

**Review of premises Licence**

**S51 Licensing Act 2003**

**Kimberworth Late Shopper,**

**202 Kimberworth Road,**

**Kimberworth,**

**Rotherham S61 1HH**

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**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 Chris Burnett. Principal Licensing Officer**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club  
premises certificate under section 87 of the Licensing Act 2003 for the premises described in  
Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description.</b>  Kimberworth Late Shopper, 202 Kimberworth Road, Kimberworth,	
<b>Post town</b> Rotherham	<b>Post code (if known)</b> S61 1HH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Frantisek Hudy
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<b>Number of premises licence or club premises certificate (if known)</b> P0830
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

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

☐

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

Please tick ✓ yes

Mr ☐Mrs ☐Miss ☐Ms ☐Other title  
(for example, Rev)**Surname****First names**

Please tick ✓ yes

**I am 18 years old or over**☐**Current postal  
address if  
different from  
premises  
address****Post town****Post Code****Daytime contact telephone number****E-mail address  
(optional)****(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address  Chris Burnett Principal Licensing Officer Rotherham Metropolitan Borough Council Main Street, Rotherham, S60 1AE
Telephone number (if any) <b>01709 823153</b>
E-mail address (optional) chris.burnett@rotherham.gov.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 | <b>x</b>                        |
| 2) public safety                        | <b>x</b>                        |
| 3) the prevention of public nuisance    |                                 |
| 4) the protection of children from harm | <b>x</b>                        |

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

**1. Application is made for a review of the premises licence under S51 Licensing Act 2003 in respect of premises known as Kimberworth Late Shopper, 202 Kimberworth Road, Rotherham. The application relates to three of the four licensing objectives, namely ;**

***The prevention and detection of crime***

***Public safety***

***Protection of children from harm***

**2. The premise is a medium sized off licence situated within a mainly residential area. The current premises licence licence permits the sale by retail of alcohol for consumption off the premises from 0700hrs to 2200hrs daily.**

**3. The recorded Premises Licence Holder is Frantisek Hudy. The recorded Designated Premises Supervisor is Saima Hussain.**

**4. On Tuesday 7<sup>th</sup> November 2017, following information received, a warrant issued by Sheffield Magistrates was executed at the premises in a joint operation between trading Standards and the Environmental Health Department at Rotherham Council. As a result, a quantity of cigarettes and rolling tobacco were seized from the premises. The seized items were identified as illicit. Enquiries are still on going in respect of this matter**

**5. The premises were visited later the same day by Rotherham Council Licensing Officers. It was established Mr.Basharat Rafiq was the person in charge of the premises and the business.**

**6. Mr. Rafiq was contacted and arrived at the premises about an hour later. He confirmed he was the owner of the business having taken over about 9 months previously. He stated that he leased the property from a male called Mr.Gahni. He stated that Mr Ashraf Hussain owned the business. He showed the officers a number of text messages he had received from a male called Ashraf Hussain with regard to the business. He**

stated that Ashraf had been in Pakistan for at least 4 - 5 months so he had not seen him. He believed that Mr Hussain was also the DPS, and believed a female called Saima was his sister, but he did not know her, he had never met her and did not have a telephone number for her. Mr. Rafiq was unable to produce the premises licence and no summary was on display. He stated he had seen neither the summary nor the premises licence. Additionally there was no age verification policy in place and no evidence of any staff training to address this. Mr. Rafiq confirmed he did not hold a personal alcohol licence.

7. Mr. Rafiq was advised there appeared to be no authority in place to sell alcohol and as a result he was advised to remove all alcohol from the shelves which he duly did.

8. On Thursday 9<sup>th</sup> November 2017, Mr Rafiq attended at Riverside House where he was interviewed under caution in respect of the premises. A full transcript of the interview will be disclosed in due course, but in interview he stated he was the owner of the business which he bought from a Mr. Hussain nine months ago. He believed Mr. Hussain was still the business owner and DPS. He was still in the process of paying off the instalments for the business. He confirmed he had never seen a copy of the premises licence, nor was he aware that Saima was the DPS. He confirmed he did not have any contact details for either Hudy or Saima.

9. Additional enquiries have been made to locate the recorded premises licence holder and the DPS. The premises Licence Holder, Mr. Hudy, cannot be located. He no longer resides at the address listed on the premises licence and cannot be contacted on the mobile telephone number recorded despite several calls and answer machine messages.

10. In respect of the DPS, Saima Hussain, she initially stated she has never been connected in any way with the premises, but she subsequently stated she recalled being the DPS for about 12 months, but left in November 2015. She confirmed she has had no further contact with the premises since that date, and accepted she failed to notify the Licensing Authority of this.



**11. There are serious concerns over the manner in which the premises have been conducting business. Since Mr. Rafiq took over the business some 9 months ago, there has been no transfer of premises licence or DPS. It is strongly believed there is no longer in place any Premises Licence Holder or DPS responsible for the management of the premises. The premises have effectively operated without any authority to sell alcohol in contravention of condition 1 of the mandatory conditions, and consequently every sale of alcohol over the last 9 months has constituted an offence under S136 Licensing Act 2003.**

**12. Additionally, counterfeit cigarettes have been seized from the premises and will form part of a separate investigation.**

**13. The most recent Home Office Guidance issued under S.182 of The Licensing Act 2003 states ;**

*11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: (full list not included)*

*• for the sale or storage of smuggled tobacco and alcohol.*

*11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.*

**14. There are serious concerns that the activity being conducted at the premises is undermining the Licensing objectives. Unlawful activity is being conducted, but additionally, customers, particularly children are being put at risk of harm through unlawful sales of alcohol and tobacco.**

**14. Application is therefore made for a review of the premises licence under S51 Licensing Act 2003. The application is for a revocation of the Licence, however other options are also available to the Licensing Committee.**

**15. Further evidence in support of this application will be disclosed to all parties prior to the hearing and presented at the hearing.**

Please tick ✓ yes

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

☐

If yes please state the date of that application

Day		Month		Year			
┐	┐	┐	┐	┐	┐	┐	┐

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

No applications made previously

yes Please tick ✓

- 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 x
- I understand that if I do not comply with the above requirements my application will be rejected x

**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 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .....Chris Burnett.....

Date **13/11/2017** .....

Capacity **Principal Licensing Officer** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Chris Burnett Principal Licensing Officer Riverside House Main Street	
<b>Post town</b> Rotherham	<b>Post Code</b> S60 1AE
<b>Telephone number (if any)</b> 07880 043804	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> chris.burnett@rotherham.gov.uk	

**Notes for Guidance**

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



**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**WITNESS STATEMENT**

(Criminal Justice Act 1967 section 9, Magistrates Court Act 1980. Section 5B

And Criminal Procedure Rules, rule 27.2)

STATEMENT OF: Chris Burnett

Age if under 18: Over 18

Occupation Principal Licensing Officer

.....  
This statement, consisting of 16 pages 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.

Date the 5th day of January 2018

Signed



.....  
1. I am the Principal Licensing Officer employed by Rotherham Metropolitan Borough Council. I have delegated authority to inspect and make representations on behalf of the Chief Executive of Rotherham Metropolitan Borough Council.

SIGNED.....



WITNESSED.....

2. This statement is an overview statement in respect of review proceedings under S 51 Licensing Act 2003 relating to premises known as Kimberworth Late Shopper.

3. The full details of the premises are Kimberworth Late Shopper, 202 Kimberworth Road, Rotherham, S61 1HH, premises licence number P08304. The current premises licence permits the sale alcohol for consumption off the premises from 0700-2200hrs daily. A copy of the premises licence is attached at Appendix A of the bundle.

4. The premises licence holder recorded on the licence is Mr. Frantisek HUDY. The Designated Premises Supervisor recorded on the licence is Mrs. Saima Hussain. The person currently claiming to be the business owner is Mr. Basharat RAFIQ. Evidence in respect of his claim to own the business is attached at Appendix B of the bundle.

SIGNED.......... WITNESSED.....

5. On Tuesday 7th November 2017, following information received, a warrant issued by Sheffield Magistrates Court was executed at the premises in a joint operation between Trading Standards Officers and the Environmental Health Department at Rotherham Metropolitan Borough Council. As a result of the operation, a quantity of cigarettes and rolling tobacco were seized from the premises. The seized items were identified as illicit. Enquiries are still continuing in respect of this matter. A copy of the warrant is attached at Appendix C of the bundle.

6. Later the same day, at approximately 3.55pm I visited the premises in company with Fiona GEE, the Licensing Enforcement Officer. I there spoke with a Mr. Bartosz KUKLINSKI who identified himself as the person currently in charge of the premises. No other person was working at the premises at this time. KUKLINSKI advised me that he was working for a man called Mr. RAFIQ. I asked him to make contact with RAFIQ, which he did by telephone.

SIGNED.....



WITNESSED.....

7. I subsequently spoke with Mr. RAFIQ on the telephone and asked him who the premises licence holder and DPS of the premises were. He explained he was the owner of the premises and had been the owner for about 9 months. He was unable to give the name of the Premises Licence Holder and Designated Premises Supervisor as shown on the premises licence. He stated a Mr. Hussain had been the owner of the business, but he was in Pakistan and had been there for several months. As a result of this he was requested to attend at the premises.

8. Whilst waiting for RAFIQ to attend. I conducted an inspection of the premises. I noted there was no premises licence summary on display, no premises licence available for inspection and no Challenge 25 posters displayed. I noted that a significant amount of alcohol was on display. It was displayed in two in two fridges to the right hand side of the till area, and adjacent to this I noted floor to ceiling shelves containing beers and ciders. A significant quantity of spirits were also on display behind the till area and on shelving to the side. I established from KUKLINSKI that there were no till prompts in place. I also

SIGNED.......... WITNESSED.....



established that there was no refusals register and KULLINSKI pointed out that ages were routinely checked as a high percentage of the footfall of the premises was children and young persons. KUKLINSKI also informed me that the biggest selling products at the premises were beer, vodka, and cigarettes. Photographs of the premises have been produced and are attached at Appendix D of the bundle submitted in disclosure.

9. As a result of my findings and also my suspicions I advised KUKLINSKI that I had reason to believe there was no authorisation in place to sell alcohol. I advised him that the alcohol should be removed forthwith to prevent any further offences of unauthorised sales of alcohol under S136 Licensing Act 2003 or the unlawful exposure of alcohol under S137 Licensing Act 2003. KUKLINSKI began to remove the alcoholic products from the premises.

10. RAFIQ finally arrived at 1750hrs the same day. I briefly spoke with him to explain my suspicions. He confirmed he owned the business, having taken over from a male called Ashraf HUSSAIN approximately 9 months previously. He

SIGNED.....



WITNESSED.....

showed us some text messages from a male who identified himself as HUSSAIN.

The texts were very vague, and related to the business, annual fees and the licence for the shop. I asked RAFIQ if he knew who Saima HUSSAIN was. He stated he believed her to be the sister of Ashraf Hussain but he had never met her or spoken to her, and had no contact details for her. He also confirmed he had never seen the premises licence or the premises licence summary.

11. As a result, once all the alcohol had been removed from the premises, an appointment was made for RAFIQ to attend at Riverside House where he could be interviewed in respect of the matter.


12. On **Friday 10<sup>th</sup> November 2017** at approximately 11am, as a result of other related enquiries being made, I received a telephone call from Saima HUSSAIN, the named DPS at the premises. HUSSAIN is listed as the DPS and Premises Licence Holder at another Off Licence in Rotherham (Brampton Local Shop). I took the opportunity to ask her about the Kimberworth Late Shopper. She stated she had never been connected to the premises, nor did she have any

SIGNED.......... WITNESSED.....

knowledge of HUDY, the listed Premises Licence Holder. She was invited to attend at Riverside House on Monday 13<sup>th</sup> November when further clarification could be obtained.

13. At 10.35am on Monday 13<sup>th</sup> November 2017, I attended at the premises and confirmed that no alcohol was being sold, and that all alcohol had in fact been removed from the store. I then subsequently attended at 186 Psalter Lane, Rotherham S61 1 HS, the home address of the Premises Licence Holder Frantisek HUDY. I spoke with the occupant of the property, James Vanstone, who stated he was the tenant of the property and had been there for about 3 months. He stated his landlord was a male called Dave, and he believed the building owner was a Mr. A. Ahmed who he believed lived locally and travelled frequently. He confirmed that some post for HUDY had arrived in the past but he had always returned it to sender as he had no address for him.

14. At about 1200hrs the same day, I spoke on the telephone with Saima Hussain, the person listed on the Premises licence as the DPS. She stated she

SIGNED.......... WITNESSED.....



was unable to attend at Riverside House as agreed. She asked if she could assist over the telephone. I asked her again about her connection with the premises and she then stated she had been the DPS at the premises and she did in fact know Mr Hudy. She then confirmed that she had left the premises in November 2015 as they wanted her to work full time but because she had 2 children, and she only wanted to work part time.

15. She was asked if she knew who had taken over at the premises but she was unable to assist. As it was difficult to hear her, she was asked to attend the offices on Monday 20th November at 1pm which she agreed to do.

16. At 1545hrs on Thursday 9<sup>th</sup> November 2017, RAFIQ was interviewed under caution at Riverside House, Rotherham by the Senior Enforcement Officer Keeley LADLOW and enforcement Officer Fiona GEE. He was happy to be interviewed without a Solicitor.

SIGNED.....



WITNESSED.....

17. In interview he confirmed that it was his business which he had bought from Mr Hussain and was paying for it in instalments. He thought that Mr Hussain was both the licence holder and the designated premises supervisor. He explained that he tended to contact Mr Hussain by text message, but that he kept on changing his phone number so he would have to wait for a WHATSAPP message to get his new numbers. He explained that he had asked him about taking over the licence in his own name but was still waiting on Mr Hussain and this was the reason why the licence was not in his name.

18. He was shown a copy of the premises licence summary and asked if he had seen a copy of the premises licence before. He confirmed that whilst he had asked Mr Hussain for a copy of the licence he had never actually received one. He was asked if he recognised the name of the premises licence holder a Mr Frantisek HUDY. He confirmed that he had never heard of him and thought Mr Hussain was the licence holder. When asked about the DPS, he confirmed that he knew her name as she was Mr Hussain's sister but that he had never met her and did not know how to contact her. He said that Mr Hussain frequently travelled, and he gave details during the interview of several countries that he

SIGNED.....



WITNESSED.....

thought he had been in He believed Saima Hussain was currently in Pakistan and had been there for several months.

19. When asked if Mr Hussain owned the premises, Mr Rafiq confirmed that the buildings were owned by a Mr Gahni and that he was in the process of sorting out a lease with him.

20. Mr Rafiq was asked if he had ever received any training in the Licensing Act and if he held a personal licence. He confirmed that whilst he did not have a personal licence he had worked in both a Spar and in his Father's licensed Shop in Rotherham.

21. He was asked if he worked in his shop and how many people he employed. He admitted to employing several people and when asked if he had sold alcohol in the shop, he confirmed that he had worked in both his shop and his father's and he had sold alcohol.

SIGNED.....



WITNESSED.....

22. He was asked if the alcohol was still off the shelves at the Kimberworth Late Shopper and he confirmed that it was and that it was all still in the backroom.

23. The interview was concluded at 1608hrs having been conducted in accordance with PACE and the Codes of Practice. A transcript of the interview has been produced and is exhibited 1222/1. It is produced at Appendix E of the bundle submitted in disclosure.

24. At 12.45pm on **Tuesday 21st November** I spoke with Saima Hussain in company with Enforcement Officer Fiona Gee at Riverside House. I confirmed that the premise licence was currently being reviewed. She stated she had left the premises in 2016. She was reminded that in the telephone conversation she had said November 2015 and she confirmed that she had left last year and she must not have understood what she was being asked. She confirmed that HUDY had been the premises licence holder when she was the DPS and that he was still there when she left in 2016. I asked if she had been in the store since leaving as DPS. She stated she had been in just once to buy some alcohol when

SIGNED.....



WITNESSED.....



she had spoken to a Polish lady to ask her how things were going there as she had worked there previously. She confirmed that she had not authorised any staff to sell alcohol at the premises after she had left. I asked her to explain her understanding of a designated premises supervisor. She stated that it was the person with the personal licence to sell alcohol at the store. I asked if she knew what the process was if she were to leave as DPS, She confirmed that she knew she had to tell the Council, but admitted that she had failed to do this. When asked whether she had informed HUDY she was leaving, she said she had done this verbally. I explained that she should have completed a form to notify the Council and that she should also have notified the Premises Licence Holder, Mr Hudy in writing, so he could then submit the premises licence to the Council.

25. She was offered a copy of the review paperwork for the premises as she was still named as the DPS but she declined.

26. All enquiries made to date have failed to locate the named premises licence Holder Frantisek HUDY. There has been no DPS in place at the premises for well

SIGNED.....



WITNESSED.....


over a year, and the premises have continued to operate as a licensed premise throughout this time. The person claiming to be in charge of the business, Mr. Basharat Rafiq does not hold a personal alcohol licence.

27. Additionally, illicit cigarettes and tobacco have been seized from the premises in a planned intelligence led operation by Trading Standards. This matter is still subject to legal proceedings, and only a limited amount of information is available at this time.

28. The Home Office guidance issued under S182 Licensing Act 2003 makes specific reference to unauthorised sales of tobacco at S.11.27 :

*11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;*
- for the sale and distribution of illegal firearms; • for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;*


SIGNED.....  ..... WITNESSED.....

- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks; • for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and • for the sale or storage of smuggled tobacco and alcohol.

Further guidance is offered at S. 11.28

**11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.**

29. Representations have also been received from the Immigration Enforcement team at the Home Office in respect of an illegal worker located at the premises.

SIGNED.......... WITNESSED.....



On 21/07/2013 at 16:15 an Enforcement Visit was conducted to the target premises and consent was obtained from the only male employee. Target was not encountered and whereabouts not known. Subsequent checks revealed that the male was a student with no conditions to work he was arrested as a WIB. A Notice Of Potential Liability was served to the counter as the manager was in Manchester and unable to come to the premises. The premises were made secured including alarmed up by the arrested employee. He gave the managers name as Ashfaq Ahmed.

30. Enquiries are still continuing into this matter and the Home Office have been asked to provide further information to assist. New Home Office powers came into force in April 2017. A copy of the Home Office factsheet is attached at Appendix F, but in summary it sets out the following powers:

*Under the measures, brought in as part of the Immigration Act 2016, immigration checks will be part of the process for applying for a licence. From today, a premises or personal licence will not be issued to anyone who does not have permission to be or work in the UK. Being granted a licence and continuing to hold it will also be reliant on complying with the UK's immigration laws.*

*Additionally, the Home Office will be consulted in the same way as the police before a licence is granted. If a business has any immigration offences and civil penalties, these will be considered as part of the licence application, and as a ground for making a formal request to a licensing authority for a licence to be reviewed.*

SIGNED.....



WITNESSED.....

31. The application today is for a full revocation of the premises licence.

Rotherham Council take the view that, having regard for all the circumstances set out in this overview statement, it is clear that the premises are not promoting the licensing Objectives as set out in the Licensing Act 2003. There is no Premises Licence Holder or Designated Premises Supervisor in place, nor any delegated authority to sell alcohol. In addition to the sales of illicit tobacco and cigarettes and the evidence of an unlawful worker employed at the premises, the sales of alcohol over the period of time Basharat RAFIQ has been assuming ownership, are all offences under S136 Licensing Act 2003, a matter which is also being considered.

32. For the reasons set out above, application is made for a full revocation of the premises licence.

SIGNED.......... WITNESSED.....

# **APPENDIX A**

# Licensing Act 2003 Premises Licence

P0830

## Part 1 - Premises Details

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

#### Kimberworth Late Shopper

202 Kimberworth Road, Kimberworth, Rotherham, South Yorkshire, S61 1HH.

Telephone 077668561913

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	7:00am	10:00pm

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

- The sale by retail of alcohol for consumption OFF the premises only

## Part 2

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

Frantisek Hudy

186 Psalter Lane, Holmes, Rotherham, South Yorkshire, S61 1HS.

### 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

Saima HUSSAIN

10 Ewers Road, Kimberworth, Rotherham, South Yorkshire, S61 1EP.

### 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. RM2126

Issued by Rotherham







# Licensing Act 2003 Premises Licence

P0830

## ANNEXES

### Annex 1 Mandatory Conditions

#### Mandatory conditions where licence authorises supply of alcohol

- 1 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.
- 2 Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### Annex 2 Conditions consistent with operating schedule

#### Prevention of Crime and Disorder

1. The licence holder shall ensure that CCTV is installed at the premises which meets South Yorkshire Police requirements.

#### Public Safety

2. The licence holder shall ensure that appropriate health and safety and fire risk assessments are carried out for the premises.

#### Prevention of Public Nuisance

3. The licence holder shall ensure that persons do not congregate outside the premises.
4. The licence holder shall ensure that any litter which appears to be from the premise or its customers is cleared away at the end of business each day.

#### Protection of Children from Harm

5. The licence holder shall operate the 'Challenge 21' proof of age scheme.

### Annex 3 Conditions attached after a Hearing of Licensing Authority

None.

### Annex 4 Plans

See attached.



**Licensing Act 2003  
Premises Licence**

**P0830**

ANNEXES continued ...



# Licensing Act 2003 Premises Licence Summary P0830

## Premises Details

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

#### Kimberworth Late Shopper

202 Kimberworth Road, Kimberworth, Rotherham, South Yorkshire, S61 1HH.

Telephone 077668561913

### WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

### LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

### THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
The sale by retail of alcohol for consumption OFF the premises only	Monday to Sunday	7:00am	10:00pm

### THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
Monday to Sunday	7:00am	10:00pm

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

- The sale by retail of alcohol for consumption OFF the premises only

### NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Frantisek Hudy

186 Psalter Lane, Holmes, Rotherham, South Yorkshire, S61 1HS.

### 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

Saima HUSSAIN

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

The licence holder shall ensure that children do not congregate either inside or outside the shop.





# **APPENDIX B**

1 ASHFAQ AHMED home

ASHFAQ AHMED

27 UPPER CLARA

Received £1000 (one thousand pounds) STREET S61 1HT

Deposit FROM MR BASHARAT RAFIQ

FOR THE SHOP, KIMBERWORTH LATE SHOPPER

202-204 KIMBERWORTH ROTHERHAM S61 1HH.

~~AAR~~

27-05-16

Basharat Rafiq (BASHARAT RAFIQ)



12<sup>th</sup> June 2016

I, B. Rafiq of 1 Eslaforde Terrace, Rotherham, S65 2DB am purchasing a business from S. Hussain of 10 Ewers road, Rotherham, S61 1EZ.

The business in question is:

Kimberworth Late Night Shopper  
202 - 204 Kimberworth Road  
Rotherham  
S61 1HH

With fixture fittings including:

- 9x wall to wall shelving's
- 2x Gondola shelves
- 1x large dairy chiller
- 1x beer chiller
- 1x chest freezer
- 1x counter
- 1x sweet shelf
- 1x E.P.S cash register

For sale of the business not including the stock, plus good will, this is a receipt for a total amount of £20,000.

Basharat Rafiq  
(BASHARAT RAFIQ)

SALIMA HUSSAIN  
S

ASHFAQ AHMED

# **APPENDIX C**





---

Warrant to Enter Premises

---

General Product Safety Regulations 2005

In the County of South Yorkshire

Petty Sessional Division of Sheffield

**INFORMATION** on Oath on behalf of Peter Doxey of the Rotherham M.B.C.

having been laid before me, one of Her Majesty's Justices of the Peace for the said County

that it is necessary that a duly authorised Officer of the said Council should enter the premises situated at 202/204 Kimberworth Road, Rotherham. S61 1HH and any associated vehicles, dwellings and outbuildings

in the District of the said Council under the General Product Safety Regulations 2005, for the purpose of

**ascertaining whether there is, or has been on, or in connection with the said premises any contravention of the General Product Safety Regulations 2005, being provisions which the Council are required or empowered to enforce**

**And** that an application for admission would defeat the object of the entry;

**And** it having been shown to my satisfaction that the allegations in the said Information are true;

**And** that there is reasonable ground for entry into the said premises for the purpose aforesaid;

**Now** I do by this Warrant authorise the said Council by any authorised Officer to enter the said premises, vehicles, dwellings and outbuildings, if need be by force.

Dated the 27<sup>th</sup> October 2017

M. Khalil 207. Justice of the Peace for the County aforesaid



ENDORSEMENT – to be made by the Officer executing the Warrant.

This Warrant was executed at 202/204 Kimberworth Road, Rotherham. S61 1HH  
any associated vehicles, dwellings and outbuildings

On 7<sup>th</sup> November 2017 at 10.02 ..... a.m./p.m.

The name(s) of the Officer(s) executing this warrant is/are:

ADRIAN MONKHOUSE

The following articles were found (continue overleaf or attach separate sheet if necessary):

Refer to record of seized property

The following articles were seized (continue overleaf or attach a separate sheet if necessary):

Refer to record of seized property

A copy of this warrant was left with the occupier of the premises

Signature of Officer

A. Monkhouse

Name and Designation

ADRIAN MONKHOUSE, PRINCIPAL

Date

07/11/17

**THIS WARRANT MUST BE RETURNED TO THE CLERK TO THE JUSTICES AS SOON AS REASONABLY PRACTICABLE AFTER THE WARRANT HAS BEEN EXECUTED**

**Regeneration & Environment Services**

Community Safety & Street Scene  
Trading Standards  
Riverside House, Main Street  
Rotherham, S60 1AE  
01709 823164

**Rotherham**  
Metropolitan  
Borough Council



EXHIBIT No. ARM-4  
REFERRED TO IN MY STATEMENT

Search Reference Number  
TRAFALGAR AML  
Item Number

**NOTICE OF SEARCH**

(Police and Criminal Evidence Act 1984; Code of Practice B)

Address of premises	<u>202/204 Kimberworth Road, Rotherham,</u> <u>S61 1HH</u>
---------------------	---

**POWER UNDER WHICH SEARCH MADE (Circle A, B or C)**

☒ A. Warrant (copy attached)

B. Powers of inspection (see attached sheet for a summary of the powers and rights).  
This search is made in accordance with the powers of an authorised officer under the following legislation:

C. With the consent of person entitled to grant entry. Nature of search:

- You are not obliged to consent to a search being carried out
- Anything seized may be used in evidence
- You are not suspected of an offence (delete if person is suspected of an offence)

**I HEREBY CONSENT TO THE ABOVE NAMED PREMISES BEING SEARCHED**

Signature.....

Print full name.....

Status (relative to the premises).....

**OFFICER IN CHARGE OF SEARCH**

Name ADRIAN MONKHOUSE

Job title PRINCIPAL EAO

Other persons present POA Beaver, PC Luke Bugdol + Joanna Martin

Date of search 07/11/17 Start time 10:02 Finish time 11:08

**Regeneration & Environment Services**

Community Safety & Street Scene

Trading Standards

Riverside House, Main Street

Rotherham, S60 1AE

01709 823164

**Rotherham  
Metropolitan  
Borough Council**



EXHIBIT No. ARM.6  
REFERRED TO IN MY STATEMENT

Search Reference Number

Item Number

**DISCLAIMER**

Name	ANTON AFSAR
Address	15 HOWARD ROAD BRAMLEY
Date of Birth	25/6/90

I am the owner of the property described on the Rotherham Metropolitan Borough Council "RECORD OF SEIZED PROPERTY" with the above search reference number.

The property was seized on 7 November 2017.

I disclaim all title (i.e. rights of ownership) to these goods and understand that they will be disposed of by Rotherham Metropolitan Borough Council.

Signed	
Name in print	ANTON AFSAR
Signature witnessed by	PL1724 LUKE BUGDOL



**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**WITNESS STATEMENT**

(Criminal Justice Act 1967 Section 9, Magistrates Court Act 1980, Section 5B  
and Criminal Procedure Rules, Rule 27.2)

Statement of: Adrian Robert Monkhouse  
Age (if under 18): Over 18  
Occupation: Principal Environmental Health Officer

.....  
This statement (consisting of 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 24<sup>th</sup> November 2017 .....

Signature A. Monkhouse .....

.....  
I am Adrian Robert Monkhouse and I am employed by Rotherham Metropolitan Borough Council as a Principal Environmental Health Officer. I am based at Riverside House, Main Street, Rotherham, S60 1AE. I am authorised to exercise the powers contained within the Consumer Rights Act 2015.

On Tuesday 7<sup>th</sup> November 2017 at 10:02am I executed a Warrant to Enter Premises at 202/204 Kimberworth Road, Rotherham, S61 1HH. This premises is known as Kimberworth Late Shopper and is an off licence and convenience store selling alcohol, cigarettes and general groceries. I was accompanied by Paul Beever, Rotherham Warden and South Yorkshire Police Officer, PC1724 Luke Bugdol and we all travelled in the same vehicle to the premises. We were followed in convoy to the premises by Joanne Martin, Dog Handler, Wagtail Specialist Dog Services who was accompanied by a lady from Immigration Services, Lindsay Cooper.

SIGNATURE: A. Monkhouse

DATE: 24 November 2017



On entering the premises I approached the sales counter which is on the left as you enter the shop and passed the Warrant to a male behind the counter who identified himself as Mr Anton Afsar. I explained the purpose of our visit and a Notice detailing the Powers of an Authorised Officer and the rights of the occupier was also given to Mr Afsar. Mr Afsar said that he was an employee at the shop and that the owner was a Mr Basharat Rafiq. Mr Afsar asked if he could call Mr Rafiq. I advised that I would call Mr Rafiq and Mr Afsar gave me Mr Rafiq's mobile number as 07826 492507. I called this number and left an answerphone message for Mr Rafiq at 10:08 advising him that I had executed a warrant to enter his shop and for him to call me. To date Mr Rafiq has not returned my call.

Joanne Martin then asked me if she could start the search with her dog which I agreed to. Mr Afsar was asked to move from behind the sales counter and Ms Martin took the dog behind the sales counter and almost immediately the dog went to a cardboard box on the shelving underneath the sales counter where Mr Afsar had been stood. Ms Martin lifted up the cardboard box and put it onto the sales counter. I was stood on the customer side of the counter and looked in the box and immediately noticed brands of cigarettes in the cardboard box which are known to be illicit – this included Jin Ling and Minsk Capital. **Exhibit ARM.1** shows a photograph of the cardboard box which contained cigarettes and rolling tobacco on the sales counter. The cardboard box containing the cigarettes and rolling tobacco was then passed to Paul Beever for him to start cataloguing the contents – he did this towards the back right hand side of the premises. **Exhibit ARM.2** shows a photograph that I took of the shelving underneath the sales counter where the cardboard box containing the cigarettes and rolling tobacco was found.

SIGNATURE: A. Monkhouse

DATE: 24 November 2017

Ms Martin continued her search of the shop with the dog but no further tobacco products were found and she left with Ms Cooper, Immigration Officer.

PC1724 Bugdol started to disconnect the CCTV hard drive which was located behind and to the right of the sales counter. This was passed to me as it was disconnected and I then took it towards the back right of the shop to where Paul Beever was stationed. By this time Mr Beever had catalogued the contents of the cardboard box containing the cigarettes and rolling tobacco and this box was sealed in evidence bag reference R00056127 and given property reference AM1.

The CCTV hard drive was then sealed in evidence bag reference R00056128 and given property reference AM2.

Mr Afsar had left the Warrant that I had given to him on entering the premises on the sales counter and before leaving the premises I retrieved this and endorsed the Warrant before giving it back to Mr Afsar. A copy of the endorsed Warrant that was left with Mr Afsar is shown in **Exhibit ARM.3**. Before leaving the premises I also left Mr Afsar with copies of the following documents:

- i. A Notice of Search (**Exhibit ARM.4**)
- ii. A Record of Seized Property (**Exhibit ARM.5**)
- iii. A copy of a Disclaimer which had been signed by Mr Afsar with regards to the seized property (**Exhibit ARM.6**)

I then left the premises with PC1724 Bugdol and Mr Beever at approximately 11:10am and returned to Riverside House, Main Street, Rotherham. On my return to Riverside

SIGNATURE: *A. Monkhouse*

DATE: 24 November 2017

Continuation of Statement of: Adrian Robert Monkhouse

Page No.4 of 4

House I made a telephone call to Peter Doxey, Trading Standards Officer for him to meet me at the secure evidence store at Riverside House to allow me access. Mr Doxey arrived with the keys to the evidence store and I booked in the two sealed evidence bags - references R00056127 and R00056128. A. Monkhouse

SIGNATURE: A. Monkhouse

DATE: 24 November 2017

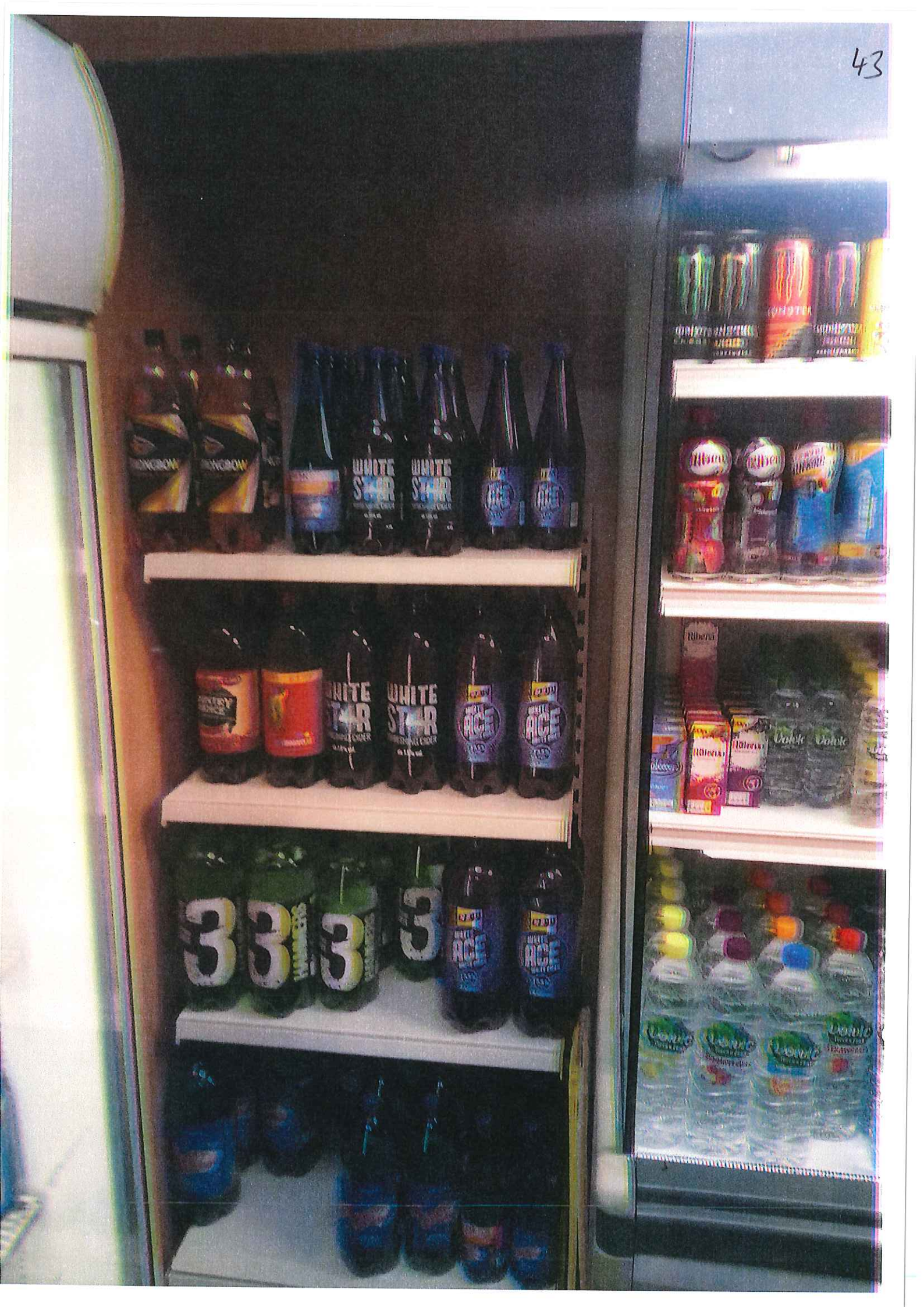






# **APPENDIX D**















# **APPENDIX E**

**Transcribed by: BROOK LEGAL ADMIN SERVICES**  
**TEL: 07932002552**

**TRANSCRIPT OF DVD- RECORDED  
INTERVIEW  
of**

**BASHARAT RAFIQ**

TAPE REFERENCE:	1222/1
PLACE OF INTERVIEW	RIVERSIDE HOUSE
DATE OF INTERVIEW	9 <sup>TH</sup> NOVEMBER 2017
TIME INTERVIEW COMMENCED	15.45
TIME INTERVIEW CONCLUDED	16.08
DURATION OF INTERVIEW	23 MINS
INTERVIEWING OFFICERS	KEELEY LADLOW [SENIOR LICENSING ENFORCEMENT OFFICER] FIONA GEE [LICENSING OFFICER]

Other persons present:

SLEO – SENIOR LICENSING ENFORCEMENT OFFICER  
LO – LICENSING OFFICER  
Q – Questions asked by officers  
A – Defendant's reply  
INT - Interpreter  
SOL – Solicitor  
[INDISTINCT] – Not 100% clear

1            *SLEO* This interview is being tape-recorded and it's taking place at  
2            Riverside House, Rotherham in an interview room belonging to  
3            Rotherham Metropolitan Borough Council. At the end of the  
4            interview I shall give you a notice which explains what will happen  
5            to the recordings and how you can obtain a copy. The time by  
6            my watch is 15.45, the date today is the 9<sup>th</sup> of November 2017.  
7            My name is Keeley Louise Ladlow and I am a Senior Licensing  
8            Enforcement Officer for Rotherham Borough Council. Please  
9            can you confirm for the tape what your full name is?

10

11            A        Basharat Rafiq.

12

13        00:00:42

14            Q        And can you just confirm which is your first name and which is  
15            your family name please?

16

17            A        Basharat is my first name and Rafiq is my surname.

18

19            Q        Thank you. And what is your address please?

20

21            A        Number 1 Eslaforde Terrace off Doncaster Road, the postcode is  
22            S65 2DB. S61 I think it is.

23

24        00:01:05

25            Q        D B, do you mean Delta Bravo?

26



1 A Yes I do.

2

3 Q Thank you. What is your date of birth please?

4

5 A 128.5.1969.

6

7 Q And whereabouts were you born?

8

9 A Hartlepool.

10

11 Q Thank you. Also present is?

12

13 00:01:20

14 LO My name's Fiona Gee and I'm a Licensing Officer at Rotherham  
15 Metropolitan Borough Council.

16

17 SLEO Can I just ask you to confirm that there is nobody else in the  
18 room?

19

20 A No.

21

22 Q There's just the three of us.

23

24 A No just the three of us.

25

1 Q Lovely. And can you confirm for me please that the CDs were  
2 unwrapped and put into the tape machine in your presence?

3

4 A Yes they were.

5

6 00:01:36

7 Q This interview concerns an investigation into the Licensing Act  
8 2003, because it is possible that an offence may have been  
9 committed therefore I do need to caution you. You do not have  
10 to say anything but it may harm your defence if you do not  
11 mention when questioned something that you may later rely on  
12 in Court, anything you do say may be given in evidence. Do you  
13 understand that caution?

14

15 A I do yeah.

16

17 00:02:00

18 Q Okay. Would you like me to explain any of that caution to you?

19

20 A No I think it'll be okay.

21

22 Q Lovely, okay. I also need to let you know that you're not under  
23 arrest, you are free to leave at any time. You may also obtain  
24 legal advice if you wish to do so at any point. Do you wish to  
25 obtain legal advice at the moment?

26

1 A No thank you.

2

3 LO If at any point in the interview you feel uncomfortable, and you  
4 want to obtain legal advice, just say, and we will stop. If you want  
5 to give a solicitor a ring whilst the interview is going on, again  
6 that's not a problem.

7

8 00:02:32

9 A No that's okay.

10

11 SLEO Okay. The book's on top of this recording machine here showing  
12 the guidelines that we have to adhere to in according with the  
13 Police and Criminal Evidence Act 1984.

14

15 A Right.

16

17 Q You can refer to them at any time during this interview.

18

19 A Right.

20

21 Q We'll give you the time to do that. Do you understand what your  
22 rights are?

23

24 A I do yeah

25



1 Q At the moment. Okay. And are you happy to proceed with the  
2 interview?

3

4 A I am happy to proceed.

5

6 00:02:53

7 LO Right, sorry, you're now over to me. So we came out to your  
8 premises on Tuesday and we spoke with one of your employees,  
9 is that righty, Bartoks.....

10

11 A Yeah

12

13 Q ...Kutlinkski.....?

14

15 A Yeah er Bar, Bar, Bardush, but I call him.....

16

17 Q That's fine. My pronunciation, as you'll probably tell, I'm not  
18 brilliant but I will have a go.

19

20 00:03:22

21 A Mine aren't brilliant either.

22

23 Q So is he an employee of yours?

24

25 A Yeah he, er he sort of helps out, works out a few days a week.

26

1 Q Right. Do you have any other employees?  
2  
3 00:03:31  
4 A Er I've had a number of employees over there.  
5  
6 Q You have, right?  
7  
8 A Er I've got one or two more.  
9  
10 Q You have, right okay.  
11  
12 A Yeah  
13  
14 Q So can you confirm for the recording that is your business erm at  
15 erm Kimberworth Late Shopper isn't it?  
16  
17 A I am, I am running it yeah.  
18  
19 00:03:49  
20 Q You're running it, yeah.  
21  
22 A Yeah.  
23  
24 Q Erm do you rent the buildings from anybody else?  
25  
26 A Err yes, well we do rent it, yeah.

1

2 Q Can you tell me.....

3

4 A Mr Gani.

5

6 00:04:00

7 Q Mr Gani you rent it from. Er do you have any contact details for  
8 Mr Gani?

9

10 A Er not at.....

11

12 Q Do you know how to spell his name?

13

14 A G-A-N-I

15

16 Q G-A-N-I?

17

18 A Yeah.

19

20 00:04:14

21 Q Is he based locally?

22

23 A Er as far as I know he's in Rotherham.

24

25 Q You think he's in Rotherham?

26

1 A I, I know he's in Rotherham.

2

3 Q You know he's in Rotherham but you don't actually have an  
4 address for him?

5

6 A No.

7

8 Q Do you have some sort of Lease Agreement with Mr Gani?

9

10 00:04:26

11 A Er it's, it's in the process yeah.

12

13 Q It's in the process?

14

15 A Yeah.

16

17 Q So can you tell me how long you've been conducting a business  
18 at er Kimberworth Late Shop, how long have you had the  
19 business?

20

21 A Er I'd say.....9 months if that.

22

23 Q 9 months.

24

25 00:04:43

26 A If that, maybe less.



1

2

Q

Right okay. So one of the questions that we asked you when we came out and saw you on Tuesday – do you know who holds the premises licence?

4

5

6

A

Sama Hussain.

7

8 00:04:57

9

Q

Right. Sama Hussain. Erm I've actually got that name on the licence, er that's a lady you told me wasn't it?

10

11

12

A

It is yeah.

13

14

Q

Erm we have Sama Hussain down as the Designated Premises Supervisor. Have you ever met her?

15

16

17

A

No I haven't.

18

19 00:05:16

20

Q

Do you have any contact details for Sama?

21

22

A

No I've....

23

24

Q

You don't have.....

25

26

A

...had, well we used to deal with her brother you see.

1

2                   Q       You've dealt with her brother?

3

4                   A       Yeah.

5

6                   Q       I know when we were talking on Tuesday that you said, you had  
7                           a telephone number for him didn't you?

8

9   00:05:34

10                  A       Yes

11

12                  Q       Was it a number of text messages or was it ee....

13

14                  A       Text message yeah, yeah yeah.

15

16                  Q       Text messages. So at any time that you've wanted to erm....

17

18                  A       Well can I just er.....

19

20                  Q       You, you tell me?

21

22   00:05:44

23                  A       What happened with this guy was, he was Sama's best mates.

24

25                  Q       Right.

26

1 A Now it was derelict before I even took over it.

2

3 Q Right.

4

5 00:05:58

6 A Er as I took, sort of took over, I haven't paid all the, the amount  
7 of money that I owe him yet, right.

8

9 Q So you've bought the business from him?

10

11 A I've sort of bought it yeah, yeah yeah.. Not....

12

13 Q In the process of buying?

14

15 A Well yeah.

16

17 Q [laughs]

18

19 A Right but the thing was er I have gave him some money.

20

21 00:06:16

22 Q Right.

23

24 A But I would not say it's a lot.

25

26 Q Okay.

1

2

A If you understand right, only because like I say I'm just trying to get on my feet a bit here right and trying to, as, as you know I did show you the text messages.

4

5

6

Q You did.

7

8 00:06:33

9

A About the Licensing.

10

11

Q Yes you did.

12

13

A Because I was kind of worried because at first he was here and then he's just sort of disappeared then he came back after a few months and showed his face again. Er he wanted some money off me for the business like but obviously I wasn't making that much anyway so I haven't paid him whatever he's asking for. He's disappeared again. I've tried making contact with him so many times er the numbers that I had off him, they don't exist. I think I got a message off him on, this text message from a Whats App and that's the only, but when I text him back er it takes him a good, maybe a day or so to answer me back. Er I haven't had any contact with him lately. I was a bit concerned about the Licence which, which I showed you guys.

14

15

16

17

18

19

20

21

22

23

24

25

26

Q Yeah.



1

2 00:07:25

3 A On that day. Unfortunately I haven't got the date there but for  
4 tracking back for you I can tell, prove to you when I was trying to  
5 make an enquiry about this.

6

7 Q Do you believe that he's in the country or do you believe he's er  
8 he's abroad?

9

10 A Well I think he's abroad.

11

12 Q Right.

13

14 A I've got a feeling he's abroad.

15

16 00:07:39

17 Q No idea where?

18

19 A Erm some people have said, through rumours, that he's in Dubai,  
20 some say he's in Pakistan, some even say he's in Belgium.

21

22 Q Wow [laughs]

23

24 A [laughs] Right, so you know....

25

26 Q He gets about [laughs]

1

2

A Yeah yeah but the only way I can contact was through that Whats

3

App number.

4

5 00:07:58

6

Q

Yeah

7

8

A Now if he ever changes his number he might send me a

9

message....

10

11

Q

And until he sends you a message....

12

13

A Until he sends I, I don't have no....

14

15

Q

You can't get in touch with him?

16

17

A But according to my knowledge it was his business. I did not

18

know really that.....

19

20

Q

That.....

21

22 00:08:14

23

A .... That Sama, his sister, was, was part of it.

24

25

Q

Right. You didn't know that she was part of it?

26

1 A I didn't, I didn't really no.

2

3 Q Right. So when we came to the shop you didn't have a copy of  
4 the Premises Licence?

5

6 A No

7

8 00:08:28

9 Q It was one of the things that we asked to see. Erm have you ever  
10 been supplied with a copy which has the hours and the conditions  
11 on?

12

13 A No. Because I've been asking 'em about things like that when I,  
14 before I was taking over and he goes "yeah I'll get it ya, I'll get it  
15 ya", er whether he's busy or never got round to it but I, like I  
16 showed you when there's time for concern I did try to....

17

18 Q Yes, I did see a number of messages on your phone where  
19 you've tried to contact him.

20

21 00:08:57

22 A Yeah

23

24 Q I think one of them, was it to do with whether the annual fees  
25 were up to date?

26



1 A Yeah

2

3 Q Because you understood didn't you.....

4

5 A Yeah

6

7 Q ....that the annual fees had to be paid....

8

9 A Yeah yeah

10

11 Q ...As and when they were due, to keep the licence live?

12

13 A Yeah

14

15 00:09:10

16 Q Yeah. That was, I can remember seeing that one. Erm so you're  
17 not aware of any other conditions that are attached to the  
18 premises Licence. Do you know what hours are permitted to, for  
19 the premises to open.

20

21 Q Do you wanna know if he's showed me them or if I had good  
22 enough supply with him or talking with him.,....

23

24 A Okay

25

26 Q ...on a daily basis, I could ask him these things.

1

2

Q You could ask him but you haven't, okay.

3

4 00:09:32

5

A But er he just.....

6

7

Q Can you tell me what hours you currently open and close the premises?

8

9

10

A We open from er I'd say 9 o'clock.

11

12

Q Okay.

13

14

A Till 10 at night.

15

16

Q Okay. Erm I'll just tell you what's on the Licence. Erm Monday to Sunday the premises are allowed to be open from 7am till 10pm. That's for the sale of alcohol and it's exactly the same opening hours and obviously you would understand erm in what context alcohol can be sold whether it's on or off the premises.

17

18

19

20

21

22 00:10:08

23

A Yeah.

24

25

Q Do you under, do you understand the meaning of on and off the premises? For consumption on or off, so.....

26

1

2 A Yeah there's certain....

3

4 Q If you haven't, yeah if you haven't.....

5

6 A Tap, yeah yeah.

7

8 Q On licence, it's usually where you go into the bar, you order your  
9 pint and you drink it in there.

10

11 A Yeah yeah and can drink it there.

12

13 00:10:25

14 Q Or in your particular instance....

15

16 A In mine as you have to buy it and drink it somewhere else.

17

18 A Exactly, exactly.

19

20 A You can't drink it in my premises.

21

22 Q No, exactly. So have you ever had any sort of training in the  
23 Licensing Act?

24

25 A Erm yes I have.

26



1 Q You have?

2

3 A Er I used to work for a Spar company.

4

5 Q Right.

6

7 00:10:42

8 A Up at Chester, and they showed me.

9

10 Q My neck of the woods. [laughs]

11

12 A Is it?

13

14 Q Yeah.

15

16 A I used to live er Queensferry.

17

18 Q Really?

19

20 A Yeah yeah.

21

22 00:10:51

23 Q Well I, I was in .....

24

25 A More er North Wales I think it was....

26

1 Q Yeah, ahh.....

2

3 A But Chester's only five minutes....

4

5 Q As, as I drive home my sat nav talks to me about North Wales in  
6 a very sexy accent all the time [laughs]

7

8 00:11:02

9 A It's kinda strange there because you go on the motorway and it  
10 says you're entering North Wales.

11

12 Q Yeah

13

14 A Then if you turn round, within ten minutes....

15

16 Q You're in Cheshire [laughs]

17

18 A ...'Welcome to England' [laughs]

19

20 00:11:15

21 Q [laughs] So you've not done any formal training, you don't have  
22 a Personal Licence, have you ever done any, no?

23

24 A No, no.

25

1 Q No. Have you got any intentions of applying for a Personal  
2 Licence?

3

4 A Well I think I'd better [laughs]

5

6 Q I think it's something that you probably do need to consider.

7

8 00:11:26

9 A I mean it'll stop all this hassle obviously.

10

11 Q Yeah

12

13 A Because.....

14

15 Q Do you have any other businesses or is this your main source of  
16 income?

17

18 A Er this is my main source of income.

19

20 Q So do you actually work at the shop as well?

21

22 A Yeah

23

24 00:11:40

25 Q So how often do you work at the shop?

26

- 1 A Er not very often.
- 2
- 3 Q Not very often?
- 4
- 5 A No because reason....
- 6
- 7 Q What do you mean by 'not very often'.
- 8
- 9 A ... being is my wife's kinda preg, well she's pregnant and due
- 10 soon.
- 11
- 12 Q Right.
- 13
- 14 A So I've been spending more time plus my dad, my mum passed
- 15 away last year.
- 16
- 17 Q Right.
- 18
- 19 00:11:58
- 20 A And my dad's not fully there.
- 21
- 22 Q Okay.
- 23
- 24 A As you can see. I mean....
- 25
- 26 Q So you're having to look after your dad and your wife?



1

2 A Well wife, she can look after herself....

3

4 Q [laughs]

5

6 A ...but obviously ya know "can you do this for me, can you do this  
7 for me" .....

8

9 Q So you're looking after her?

10

11 A I kinda look after 'em yeah, yeah.

12

13 00:12:12

14 Q Right that's fine.

15

16 A Yeah, er there's my dad's premises which I, he's got a shop.

17

18 Q He's got a shop as well has he?

19

20 A But he's, there's Managers there and....

21

22 Q So you don't have anything to do with that?

23

24 A I don't, no, no, I'm not gonna say I don't have anything to do with  
25 it, I will say when I mean I help him out I do go over there and I  
26 take care of things for him.

1  
2  
3  
4  
5  
6  
7  
8  
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10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

Q Right. Can just ask you where's your dad's premises, is that local?

00:12:35

A That's er Eastwood.

Q I'm not er I'm not local to the area.

A Sorry. Er Hatterley Road.

Q Right okay. Erm can you tell, do you know what that's called?

A Er Convenience Store.

Q Convenience Store, right okay. So you've been doing, sort of working convenience stores, you said you worked for Spar and you've obviously had your shop for, how long would you say it was, sorry, you've been there, was it nine months?

00:12:57

A Yeah yeah.

Q Erm and you've worked your dad's shop as well so you've worked a little bit doing licensing previously?

1 A A little bit yeah.

2

3 Q A little bit yeah. So when you're in your shop er do you have

4 anybody else helping you or is it usually just you behind the

5 counter?

6

7 A In my shop?

8

9 Q In your shop? In, in Kimberworth Late Shopper

10

11 00:13:18

12 A Normally I will go there early in the day....

13

14 Q Yeah

15

16 A But then I'll put staff on then I'll, I go back at night just to cash up

17 and....

18

19 Q Yeah. So you, you've sold alcohol from there and you've sold

20 cigarettes and everything else from there?

21

22 A Er sold cigarettes, the odd occasional tin, yes I have sold....at

23 that time of night though hardly anybody's coming in.

24

25 00:13:39

26 Q Is it quite quiet at.....

1

2 A It is yeah.

3

4 Q Because it's not too bad an area just up there is it?

5

6 A It's quiet.

7

8 Q Is it?

9

10 A It's not really.....

11

12 00:13:47

13 Q Because I know as we were leaving there, there was a couple of  
14 gentlemen that obviously were desperate for some fags weren't  
15 there? [laughs]

16

17 A Yeah.

18

19 Q So you've operated the shop. Do you buy the alcohol for the  
20 shop?

21

22 A Well I do buy, buy it yeah.

23

24 Q You buy it?

25

26 A I do get er....



1

2           Q       So, because it's your business?

3

4           A       Yeah yeah.

5

6   00:14:04

7           Q       Yeah. I just wanted you to sort of clarify because I know that was  
8                   one of the questions that we asked. So you bought the alcohol  
9                   for the shop, you worked in the shop, you've sold the alcohol at  
10                  the shop. Do you agree with, with that?

11

12          A       Yeah.

13

14          Q       You do. That's lovely. Erm is there any questions that you want  
15                  to ask Keeley, before I sort of start...

16

17          SLEO   No, no.

18

19          LO       Because I can see that she's, she's jotting a few comments down.  
20                  Erm when we came into your shop we said to you that we'd got  
21                  some issues because we didn't think that there was a Licence  
22                  Holder or a Designated Premises Supervisor that was authorising  
23                  the sales. Erm we, I know we had to wait a little while for you to  
24                  turn up because I think you said you'd been to a funeral didn't  
25                  you.

26

1 A I was at a funeral.

2

3 00:14:53

4 Q Yeah that's why we were quite patient. Er we asked you to clear  
5 all of the alcohol from the shelves.

6

7 A Which we have.

8

9 Q And it, has it remained.....

10

11 A It's all removed.

12

13 Q That is absolutely brilliant, that's exactly what I wanted to hear,  
14 that you, you obviously are cooperating.

15

16 A Even from the back, it's all, it's all moved.

17

18 00:15:09

19 Q Well your gentleman, he was pretty strong and quite keen to sort  
20 of move it as quickly as he could when we did ask so I'll say thank  
21 you very much for your cooperation on that. Erm until such time  
22 as there is a Designated Premises Supervisor in place that's  
23 authorising the sales. As I say the Designated Premises  
24 Supervisor, I'll just do a little bit of explaining on the Licensing Act,  
25 is the person that has the day to day control of the premises and  
26 I would expect that person to have been you.

1

2 A Yeah

3

4 00:15:40

5 Q Because you're the person with the day to day control and you  
6 didn't have any sort of erm authorisation from, from, I'm gonna try  
7 and say her name, Samara, who's saying you didn't have any sort  
8 of authorisation to be able to sell in her absence because.....

9

10 A Well if I knew whose Licence it was under....

11

12 Q Yeah, then you would have done something about it.....

13

14 A I mean I was under the influence it was er her brother Ash, Ashraf  
15 his name is.

16

17 00:16:02

18 Q Ashraf?

19

20 A Yeah

21

22 Q Ashraf Hussain?

23

24 A Yeah

25

26 Q And that's the gentleman that you've been dealing with?

1

2 A That's the guy with who I presumed was....

3

4 Q Was the Designated Premises Supervisor?

5

6 A Yeah.

7

8 Q Well I will turn

9

10 A Yes, I do understand he's just like got some of my money and  
11 disappeared.

12

13 00:16:20

14 Q Yeah. What I'm gonna do is I'm just gonna turn the licence round.  
15 Er that's the name of the Licence Holder. Would you just be able  
16 to say it for the er recording machine? Can you....

17

18 A Antesechudi?

19

20 Q Yeah that's the name of the Licence holder and obviously that is  
21 the name of the Designated Premises Supervisor which is as I  
22 say....

23

24 00:16:41

25 A Sama Hussain.

26



1 Q Sama, yes thank you. I really apologise but my.....

2

3 A [indistinct]

4

5 Q Well you said to me that you've never met her, you think she's in

6 Pakistan?

7

8 A I thought.

9

10 Q Yeah. But she, she, you've never had anything to do with her so

11 you've got nothing in writing authorising you to sell....

12

13 00:16:59

14 A Can you just show me that a second? Who's this guy?

15

16 Q Right, that, that guy is the holder of the Premises Licence so that

17 was why I was asking you who you bought the business from

18 because according to our records that is the gentleman that holds

19 the Premises Licence. You've never heard of him?

20

21 A No.

22

23 00:17:22

24 Q Right.

25

26 A Never heard of him.

1

2

Q You've never heard of him, okay that's fair enough. I just thought

3

I would ask the question and just turn the Licence round.

4

5

A No

6

7 00:17:31

8

Q And obviously get you to say the name because if you said the

9

name you'd know whether or not you knew it. Erm I'm just trying

10

to think whether there's anything else that I need to sort of clear

11

up.....Is there anything else that you can think of?

12

13

SLEO No

14

15

LO Because you've been very quiet Keeley.

16

17

A She's thinking of a good question to ask me [laughs]

18

19

[all laughing]

20

21 00:17:57

22

Q Well she was doing some writing, I wondered whether she might

23

have thought of something that erm...

24

25

SLEO No.

26

1 LO ....she wanted to say. I'm just gonna have a quick look through  
 2 my notes from our visit. Erm you don't have any till prompts or  
 3 anything on the till to advise not to sell you know, I'll explain it  
 4 probably a little better – some tills when you scan alcohol through,  
 5 they'll make a noise and the person who is....

6

7 A Like a buzzer.

8

9 Q That's it.

10

11 00:18:23

12 A Yeah, no er....

13

14 Q The person then who's selling the alcohol has to check the person  
 15 is of an age....

16

17 A Right, okay.

18

19 Q ...that they are able to buy.

20

21 A What, what I have done before is have an old EPO system in  
 22 there.

23

24 Q Right.

25

1 A Erm I don't know how to operate, I never got, again I never got  
2 any instructions with it because they guy's just.....

3

4 00:18:40

5 Q Gone?

6

7 A ....gone. I've got a Pay Point EPO system in there which I have  
8 got instructions for but I haven't had a chance, well the internet,  
9 they have to be connected to an internet at high speed.

10

11 Q I must admit we tried to get internet connection while we ....

12

13 A Yeah, yeah. Where....

14

15 Q ....were in your shop and we struggled.

16

17 00:18:59

18 A So what we're gonna have to try to do is get the internet  
19 connection a bit fast....because that machine can actually buzz  
20 on, on a certain age instructed product.

21

22 Q Right. But it doesn't at present?

23

24 A It doesn't at present because every time I tried to go into option it  
25 shuts down on me [laughs]

26



1 Q Oh dear. [laughs] That doesn't sound very good does it.

2

3 00:19:20

4 A And that's because you know the internet connection aint very  
5 good, that's all it is so.....

6

7 Q Okay, no I just wondered whether you had anything in place  
8 because one of the conditions on the Licence as well was that  
9 there had to be erm a Challenge System in place.

10

11 A Right okay.

12

13 Q And I hadn't noticed, sometimes there'll be a Challenge 21.

14

15 A You didn't notice any....

16

17 Q I saw no notices whatsoever in there.

18

19 00:19:39

20 A Okay, right.

21

22 Q And I know that you didn't have a challenge log because Botoks,  
23 Botos, er we did ask him whether he'd ever filled in a challenge  
24 log, log and....

25

26 A Logbook yeah.

1 Q Logbook, and he'd never seen one, he said he'd never had to do  
2 it but he did, he did say to us that obviously you do get younger  
3 people in there and that he did challenge.

4

5 00:20:01

6 A Oh yeah we would you have to challenge yeah yeah.

7

8 Q Yeah, yeah, but erm that was very promising yeah the fact that  
9 he did tell us that he did.

10

11 A [laughs] And the best trick is they'll wait outside and get  
12 somebody older.

13

14 Q Well you realise that that's an offence for them to do that as well.

15

16 A Right yeah yeah it is, so like ....

17

18 00:20:14

19 Q So you keep an eye out for that.

20

21 A We, we, I've told, well Bota he'd never do it and the other staff,  
22 so as far as my knowledge is concerned, that they don't.

23

24 Q They don't, right.

25

26 A Right, but er you know if I'm not there I'm not there am I.

1

2 Q No, exactly.

3

4 A So how would I know.

5

6 Q No.

7

8 00:20:32

9 A Oh they'll all fear thought when the boss comes in.

10

11 Q [laughs] But yeah I'm just putting that you don't know sort of  
12 what's in your conditions because you haven't seen the Licence  
13 previously. So have you made any sort of, have you asked Mr  
14 Asharaf...

15

16 A Ashraf, err.....

17

18 00:20:48

19 Q About transferring the Licence into your name, having you as the  
20 Licence Holder.

21

22 A I would if I could get in contact with him.

23

24 Q Right okay.

25

1 A Right. So what I think we should do, I'm under the influence that  
2 he had to change that Licence over to me.

3

4 Q Well....

5

6 00:21:03

7 A That's why I was kind of concerned.....

8

9 Q Yeah

10

11 A And I was trying to get hold of him a lot.

12

13 Q Yeah.

14

15 A That's not the issue here now is it?

16

17 Q No it's not because he isn't the Licence.....

18

19 A I can apply for it?

20

21 00:21:12

22 Q Well no. What, what, right to be able to sell alcohol at a premises,  
23 both the premises has to have a Licence and so does the person,  
24 and if you were going to be the Designated Premises Supervisor,  
25 the person with the day to day control of the premises....

26



1 A Yeah

2

3 Q ...you would have to have a Personal Licence.

4

5 A Right.

6

7 00:21:34

8 Q And you confirmed to me at the moment you don't have a  
9 Personal Licence?

10

11 A No, no

12

13 Q But to transfer the Licence or to name a new designated Premises  
14 Supervisor you have to do it with the authorisation of the existing  
15 Licence Holder.

16

17 A You mean that, that name there?

18

19 Q The name that we struggled....

20

21 A Which I have never heard of.

22

23 Q Yeah, which you haven't heard of.

24

25 00:21:55

26 A Which I've never seen.

1

2

Q Yeah. Er I mean I don't know whether er Mr Hussain may have bought the business from this gentleman and....

3

4

5

A No, he turned it over.

6

7

Q ...and never changed it as, you know into his name.

8

9

A Huh huh

10

11 00:22:10

12

Q And now you've taken the premises, obviously we will have to find that out. But at the moment you're confirming to me that it's your premises, it's your biz, sorry it's your business, it's your alcohol in there.

13

14

15

16

17

A Yeah

18

19

Q And its your shop and they're your employees?

20

21

A Yeah.

22

23 00:22:23

24

Q Yeah. Right. Err I don't think that there's anything else I actually need to cover but what I have promised to do is erm I'll sit with you when we've er finished the recording, we'll seal it with you.

25

26

1

2 A [indistinct] [laughs]

3

4 Q Well no....

5

6 A I'm joking, I'm just a witty sort [laughs]

7

8 00:22:44

9

10 Q [laughs] Well as I said that's why we try to keep it as friendly as  
11 informal when we're sitting here.

12

13 A Yeah alright.

14

15 Q I don't want anything sort of confrontational and nor do you. I  
16 mean you're trying to work with us and that we do appreciate.

17

18 A Yeah.

19

20 00:22:56

21 Q If there's nothing else that Keeley wants to say...

22

23 SLEO No

24

25 LO We will, we will finish the recording.

26

1           *SLEO* Do you wish to add anything at this point?

2

3           A       No

4

5           Q       No?

6

7           A       No.

8

9           Q       Okay is there anything that you've said that you wish to clarify?

10

11          A       Err...

12

13          *LO*     Anything that we've said that you, well I've said....

14

15          A       No, no, it's fine.

16

17          Q       Okay.

18

19          *SLEO* Okay, when we remove the CVD's from the recorder you will be  
20                   asked to sign a label which will then be used to seal the master  
21                   copy.

22

23   00:23:21

24          A       Yeah

25



1 Q Okay. The notice will be given to you shortly that we told you  
2 about at the start of the interview, explaining what will happen to  
3 the CDs.

4

5 A Okay

6

7 00:23:31

8 Q Once they come out of the machine and are sealed up. Can you  
9 confirm that we are now giving you the notice?

10

11 LO We will fill it in at the end I promise.

12

13 A Do you want me to read this or....

14

15 SLEO No of you just confirm that I'm giving it to you.

16

17 A Yeah yeah I confirm that yeah yeah.

18

19 Q Then we know that you've got it.

20

21 A Yea yeah yeah I've got it.

22

23 00:23:47

24 LO We've just got to put the reference on the bottom as well.

25

26 A Okay.

1

2

*SLEO* Okay lovely. The time by my watch is 16.08 and we're going to  
stop the recording at this point.

3

4

5

A That's great.

6

7 00:23:59

8

9

10

289

# **APPENDIX F**

Press release

# New powers to tackle illegal working in licensed premises

From:

Home Office and Immigration Enforcement

Published:

6 April 2017

New powers to prevent illegal working in premises that sell alcohol or provide late night refreshment have come into force in England and Wales today.



Under the measures, brought in as part of the Immigration Act 2016, immigration checks will be part of the process for applying for a licence. From today, a premises or personal licence will not be issued to anyone who does not have permission to be or work in the UK. Being granted a licence and continuing to hold it will also be reliant on complying with the UK's immigration laws.

Additionally, the Home Office will be consulted in the same way as the police before a licence is granted. If a business has any immigration offences and civil penalties, these will be considered as part of the licence application, and as a ground for making a formal request to a licensing authority for a licence to be reviewed.

Immigration officers will also receive the same powers as licensing enforcement officers and the police to enter a premises being used to sell alcohol or late night refreshment, in order to investigate immigration offences. This will enable joint enforcement operations with licensing enforcement officers, and allow immigration officers to



enter licensed premises without a warrant where there is intelligence of illegal working taking place.

Immigration Minister Robert Goodwill said:

“Illegal working cheats the taxpayer, has a negative impact on the wages of lawful workers and allows rogue employers to undercut legitimate businesses.

“These new measures will allow us to work more effectively with licensing authorities and the police to prevent illegal working in a high risk sector and take the action needed against businesses flouting immigration laws.”

Today’s licensed premises provisions form part of a wider package of measures in the Immigration Act 2016 to tackle illegal working, which is a key driver of illegal migration to the UK, and often leads to exploitation. They follow similar changes to the licensing regime for private hire vehicles and taxis which were introduced in December.

About 60% of all civil penalties for illegal working served in the UK in the year to February 2017 were issued in the retail, hotel, restaurant and leisure industry sectors, many of which hold licences.

The Home Office continues to work with the hospitality sector, amongst others, to provide support and guidance on how to carry out right to work checks and to raise awareness of the risks of illegal working.

The new measures which come into force in England and Wales today will be followed later this year in Northern Ireland and Scotland.

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