

Leicester
City Council

LICENSING (HEARINGS) SUB-COMMITTEE

DATE: FRIDAY, 30 APRIL 2021
TIME: 4:00 pm
PLACE: Zoom Meeting

Members of the Sub-Committee

Councillors Fonseca, Dr Moore and Singh Johal

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
Democratic Support, Leicester City Council
City Hall, 115 Charles Street, Leicester, LE1 1FZ
Tel: 0116 454 6354
email: angie.smith@leicester.gov.uk

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

(*Please Note – for the purposes of a hearing to determine an application in a Cumulative Impact Zone (CIZ), the Applicant will present their case first)

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 on the following link:

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 MEETING** **Appendix A**

The minutes of the previous meeting held on 14 April 2021 are attached, and Members will be asked to confirm them as a correct record.

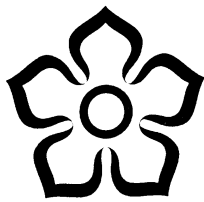
- 5. APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE HOLDER AND VARY THE DESIGNATED PREMISES SUPERVISOR: UNI, 39 WESTERN BOULEVARD, LEICESTER, LE2 7HN** **Appendix B**

The Director of Neighbourhood and Environmental Services submits a report on an application to transfer an existing premises licence holder and vary the designated premises supervisor for Uni, 39 Western Boulevard, Leicester, LE2 7HN. The applicant is Mr Sheakha Sharif Najhat.

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.

(Ward affected: Westcotes)

- 6. ANY OTHER URGENT BUSINESS**



Leicester
City Council

Appendix A

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

Held: WEDNESDAY, 14 APRIL 2021 at 5:30 pm

P R E S E N T:

Councillor Singh Johal (Chair)

Councillor Dr Moore Councillor Dr Sangster

* * * * * * * *

85. 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.

86. APOLOGIES FOR ABSENCE

There were no apologies for absence.

87. DECLARATIONS OF INTEREST

There were no declarations of interest.

88. APPLICATION FOR A VARIATION OF AN EXISTING PREMISES LICENCE - VITAZ SUPERSTORE, 66 CANON STREET, LEICESTER, LE4 6NG

The Director of Neighbourhood and Environmental Services submitted a report, which outlined an application for a variation to an existing premises licence for the Vitaz Superstore and summarised the representations received.

The existing Licence authorised off-sales of alcohol, seven days a week from 7.00 am to 11.00 pm, those hours also being the opening hours of the premises. The variation sought was to authorise off-sales of alcohol seven days a week from 6.00 am daily to midnight on Sunday through to Thursday and to 2.00 am on a Friday and Saturday. Those hours, if granted, would then become the premises' opening hours.

The report also highlighted the licensing objectives, the relevant parts of the guidance and regulations, and the pertinent sections of the Licensing Authority's Licensing Policy.

Members noted that representations had been received, and that it was necessary that the application be considered by the Sub-Committee.

Mr Vijaykumar Hingu (Premises Licence Holder (PLH)) was present with a representative Mr Anil Bhawsar.

PC Dave Braithwaite was present as Leicestershire Police had made representations.

Mr Andrew Sansome was present as the Council's Noise Team had made a representation.

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) presented the report and outlined details of the application.

It was noted that a representation was received on 6 March 2021 from Councillor Solanki, as a Ward Councillor. The representation related to the prevention of public nuisance the protection of children from harm, the prevention of crime and disorder and public safety. Councillor Solanki was concerned that if the application was granted it would cause disruption to nearby residences and the increase to hours would exacerbate the existing issues of street drinking, noise, litter and general anti-social behaviour in the area. In addition, there were concerns about elderly and young residents in the area as this was a main route for residents walking to schools and places of worship. A copy of the representation was submitted.

Representations had also been received from a local resident and a local temple who submitted photographs.

In response to questions from Members, it was clarified that the photographs were taken at a time when the PLH was present at the premises, and that they were taken by objectors and not the Licensing Officers concerned with the application.

The representations related to the prevention of public nuisance, public safety, the prevention of harm to children and crime and disorder. They were jointly

concerned that customers leaving late at night and the early hours would increase the already unacceptable noise levels and disruption, and the anti-social behaviour witnessed in the vicinity of the premises. There were also concerns about urinating in the street. The existing litter problems, street drinking and gatherings were also likely to increase into the early hours if the application was granted. Copies of the representations were submitted, together with the photographs referenced.

It was further reported that a representation was received on 22 March 2021 from the Council's Noise Team. The representation related to the prevention of public nuisance. The Noise team were concerned that if the hours were increased in line with the application there would be an increase in noise and disturbance from vehicles, stereos, car doors slamming and talking into the early hours and that this would impact on the lives of local residents and likely increase noise complaints in the area. A copy of the representation was submitted.

A representation was also received on 22 March 2021 from Leicestershire Police. The representation related to the prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm. The police were concerned that if the application was granted there would be an increase in noise levels, litter, street drinkers and anti-social behaviour. A copy of the representation was submitted.

It was reported that on 24 March 2021 additional information was received from Leicestershire Police whereby they submitted information on other local premises in the area and reported incidences. This representation was also submitted. A further statement was received from Leicestershire police on 25 March 2021 as indicated on the original representation. This was also submitted. It was noted that discussions had taken place between the PLH's representative, the PLH and the Local Beat Officer about the potential to amend the hours of application to Midnight every night. A verbal agreement was made at a recent meeting however no formal written agreement had been made and therefore the application to be determined was at that time in the terms as originally applied for.

The PLH's representative had submitted a signed petition in support of the application, which was also submitted.

PC Dave Braithwaite was given the opportunity to outline the details of the Police representations concerning the application. He confirmed the Police objection to the application in its original form but indicated that the Police did not oppose the amended form of variation subsequently discussed with the PLH where off-sales of alcohol would be authorised until midnight seven days a week. He answered questions from Members and the representative for the PLH.

Mr Andrew Sansome was given the opportunity to outline the details of the Noise Team's representations concerning the application. He indicated that the change in hours in the amended form of variation indicated by the Police did

not alter the Noise Team's view of the matter. He answered questions from Members and the representative for the PLH.

The PLH and his representative Mr Anil Bhawsar, were given the opportunity to present their case. Mr Bhawsar confirmed that the variation now sought was to authorise off-sales of alcohol from 6.00 am to midnight seven days a week. The PLH and Mr Bhawsar answered questions from Members, the Police, and the Noise Team.

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 their 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 variation of an existing premises licence for Vitaz Superstore, 66 Canon Street, Leicester, LE4 6NG be REFUSED.

In reaching their decision the Sub-Committee Members had carefully considered the Committee report presented by the Licensing Team Manager (Policy and Applications), all written representations and the representations made at the meeting by Leicestershire Police and the Noise Team.

The members had also considered the representations made by Mr Vijaykumar Hingu (Premises Licence Holder (PLH)) and his representative Mr Anil Bhawsar at the meeting, and the legal advice given to them during the hearing.

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

Sub-Committee Members had been asked to consider an application by the PLH for a variation of the Premises Licence for Vitaz Superstore on Canon Street, a mainly residential area in Leicester.

The PLH had held the existing Licence for six months. It authorised off-sales of alcohol, seven days a week from 7.00am to 11.00pm, those hours also being the current opening hours of the premises.

Members heard that, originally, the variation sought by the PLH was to authorise off-sales of alcohol seven days a week from 6.00am to midnight on Sunday through to Thursday and from 6.00am to 2.00am on a Friday and Saturday. However, the PLH amended his application before the Sub-Committee, to seek variation to authorise off-sales of alcohol seven days a week from 6.00am to midnight. Those hours, if granted, would then become the premises' opening hours.

The Sub-Committee was informed that representations against the grant of the variation had been received regarding all of the licensing objectives.

Councillor Solanki, Ward Councillor, had submitted a written representation, in which she believed that an increase in licensed hours would cause disruption to nearby residences and would exacerbate the existing issues in the area regarding street drinking, noise, littering and general anti-social behaviour. In addition, Councillor Solanki had concerns for elderly and young residents in the area as Canon Street was a main route for residents walking to schools and places of worship. A local resident and a local Temple had submitted written representations, which shared the concerns of the Ward Councillor. They also believed that customers using the premises late at night and in the early hours of the morning would increase noise levels and the disruption to residents that currently existed. In addition, they believed there would be an increase in anti-social behaviour in the area and in this respect, they referred to existing littering problems and street drinking with people urinating in the street. They believed that gatherings of street drinkers would extend into the early hours of the morning if the variation was granted.

The Sub-Committee also heard from the Council's Noise Team that an increase in hours would result in an increase in noise and disturbance from vehicles, stereos, car doors slamming and talking into the early hours of the morning, which would adversely impact on the lives of local residents, especially, but not limited to, those in the residential premises adjoining the Store. Members were advised that it would be impossible to effectively control the street noise.

The meeting heard that the Police had opposed the application in its original form, believing that an extension of licensed hours in that form would lead to an unacceptable increase in noise levels, littering, street drinkers and anti-social

behaviour. However, the meeting heard from the Police that they did not oppose the application in its amended form.

The Police provided details of approximately 45 incidents of crime and disorder, anti-social behaviour and public safety issues which had occurred within 500 metres of the Store in the 12-month period from 22 February 2020 to 21 February 2021. The Police had also provided details of the opening hours of five similar premises in the area, none of which opened earlier than 7.00am and they had closing times ranging between 10.30pm and midnight. The PLH informed the meeting that in addition to the premises there was a local garage which was licensed for off-sales of alcohol beyond midnight.

In making his application, the PLH indicated that he was responding to requests by his customers for him to operate longer hours. He referred to a culture in the area, of families being out late of an evening seeking to buy items such as desserts and he wanted to be able to sell alcohol to them. He also indicated that he wanted to capture passing trade from people who were employed at nearby businesses when they finished work and who would purchase alcohol to take it home to drink.

The PLH submitted a petition with 37 signatories in support of his application. Although, not determinative of the decision, Members noted that the signatories in the petition were limited in number and did not include those of people residing in the properties immediately adjoining the Store.

The meeting heard that the PLH had proposed an additional condition to the Licence in the event the variation was granted: 'The licence holder will ensure that there will be two members of staff each day on the premises from 8.00pm.'

Members considered the application on its individual merits and 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 to vary the Licence.

Members stated that although there were commercial premises in the area, it was in the main a residential area, and any extension of the licensed hours had the potential to adversely impact on the lives of residents. They considered that an extension of the licensed hours would clearly lead to increased levels of noise as detailed by the Council's Noise Team.

Members were further concerned at the level of incidents of crime and disorder, anti-social behaviour and public safety issues in the area which had been reported to the Police in the 12-month period from 22 February 2020 to 21 February 2021. Members believed that there was clearly a problem in the area with street drinking and the associated problems it brought as regards noise, littering and anti-social behaviour and that to extend the licensed hours would add to those problems and as such would not promote the licensing objectives.

The PLH referred to a culture in the area of people going home after work but then coming back out late in the evening with their families, a practice which he

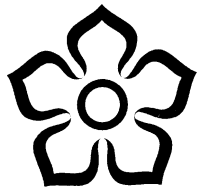
had not sought to discourage. Members were concerned regarding public safety and the need to protect children from harm where there was encouragement of families into a late-night environment where alcohol was promoted and available for sale.

Members announced that, in the circumstances, their decision was that it was appropriate for the promotion of the licensing objectives of the prevention of crime and disorder, public safety and the protection of children from harm to refuse the variation of the premises licence.

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

89. CLOSE OF MEETING

The meeting closed at 7.30pm.



Leicester
City Council

**WARDS AFFECTED
WESTCOTES**

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

30th April 2021

**APPLICATION TO TRANSFER AN EXISTING PREMISES LICENCE HOLDER
AND VARY THE DESIGNATED PREMISES SUPERVISOR
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 applications made under the Licensing Act 2003, to assist them in determining the outcome of that application.

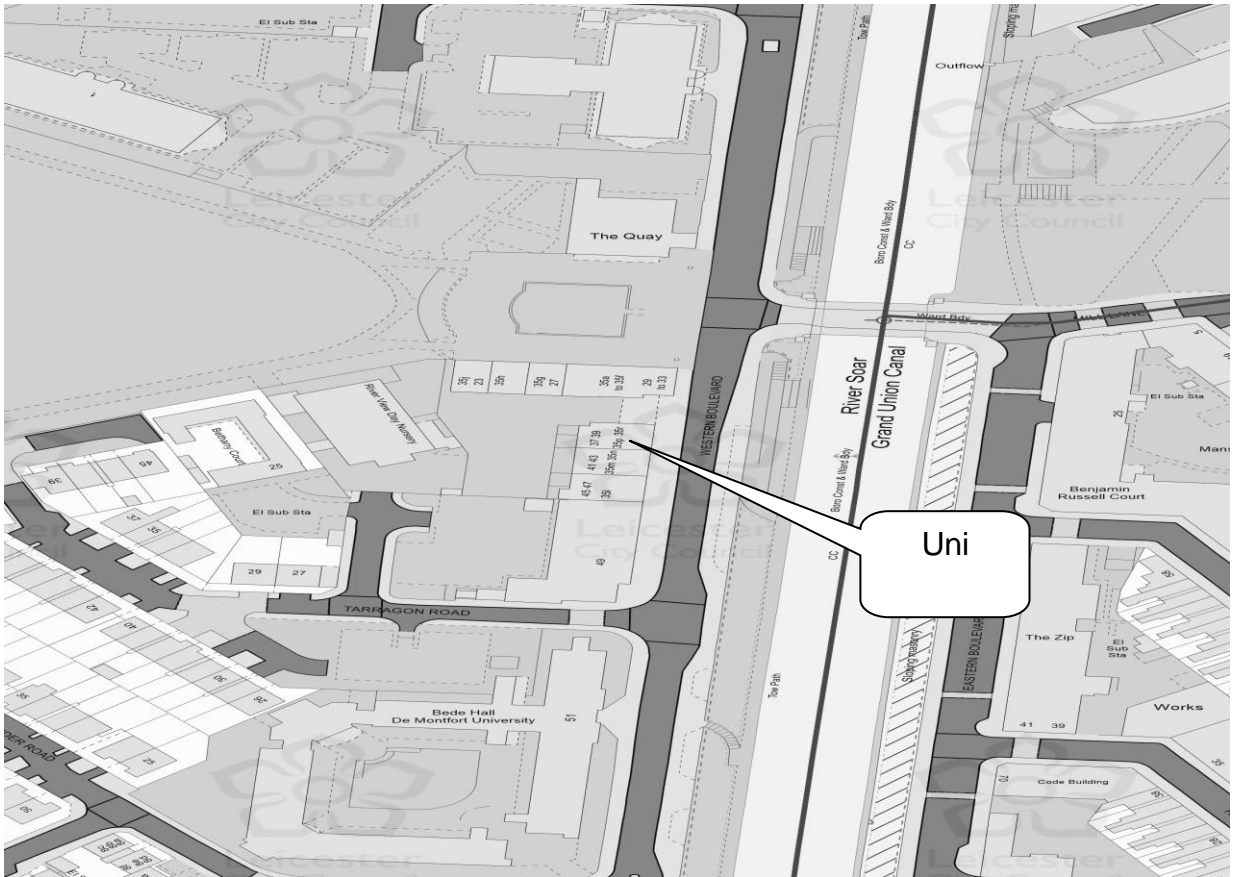
2. Determination to be made

- 2.1. Having considered the application and representation, Members must consider whether to:
- having regard to the Police representation, reject the application if they consider it necessary for the promotion of the crime prevention objective; or
 - grant the application.

3. Summary

- 3.1 This report outlines an application for a transfer and vary DPS variation to an existing premises licence for Uni, 39 Western Boulevard, Leicester and summarises the representation 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.

6 Application

6.1 An application was received on 13th April 2021 from Mr Sheakha Sharif Najhat to transfer the existing premises licence for Uni, 39 Western Boulevard, Leicester into his name and to specify himself as the Designated Premises Supervisor. A copy of the application is attached at Appendix B.

7 Representation

7.1 A representation was received on 14th April 2021 from Leicestershire Police in relation to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm. Leicestershire Police are concerned that this is not a genuine transfer application and is an attempt to mislead the police and licensing authority to believe a new applicant is involved in the business and will not repeat the previous failings as highlighted in the review hearing held on 29th March 2021. A copy of the representation is attached at Appendix C.

7.2 At the hearing on 29 March 2021 the decision of the members was to revoke the premises licence. The current licence holder had until 24 April 2021 to appeal the decision. At the time of writing the report we have not been notified whether an appeal has been lodged.

8 Statutory Guidance

- 8.1 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
2.1 – 2.6	Crime and disorder
4.31 – 4.38	Specification of new designated premises supervisors
4.39 – 4.42	Police objections to new supervisors
8.99 – 8.102	Transfers of premises licences
9.31 – 9.41	Hearings

9 Statement of Licensing Policy

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

Section	Heading
2	Fundamental principles

10 Points for Clarification

- 10.1 The applicant and the party making the representation have been asked to clarify certain points at the hearing, as follows:

By the applicant

1. Whether the applicant considers that the concerns outlined in the representation are valid, and if not why not?

By the party making the representation

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

11. Other Implications

OTHER IMPLICATIONS	YES/NO	Paragraph/References Within Supporting information
Equal Opportunities	No	
Policy	No	
Sustainable and Environmental	No	
Crime and Disorder	Yes	Paragraph 7
Human Rights Act	No	
Elderly/People on Low Income	No	
Corporate Parenting	No	
Health Inequalities Impact	No	

12. Background Papers – Local Government Act 1972

- a. None.

13. Consultations

- a. The Licensing Authority is not obliged to consult any parties with regard to applications made under the Licensing Act 2003. However, the applicant is required to give notice of the application to the Chief Officer of Police and the existing designated premises supervisor for the premises as set out in the 2003 Act.

14. Report Author

Amy Day
Licensing Officer
0116 454 3054
Amy.day@leicester.gov.uk

APPENDIX	CONTENT
A	Existing licence
B	Application
C	Representation

Licensing Act 2003
Premises Licence

LEIPRM1423



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



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.





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
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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)

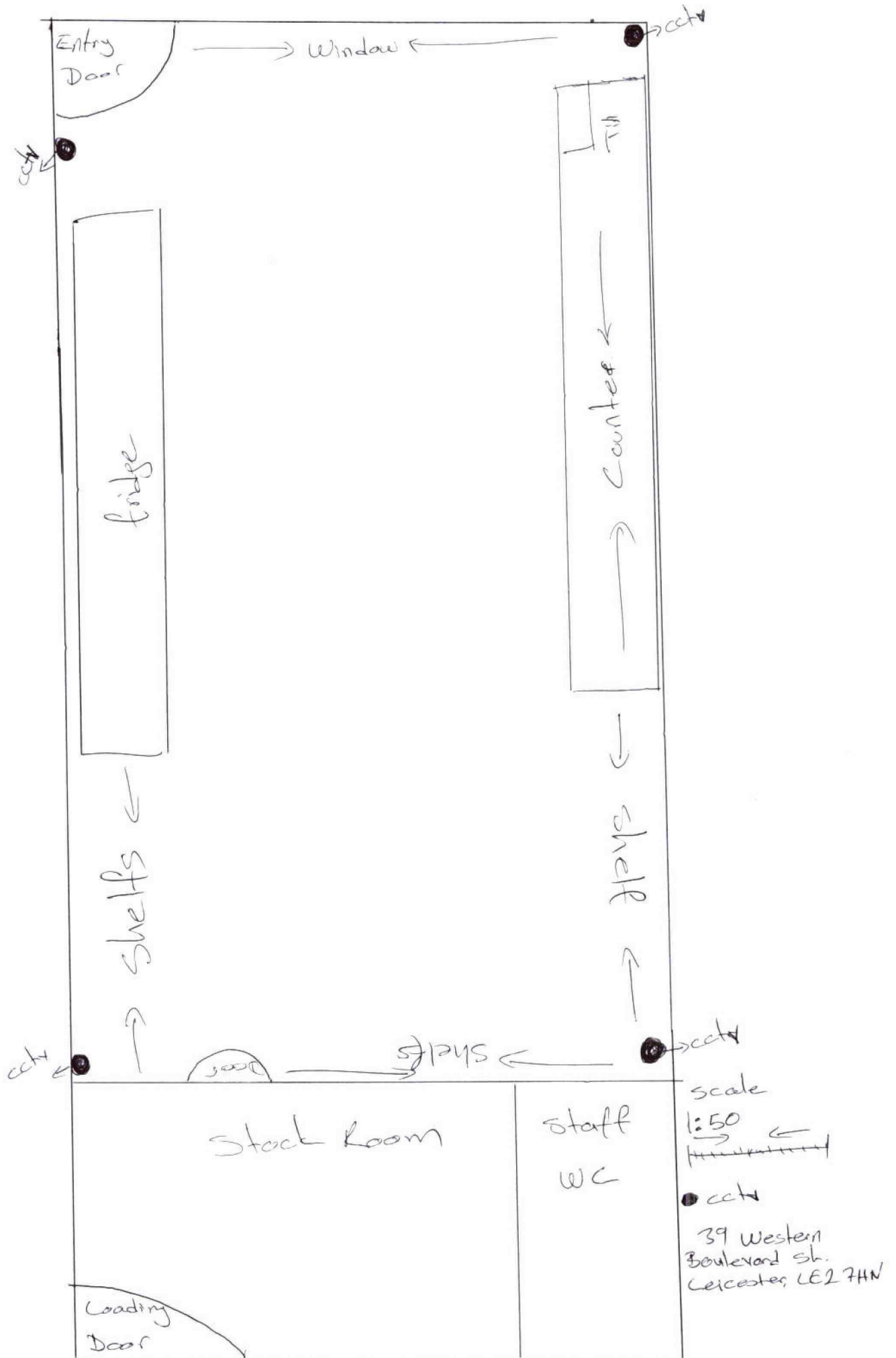
NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Nawzad SHARIF-NAZHAD

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



39 Western Boulevard Sh.



Application to transfer premises licence to be granted 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/We Sheakha Sharif Najhat

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LEIPRM1423

Part 1 – Premises details

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

UNI Supermarket
39 Western Boulevard
Leicester

Post town Leicester

Post code LE2 7HN

Telephone number at premises (if any)

Please give a brief description of the premises (see note 1)

Convenience Store - Off Licence

Nawzad Sharif-Nazhad

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

Please tick ☒ yes

a) an individual or individuals*

YES

please complete section (A)

b) a person other than an individual *

i. as a limited company

please complete section (B)

ii. as a partnership

☐ please complete section (B)

iii. as an unincorporated association or

☐ please complete section (B)

- iv. other (for example a statutory corporation) ☐ please complete section (B)
- c) a recognised club ☐ please complete section (B)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick ☒ yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or yes
- I am making the application pursuant to a
 - statutory function or ☐
 - a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

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

Surname

Sharif Najhat

First names

Sheakha

Date of birth

Nationality

British

Current residential address if different from premises

Please tick ☒ yes

YES

address

Post town

Leicester

Post code

LE3 3FS

Daytime contact telephone number

**E-mail address
(optional)**

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick ☒ yes

☐

Nationality

**Current
residential
address if
different from
premises
address**

Post town

Post code

Daytime contact telephone number

**E-mail address
(optional)**

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice? ☐

Do you wish the transfer to have immediate effect? **yes**

If not when would you like the transfer to take effect?

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder **yes**

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

<p>If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?</p>
--

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003) yes

Please tick ☒ yes

I have enclosed the premises licence yes

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee yes
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed yes
- I have enclosed the premises licence or relevant part of it or explanation yes
- I have sent a copy of this application to the chief officer of police today yes
- I have sent a copy of this form to Home Office Immigration Enforcement today yes

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

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

Signature

.....

Date 09-04-2021

.....

Capacity Agent on behalf of applicant

.....

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity Agent on behalf of applicant

.....

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

AC Consultancy - Tony Close

.....

Post town

.....

Post Code

.....

Telephone number (if any)

.....

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

.....

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

Part 4 – Signatures (please read guidance note 3)

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

Signature

Date 09-04-2021

Capacity Agent on behalf of applicant

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity Agent on behalf of applicant

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

AC Consultancy - Tony Close

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

Consent of premises licence holder to transfer

I/we Nawzad Sharif-Nazhad
[full name of premises licence holder(s)]

the premises licence holder of premises licence number LEIPRM1423
[insert premises licence number]

relating to


UNI Supermarket, 39 Western Boulevard, Leicester LE2 7HN
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

LEIPRM1423
[insert premises licence number]

to

Sheakha Sharif Najhat
[full name of transferee]

signed 
name
(please print) Nawzad Sharif-Nazhad
dated 07-04-2021

Application to vary a premises licence to specify an individual as designated premises supervisor 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 / we Sheakha Sharif Najhat

(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LEIPRM1423

Part 1 – Premises details

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

UNI Supermarket, 39 Western Boulevard, Leicester

Post town

Leicester

Post code (if known)

LE2 7HN

Telephone number (if any)

■■■■■■■■■■

Description of premises (please read guidance note 1)

Convenience store with Off Licence

Part 2

Full name of proposed designated premises supervisor
Sheakha Sharif-Najhat

Nationality [REDACTED]

Place of birth [REDACTED]

Date of birth [REDACTED]

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
LEIPRS3528 Leicester City Council

Full name of existing designated premises supervisor (if any)
Nawzad Sharif-Nazhad

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003 yes

I have enclosed the premises licence or relevant part of it yes

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee y
- I will give a copy of this application to the chief officer of police y
- I have enclosed the consent form completed by the proposed premises supervisor y
- I have enclosed the premises licence, or relevant part of it or explanation y
- I will give a copy of this form to the existing premises supervisor, if any y
- I understand that if I do not comply with the above requirements my application will be rejected y

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.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date 09-04-2021

.....

Capacity Agent for applicant

.....

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity Agent for applicant

.....

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

Tony Close - AC Consultancy

.....

Post town

.....

Post Code

.....

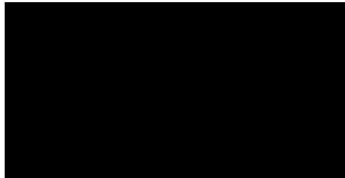
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

Consent of individual to being specified as premises supervisor

Sheakha Sharif Najhat

I

[full name of prospective premises supervisor]



[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Change of DPS at UNI Supermarket

[type of application]

by

Sheakha Sharif Najhat

[name of applicant]

relating to a premises licence LEIPRM1423

[number of existing licence, if any]

UNI Supermarket
39 Western Boulevard
Leicester
LE2 7HN

f

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Sheakha Sharif Najhat

[name of applicant]

concerning the supply of alcohol at

UNI Supermarket
39 Western Boulevard
Leicester
LE2 7HN

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LEIPRS 3528

[insert personal licence number, if any]

Personal licence issuing authority

Leicester City Council

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed

Sheakha Sharif Najhat

Name (please print)

09-04-2021

Date

and any premises licence to be granted or varied in respect of this application made
by

Sheakha Sharif Najhat

(name of applicant)

concerning the supply of alcohol at

UNI Supermarket
39 Western Boulevard
Leicester
LE2 7HN

(name and address of premises to which application relates)

I also confirm that I am entitled to work in the United Kingdom and am applying for,
intend to apply for or currently hold a personal licence, details of which I set out
below.

Personal licence number

LEIPRS 3528

(insert personal licence number, if any)

Personal licence issuing authority

Leicester City Council

(insert name and address and telephone number of personal licence issuing authority, if any)

Signed

Sheakha Sharif Najhat

Name (please print)

09-04-2021



**Leicestershire
Police**
Protecting our communities

Force Licensing Department
Mansfield House
74 Belgrave Gate
Leicester LE1 3GG

Tel: 101

www.leics.police.uk

Leicestershire Police

Licensing Act 2003 – Representation in respect of a Transfer of Premises Licence Holder application & Designated Premises Supervisor

Details of person or body making representation	
Your Name:	PC2093 Jefferson Pritchard
Your Address:	Leicestershire Police Force Licensing Department Mansfield House Police Station 74 Belgrave Gate LEICESTER LE1 3GG

Details of premises representation is about	
Name of Premises:	Uni
Address of premises:	39 Western Boulevard LEICESTER LE2 7HN
Application No. (if known)	

Please tick one or more of the licensing objectives that your representation relates to:	
Prevention of crime and disorder	<input checked="" type="checkbox"/>
Public Safety	<input checked="" type="checkbox"/>
Prevention of public nuisance	<input checked="" type="checkbox"/>
Protection of children from harm	<input checked="" type="checkbox"/>

Please summarise your concerns about this application:
<p>I write in my capacity as Licensing Officer for the Leicestershire Police on the authority delegated to me by the Chief Constable.</p> <p>Only in exceptional circumstances will the police make a representation to a transfer of both a premises licence and a designated premises supervisor application.</p> <p>It is Leicestershire Police's view that the granting of the transfer would be contrary to the fundamental principle of the Licensing Act 2003 in relation to the prevention of crime and disorder, public safety, prevention of public nuisance and the protection of children from harm.</p> <p>This application has been submitted on behalf of Mr Sheakha Sharif Najhat to become the new premises licence holder and designated premises supervisor of Uni, 39 Western</p>

Boulevard, Leicester. LE2 7HN.

The current premises licence holder and designated premises supervisor is Mr Nawzad Sharif-Nazhad.

On Monday 29th March 2021, a Leicester City Council licensing committee review hearing was held as a result of the concerns raised by Leicestershire Police. Representatives from Leicester City Council Trading Standards and Public Health also gave evidence at the hearing.

The licensing committee agreed that the premises licence holder / designated premises supervisor was instrumental in the failings associated to the premises and as a result elected to revoke the premises licence.

During the hearing, Mr Nazhad's solicitor Mr Munir made reference to Mr Nazhad's turning to his uncle Mr Sheakha Sahrif for assistance in running the business. Please also see Mr Munir's letter to Leicester City Council dated 9th March 2021. (Annex A)

During a telephone conversation with the new applicant Mr Sheakha Sharif Najhat on Saturday 10th April 2021. Mr Najhat confirmed that Mr Nawzad Sharif Nazhad was his cousin and that he was currently assisting him with managing the business as he too holds a personal licence. Please note that a licence condition stipulates that only a person possessing a personal licence may sell alcohol, which was one of factors resulting in the review hearing in the first instance.

During the conversation Mr Najhat confirmed we had met outside the front of premises as result of the incident on Friday 29th January 2021 and that we had spoken on the telephone on Monday 1st February 2021, as a result of a further incident.

During the incident on Monday 1st February 2021, Mr Nazhad asked that I speak to his relative in order to clarify matters regarding the condition about only persons with a personal licence being permitted to sell alcohol to customers.

During this conversation with Mr Najhat on Monday 1st February 2021, I re-iterated what I had earlier said to Mr Nazhad. Both Mr Nazhad and Mr Najhat both asked that the premises be given an additional two weeks in order to rectify the issue regarding the supply of alcohol by a person holding a personal licence. During the conversation, Mr Najhat asked if I could overlook the condition for two weeks, whilst they found a suitable replacement. When I challenged him and said, "Are you asking me to turn a blind eye for two weeks?" he replied "Yes".

It is also worth noting that the contact number provided on the transfer application for the applicant is identical to the mobile number provided by Mr Nazhad on our first encounter on the 17th December 2021.

Mr Najhat and Mr Nazhad are related and I suspect Mr Najhat has a financial interest in the business. I suspect Mr Nazhad will continue be involved in the business if the transfer of the licence is granted as Mr Najhat has other business interests and requires a person with a personal licence to be present in order to comply with the premises licence condition.

Given Mr Nazhad's previous failings to adhere to the law, licence conditions and promote the licensing objectives, there is no reason to believe he will now and will continue to be involved in the business in some capacity .



Mr Najhat's comments to a police licensing officer on Monday 1st February 2021 about turning a "blind eye" to breaches of its Leicester City Council premises licence condition is not constructive, nor is it supportive of the licensing objectives.

Leicestershire Police do not believe this is a genuine transfer application and is an attempt to mislead the police and licensing authority to believe a new applicant is involved in the business and will not repeat the previous failings as highlighted in the review hearing.

Therefore, Leicestershire Police respectfully requests that the transfer of the premises licence and designated premises supervisor be rejected.

PC2093 Jefferson Pritchard
Central Leicester Alcohol Licensing Officer
Leicestershire Police

Date 12/04/2021



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.

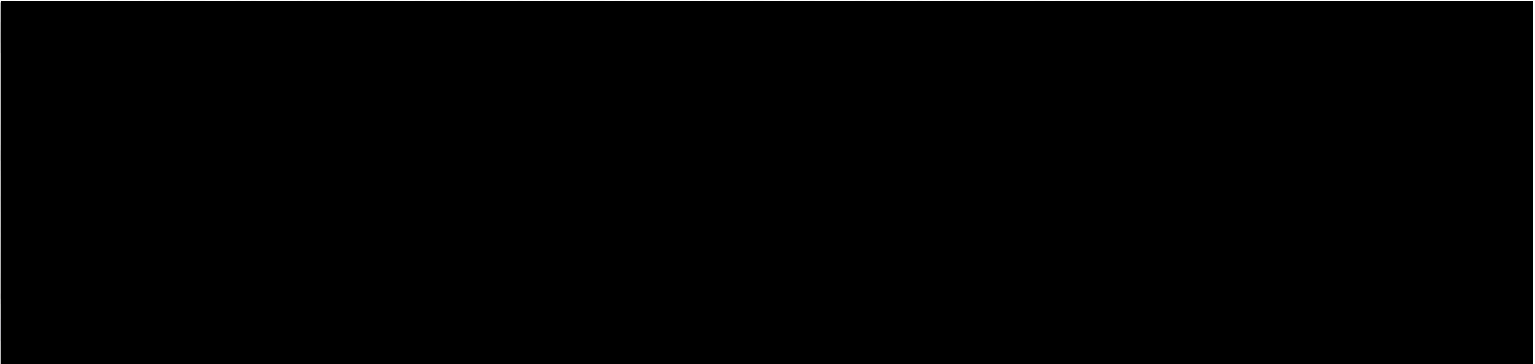
We then received a call back on the 11th February 2021 but regrettably Mr Munir was in court. Mr Munir then attempted to call the officer back and followed this up with an email inviting a call back in order for our issues to be resolved.

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.

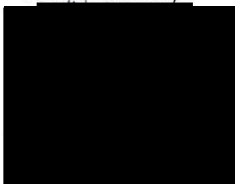
It is clear that a number of the issues that follow from December relate to a staff member who was present and behaving in a way that was contrary to the licence conditions. These are summarised as relating to the sale of alcohol, the recovery of illegal cigarettes and a suspected offensive weapon. That 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.

Yours Faithfully

A large black rectangular redaction box covering the signature and any accompanying text.

