

Meeting Commenced: 10.16am  
Meeting Adjourned: 11.44am  
Meeting Reconvened: 12.52pm  
Meeting Concluded: 12.55pm

**GENERAL LICENSING SUB-COMMITTEE  
8 OCTOBER 2014**

Present: Councillors Barker, Pegg, Wright

**11/14 Appointment of Chair**

**Resolved to appoint Councillor Barker as Chair of the General Licensing Sub Committee.**

**12/14 Apologies**

There were no apologies for absence.

**13/14 Late Items to be introduced by the Chair**

There were no late items.

**14/14 Declarations of Interest**

There were no declarations of interest.

**15/14 Application for a review of a premises licence at:  
Riga Mini Market, 186 Normanton Road, Derby,  
DE23 6UX**

The Sub-Committee considered an application for the review of the Premises Licence for Riga Mini Market, 186 Normanton Road, Derby, DE23 6UX ("the premises").

The Sub-Committee heard evidence from: Sandra Mansell (Licensing Team, Derby City Council), Ivan Thompson (Derby City Council Trading Standards), Sgt. Mark Lomas (Derbyshire Constabulary) and Nabaz Ali (the premises' Designated Premises Supervisor), and considered and took account of the written representations received from Leanda Wendy Mary Bailey (Derby City Council Trading Standards), PC Priya Dhillon (Derbyshire Constabulary), Norman Cooper (Derby Safeguarding Children Board), and PC Stephen David Phillips (Derbyshire Constabulary).

**DECISION**

In making its decision, the Sub-Committee had regard to the Derby City Council Licensing Policy, the guidance issued under section 182 of the Licensing Act

2003 and the Human Rights Act 1998 and carefully considered all the evidence presented to it.

The Sub-Committee made this decision to promote the four Licensing Objectives:

- (a) Prevention of crime and disorder;
- (b) Public Safety;
- (c) Prevention of Public Nuisance;
- (d) Protection of Children from harm.

## **FINDINGS**

There were relevant representations received from Derby City Council Trading Standards Team, a responsible authority, relating to the objective of preventing crime and disorder, from the Derbyshire Constabulary, also a responsible authority, relating to the prevention of crime and disorder objective and public safety, as well as from the Derby City Safeguarding Children Board, also a responsible authority, relating to the licensing objective of the protection of children from harm.

On Friday 19 July 2013 Derbyshire Police attended the Riga Mini Market (at the time known as 'U Samiego') a licensing inspection was completed. They found that the business had been taken over and the new owner Nabaz Ali had not changed the Premises Licence into his name, he was informed that in light of this he was committing offences under the Licensing Act 2003. He was advised to cease selling alcohol and informed what to do to transfer the licence. The Police also found that there were a number of breaches to the Premises Licence and an animal print holdall containing 58 various types of illicit cigarettes were found behind the counter. Mr Ali denied knowledge stating that they belonged to the previous owner and he had not yet had the chance to clear the area behind the till out. An infringement notice was issued highlighting the issues identified this was provided to Mr Ali and he was told the infringements would need to be rectified. Further to this an Infringement Warning Notice was issued on the same day.

On 5 October 2013 a staff member was issued with a Penalty Notice Disorder Ticket by a local Police officer after she had sold alcohol from the premises to a drunken individual.

On Friday 21 March 2014 Derbyshire Police attended the Riga Mini Market; they believed that non duty and counterfeit cigarettes and tobacco were being sold from the premises. Nabaz Ali denied this and invited officers to conduct a search. Found in the stock room on top of some boxes was a black bin liner, within this were some packets of cigarettes with non-english writing on them. There were 400 non duty paid Marlboro cigarettes and 1000 non duty PECT cigarettes and also 22 x 50g pouches of Amberleaf rolling tobacco. Nabaz Ali stated that he did not know who they belonged to and was not aware they were in his stock room.

On 28 May 2014 as part of an operation, Trading Standards conducted a disruption exercise at Riga Mini Market. Trading Standards Officers and the

Police attended the licenced premises along with a tobacco 'sniffer' dog. Officers discovered illegal hand rolling tobacco and cigarettes concealed in hidden compartments in the premises. A representative from the tobacco industry was present and the goods were identified as being non duty paid (or smuggled), counterfeit and non-compliant with the UK tobacco labelling requirements. Officers seized the goods totalling 1.8kg of hand rolling tobacco and 16940 cigarettes. The estimated retail value of the seizure thought to be approximately £6000. At the same time a number of non-compliances with the operating schedule were identified.

On 6 August 2014 a licensing inspection was carried out at the licensed premises, during which it was found that the Premises Licence summary was incorrectly displayed, the incident book was not kept on the premises, the refusals book was not up to date, no written authorisation from the Designated Premises Supervisor authorising staff to sell/supply alcohol. An infringement notice was issued to Nabaz Ali informing him that the infringements highlighted would need to be rectified. On 7 August 2014 an Infringement Warning Notice was sent to Nabaz Ali.

At the review hearing Mr Ali made admissions that they had attempted to sell illicit and counterfeit cigarettes and tobacco from Riga Mini Market and that following the four incidents where illicit and counterfeit cigarettes and tobacco were found he put in no measures to prevent this occurring in the future.

When asked during the review hearing Mr Ali was unable to state what the four licensing objectives were.

When each of the events occurred, between 5 October 2013 and 6 August 2014, the Designated Premises Supervisor was Nabaz Ali.

The Sub-Committee were satisfied as a result of the above findings that the licensing objective of crime and disorder had been undermined.

## **RESOLUTION**

**Resolved to Revoke the premises licence number PL10550890 for Riga Mini Market, 186 Normanton Road, Derby DE23 6UX.**

## **REASONS**

The reasons for this decision were as follows:

Having taken into account the four licensing objectives, the guidance issued under section 182 of the Licensing Act 2003, the Council's licensing policy and the Human Rights Act, the Sub-Committee sought to balance the interests of the licence holder and the representations made by the responsible authorities. The Sub-Committee was not satisfied that the premises licence holder who was also the Designated Premises Supervisor had demonstrated a satisfactory standard of responsibility necessary to discharge the onus of those statutory roles. In particular his admission that following the discovery of the illicit and counterfeit

cigarettes and tobacco at the Riga Mini Market that he put no measures in place to ensure that it did not occur again nor would he be putting in to place any measures.

The Sub-Committee considered that the history of warnings followed by subsequent regulatory breaches and criminal investigations demonstrated indifference towards the law, and was not in the public interest.

The Sub-Committee was satisfied that the four licence objectives had been undermined by the failings of the premises licence holder and in his capacity as the Designated Premises Supervisor, and further that one or more of the four licensing objectives would in future be undermined, without the revocation of the premises licence.

The Sub-Committee felt it was reasonable and proportionate to accept that neither the modification of the licence conditions, removal of the Designated Premises Supervisor nor suspension of the licence would overcome the failings of the premises licence holder and in his capacity as the Designated Premises Supervisor.

All parties were advised of their right to appeal the decision and directed towards the guidance attached to the decision notice.

MINUTES END