered were in fact offensive weapons as there appears to be an assumption regarding criminal use.

During the licensing hearing, we will seek to advance a number of character references and are in the process of obtaining these. We will forward them as soon as possible.

We would submit that with the change in staffing, the bringing in of Mr Sheakha Sharif and the fact that there does not appear to have been any further issues since the 1st February 2021, we would invite the licensing authority to allow our client to retain his licence in relation to the Uni shop

We trust this clarifies the position however should you have any queries or concerns please do not hesitate to contact us.

