

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 Sergeant 1506 Anthony John Bushell

(Insert name of applicant)

apply for the review of a premises licence under section 51 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 Kwiksave Local 12-14 Stanifield Lane Farington Leyland	
Post town Preston	Post code (if known) PR25 4GA

Name of premises licence holder or club holding club premises certificate (if known) Mohammad Shaan IQBAL

Number of premises licence or club premises certificate (if known) PREMA0243
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Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)

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

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

Please tick

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

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sergeant 1506 Anthony Bushell Lancashire Constabulary Southern Division Licensing Unit Chorley Police Station St Thomas Road Chorley Lancashire PR7 1DR
Telephone number (if any) 01257 246227
E-mail address (optional) anthony.bushell@lancashire.pnn.police.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

This premises has come to light due to non compliance with the Licensing Act 2003, further enquiries have discovered that the premises is employing persons who are unlawfully in the UK and who are not entitled to work. The employment of these individuals is not only a criminal offence but can have connections with serious organised crime which clearly undermines the prevention of crime objective.

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

These premises were previously known as Farrington Video Stores, however in July 2011 an application was made to transfer the premises licence into the name of Kwiksave Local Ltd, 41 New Hall Lane, Preston.

The managing directors of this company are listed as Mohmed Sahil ROKAD and Naila AYAD. At the same time there was an application to transfer the DPS into the name of Sikander AYAD.

In January 2012 the Council Licensing Officer visited the premises and discovered that there was new management on site and as such they were advised to make the requisite applications to transfer the licence and DPS to prevent any offences being committed.

A subsequent application to transfer the premises licence was submitted with the licence now being held by Mohammad Shuib IQBAL, who was also shown as being the DPS. The address given on the consent form by IQBAL was 132 Sough Road, Darwen. This is an address of another Off Licensed premises called the Garden Village Stores where up until September 2012 Mohamed ROKAD was shown as DPS.

Mohammad Shuib IQBAL is also the DPS at Lynwood Wines, 285-287 Blackburn Road, Darwen. These premises were subject of review proceedings in April 2012 for selling alcohol to underage persons. As a result of the review the licence was suspended for 4 weeks, this was appealed by IQBAL but the magistrates upheld the committee's decision. A copy of this article is attached at Appendix 1.

Around the same time as the appeal was being heard a transfer of premises licence and DPS was made for Kwiksave Local, removing Shuib IQBAL and replacing him with Mohammed Shaan IQBAL, who is the current premises licence holder and DPS.

On 10th August 2012, the council licensing officer attended the premises and discovered a number of issues of non compliance. Shaan IQBAL was not present on the premises, the only person in the shop was a male who had a poor understanding of English and gave his name as Imran AHMED. A request for IQBAL to contact the officer was made, however after 1 week with no contact a warning letter was issued to the premises.

About a week after this letter was sent a re-visit was carried out at the premises which revealed that the issues raised in the letter had still not been rectified. AHMED was again alone in the shop, but managed to make a phone call to a male calling himself Ahmed KHAN, who stated he was the cousin of Shaan IQBAL and would be bringing the licence summary to the premises.

The premises was re-visited the following day by the council licensing officer and the police to confirm the licence had been delivered. It was confirmed that the issues had been addressed and again AHMAD was alone in the premises. The police requested details from him which he gave as Imran AHMAD and his address as Garden Village Stores, 132 Sough Road, Darwen.

A check was made re his immigration status to which he stated he was in the country by marriage. He was asked to produce his passport, however on the pretence of going to get it he left the shop and ran off. The officer gave chase and caught him however AHMAD started to struggle violently managing to bite the officer breaking the skin. Other officers attended the incident and AHMED was arrested for police

assault and on suspicion of being in the country unlawfully. Subsequent checks with the UKBA revealed his correct details to be Irfan AHMAD and confirmed he was an absconder and as such had no lawful entitlement to work or even be in the country.

AHMAD was also charged with an offence of police assault and pleaded guilty at court the next day.

Shann IQBAL was subsequently contacted and asked to attend the premises however he stated he wouldn't be attending and that the owner would be coming, this turned out to be Mohmed ROKAD. He stated he had just bought the premises and that AHMAD was a previous employee he had inherited. ROKAD denied any knowledge of AHMAD's status but confirmed he was paying him in cash.

A week after this incident the premises was again visited and again concerns were raised as to a member of staff employed at the premises. A subsequent visit by the council licensing officer and police established that this employee was called Safaraj PATEL, who stated he was in the country under a student visa.

A further check with the UKBA revealed they had no record of him having entered the country under these details and as such they requested he be detained. Further investigation revealed that PATEL had no legal status in the country and no entitlement to work.

The police have real concerns over the ownership and management of these premises. It is evident that these illegal immigrants are little better than slaves who are forced to work and live furtive lifestyles whilst being exploited by their taskmasters.

In relation to this matter there has been no contact with the DPS and no explanation or accountability for the employment of these individuals, the police can therefore only assume that the individuals named are complicit in the trade of illegal persons.

There are no conditions that could be applied to any premises licence that would effectively combat this growing problem, nor would any suspension resolve the issues. The police would therefore ask the Licensing Committee to revoke the premises licence.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

Please tick yes

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

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

FRIDAY 14th SEPTEMBER 2012

Capacity

LICENSING OFFICER

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

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Witness Statement

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

Statement of **Nicola Ruth Barrett**

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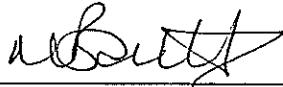
Age if under 18 (if over 18 insert "over 18"). Occupation **Licensing Enforcement Officer**

This statement (consisting of 4 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 **31st** day of **August 2012**

Tick if witness evidence is visually recorded
(supply witness details on rear)

Signature



My name is Nicola Ruth BARRETT and I am employed by South Ribble Borough Council as the Licensing Enforcement Officer, a post I have held since December 2005. My duties routinely include monitoring the trading activities of premises providing licensable activities, to check that they are operating lawfully and in accordance with the provisions of the Licensing Act 2003.

On Tuesday 17th January 2012 I visited the premises known as Kwiksave Local, 12-14 Stanifield Lane. My visit was in response to information from the local Neighbourhood Police Officer who advised me she was concerned that the store was being linked to underage drinking over the Christmas period.

I asked to speak to the Designated Premises Supervisor, Sikander AYAD but was told he wasn't at the store any longer as the business had changed hands. A male who gave his name as Mr Mohammad Shuib IQBAL was at the premises with a number of other Asian males, one of whom I now know as Mohmed Sahil ROKAD. IQBAL advised me that he was now running the business. I explained that he would need to make an application to transfer the licence and vary the designated premises supervisor to ensure that the correct permissions were in place to authorise the sale of alcohol.

On 19th January 2012 applications were received by the Licensing Authority dated 17th January 2012 to transfer the premises licence to Mohammad Shuib IQBAL of 132 Sough Road, Darwen, BB3 2HA and instal Mohammad Shuib IQBAL as the designated premises supervisor.

On the consent form to transfer the Premises Licence dated 9th January 2012, Mr Sikander AYAD had indicated that the transferee was Mr Mohmed Sahil ROKAD. The names Sahil ROKAD had been crossed out in black ink, the rest of the application being in blue ink, and the names Shuiab IQBAL added in black in different handwriting.

Signature



Signature witnessed by

Continuation of Statement / Interview of Nicola Ruth Barrett

On 6th July 2012 two further applications were received by the Licensing Authority dated 30th June 2012. One to transfer the premises licence to Mohammad Shaan IQBAL of Granville, Oldfield Avenue, Darwen, BB3 1QY and the second to install him as the designated premises supervisor.

On Friday 10th August 2012, I was working with special constables 9383 Rutlidge and 9372 Aitchison on a Community Alcohol Network patrol. At approximately 19:50 we visited Kwiksave Local. There was an Asian male in the store whose English was very poor. I asked if Shaan IQBAL was there and he shook his head. He gave his name as Imran AHMED. The Premises Licence summary was not displayed in the premises and he was not able to show me a refusals book. I left my card and asked that Shaan IQBAL contact me.

On Tuesday 14th August 2012 having not heard from IQBAL, I issued a written warning in respect of the offences which I exhibit referenced [NRB/1].

At approximately 13:50, on Tuesday 21st August 2012, I revisited the premises. Imran AHMED was working in the premises on his own. The summary was still not displayed. AHMED used his mobile phone to make a call and then passed the phone over to me. The male on the telephone gave his name as Amed KHAN. He said he had the summary and licence and was bringing them over to the shop that afternoon. I asked if he was an employee and he replied that he was Shaan IQBALs cousin and just doing him a favour.

On Wednesday 22nd August 2012 at approximately 15:10, I revisited the premises in company with PS1506 BUSHELL. The licence summary was stuck up on the cigarette gantry along with a copy of the premises licence. AHMED was again alone in the store. He produced a note book which he ripped a page out of and handed it to me. I exhibit a copy of this page referenced [NRB/2].

He was able to show me a second notepad which had a couple of entries showing refusals of cigarettes from the previous evenings trading.

He gave his details as Imran AHMED, 132 Sough Road, Darwen, born 12.9.89 in Pakistan. When asked if he had his passport or visa with him he walked towards the rear of the store and then out through the front door. PS BUSHELL followed him out leaving me alone in the store. A number of customers entered and I had to tell them there was no one available to serve them. A few minutes later I telephoned PS BUSHELL to ask where he was. He asked me to telephone 999 to get him some back up as AHMED had made off and was 'kicking off' in the back street.

Signature



Signature witnessed by

When the responding officers arrived AHMED was transported to Leyland Police Station and subsequently charged with assault on a Police Officer.

PS BUSHELL and I returned to the premises as they were insecure. PS BUSHELL contacted the telephone number that AHMED has previously given to me for Shaan IQBAL. The man he spoke to said he was the owner and would make his way to the store.

While we waited a white van arrived with a delivery of stock from a company trading as Bestway Wholesale. The paperwork showed that the order was in the name of Shuib IQBAL of 285-287 Blackburn Road, Darwen, for delivery to the Kwiksave Local Store. Later enquiries confirmed that the Blackburn Road address is a licensed premises trading as Lynwood Wines.

A short time later a male who identified himself as the owner of the shop and gave his name as Mohmed ROKAD arrived. He said that he had bought the shop from the previous owner, Mr MALIK the week earlier. I asked where Shaan IQBAL was, as he was the licence holder and designated premises supervisor. ROKAD replied that he was his employee. He mentioned that his solicitor would be making an application to transfer the premises licence.

On my return to the office, I made enquiries with the Council's National Non-Domestic Rates team, who were able to confirm that Mohmed Sahil ROKAD has been responsible for the business rates on the property 12-14 Stanifield Lane, since December 2011.

Imran AHMED was convicted in Leyland Magistrates Thursday 23rd August 2012 for the assault and returned into custody for UKBA to deal with the immigration issues.

On Friday 24th August 2012 I was working with special constable 9372 Aitchison on a Community Alcohol Network patrol. We visited the Kwiksave local store at approximately 20:30. On this occasion an Asian male who gave his name as Safaraj PATEL, was working alone in the store. He spoke in broken English and when questioned gave his details as 52 Bricknell Street, Darwen, born 20th June 1987 in India. He said that he had worked for Sahil for about 1 week. I emailed these details to PS1506 BUSHELL on my return to the office.

On Wednesday 29th August 2012, PS BUSHELL telephoned me to say that the UK Border Agency had not been able to confirm this individual was entitled to work in the UK. I visited the premises to see if PATEL was working. When I had been able to confirm that he was there, I contacted PS BUSHELL who met me at the premises.

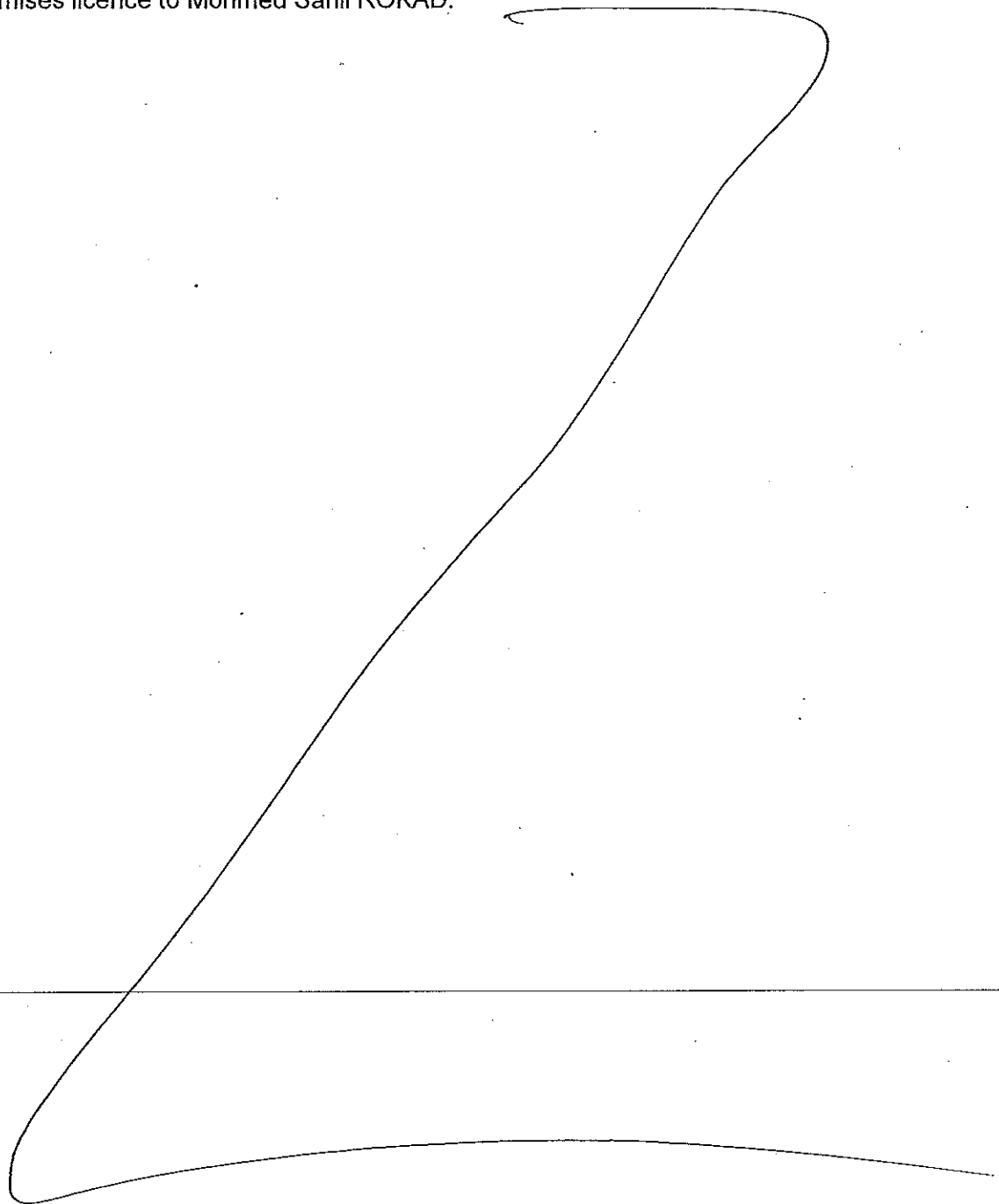
Signature



Signature witnessed by

PATEL confirmed to me that he had been working for ROKAD for about a week and had been paid £5.00 per hour cash in hand. PATEL was taken into custody at the request of the UK Border Agency.

At the time of writing, I can confirm that no application has been submitted to transfer the premises licence to Mohmed Sahil ROKAD.



Signature

Signature witnessed by

EXHIBIT Ref NRB/11

Date: 14th August 2012
 Your ref: _____ Our ref: NRB/PREMA0243
 Please ask for: Ms. N. Barrett
 Extension: 5357 Direct Dial Tel: 01772 625357
 Fax: 01772 625590 email: nbarrett@southribble.gov.uk



▶ Mohammad Shaan Iqbal
 Kwiksave Local
 12-14 Stanifield Lane
 Farington
 PRESTON
 PR25 4GA ◀

Civic Centre, West Paddock,
 Leyland, Lancashire PR25 1DH.
 Tel: 01772 421491
 Fax: 01772 622287
 email: info@southribble.gov.uk
 website: www.southribble.gov.uk

Dear Sir

Kwiksave Local – Premises Licence ref: PREMA0243

I am writing further to my inspection of the above named premises, for which you are the licence holder and designated premises supervisor.

I was concerned that your employee was unable to show me the refusals register which is a condition of the licence issued by South Ribble Borough Council authorising the sale of alcohol at the shop, nor was your employee able to show me where the licence summary was displayed or where a copy of the premises licence was kept.

As the premises licence holder you have a duty under section 57 of the Licensing Act 2003 to secure that the licence or a certified copy of it is kept at the premises and the summary of the licence or a certified copy of it, is prominently displayed at the premises.

Failure to comply with this duty, carries a maximum fine of £500 on summary conviction.

The Licensing Authority issued the new licence on 27th July 2012 and sent it to you, along with a covering letter which reminded you of this duty.

Section 136 (1) of the Licensing Act 2003 provides that it is an offence to 'carry on or attempt to carry on a licensable activity (namely the same of alcohol) on or from any premises otherwise than under and in accordance with an authorisation.'

This includes operating in breach of the hours or conditions, attached to a premises licence and carries a maximum penalty on summary conviction of £20,000 and/or up to 6 months imprisonment.

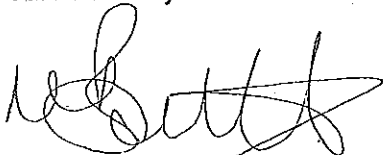
I will be revisiting your premises in the next week or so and would warn you that if the summary is not prominently displayed or if there is not a copy of the licence on the premises or a refusals register in operation and available for inspection, I shall consider whether to report you to the Magistrates Court for the offences.

cont.....

Licence breaches

If you wish to discuss any of the points raised in this letter please contact me in the office.

Yours faithfully

A handwritten signature in black ink, appearing to read 'N. Barrett', written in a cursive style.

Ms N. Barrett
Licensing Enforcement Officer

Hi Linda,

I had the licence with me just to call and confirm safe receipt as requested in the letter.

Licence displayed and part 1 kept behind counter.

I asked the staff ~~now~~ after every shift about incidents and refusals.

Which I kept for myself.

As requested now refusals etc are kept on site.

You can see details recorded if ~~you~~ ^{you} need any extra information to be recorded then please

let me know. Shaun checked column is that I have checked and am happy with what is done.

Thanks Shaun

Solicitor is preparing ~~training~~ training confirmation documents for anyone who will be serving.

These will also be stored behind the counter with Part 2 (in the same envelope).

Darwen shop loses licence after selling alcohol to children

Posted on 19 Jul 2012 by Admin

Share / Save



Lynwood Wines in Darwen

A Darwen shop has had its licence to sell alcohol suspended for 4 weeks after the owners were found to be selling booze to children.

Lynwood Wines on Blackburn Road, Darwen, had its licence suspended by Blackburn with Darwen Borough Council after failing two police test purchase operations, during which two teenage girls were able to buy alcohol.

The owner of the shop appealed and following a further hearing on Wednesday 11 July, Hyndburn Magistrates upheld the decision of the council's licensing committee.

The shop must also adhere to a number of additional conditions – such as using the challenge 25 scheme and ensuring all members of staff attend a responsible retailing course – to help prevent any further under sales.

The action came after concerns were raised from members of the public about alcohol fuelled anti social behaviour in the area. Police and members of Blackburn with Darwen Borough Council's Trading Standards department gathered evidence of alcohol being served to children as young as 14.

Community Beat Manager for Blackburn town centre PC Steve Finley said: "We have tried to work with the shop to resolve the situation but the owner has repeatedly failed to comply with the conditions of the licence.

"It is extremely disappointing it has got to this stage – we have a fantastic relationship with licensees and shop owners in the town and will always do everything we can to avoid having to take such action.

"I hope the ruling sends out a clear message that the police and council are committed to reducing underage drinking to make Blackburn a safe and enjoyable place to live, work and socialise."

Councillor Yusuf Jan-Virmani, Executive Member for Neighborhoods, Housing and Customer Services, added: "I'm pleased with the ruling and this does send out a strong message to anyone thinking of selling alcohol to under age children that we will clamp down on you and you will face sanctions."