



LICENSING SUB-COMMITTEE

Meeting to be held on: **12 May 2022 AT 10.30 AM**

Meeting to be held at: **Council Chamber, Walsall Council House, Lichfield Street, Walsall, WS1 1TW**

Accessible via: [Walsall Council Webcasting Portal](#)

MEMBERSHIP:

Councillor Bott
Councillor Cooper
Councillor Sears

A G E N D A

PART I - PUBLIC SESSION

1. Appointment of Chair
2. Welcome
3. Apologies
4. Declarations of Interest
5. Application for a premises licence review under section 167 of the licensing act 2003 in respect of SPAR (formerly Known as Aldridge News & Booze), 62 Walsall Road, Aldridge, Walsall, WS9 0JW

Schedule 12A to the Local Government Act, 1972 (as amended)

Access to information: Exempt information

Part 1

Descriptions of exempt information: England

1. Information relating to any individual.
2. Information which is likely to reveal the identity of an individual.
3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).
4. Information relating to any consultations or negotiations, or contemplated consultations or negotiations, in connection with any labour relations matter arising between the authority or a Minister of the Crown and employees of, or office holders under, the authority.
5. Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.
6. Information which reveals that the authority proposes:
 - (a) to give any enactment a notice under or by virtue of which requirements are imposed on a person; or
 - (b) to make an order or direction under any enactment.
7. Information relating to any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.
8. Information being disclosed during a meeting of a Scrutiny and Performance Panel when considering flood risk management functions which:
 - (a) Constitutes a trades secret;
 - (b) Its disclosure would, or would be likely to, prejudice the commercial interests of any person (including the risk management authority);
 - (c) It was obtained by a risk management authority from any other person and its disclosure to the public by the risk management authority would constitute a breach of confidence actionable by that other person.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012

Specified pecuniary interests

The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Localism Act 2011 are the interests specified in the second column of the following:

Subject	Prescribed description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out duties as a member, or towards the election expenses of a member.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Regulations (Consolidation) Act 1992.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority:</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to a member's knowledge):</p> <p>(a) the landlord is the relevant authority;</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where:</p> <p>(a) that body (to a member's knowledge) has a place of business or land in the area of the relevant authority; and</p> <p>b) either:</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

Information to accompany notice of hearing

Rights of a Party

- Subject to Regulations 14(2) and 25 *, a party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.
- At the hearing, a party shall be entitled to -
 - (a) in response to a point upon which the Authority has given notice to a party that it will want clarification, give further information in support of their application, representations or notice (as applicable);
 - (b) if given permission by the Authority, question any other party; and
 - (c) address the Authority.

(* Regulation 14(2) states “The Licensing Authority may exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public.” Regulation 25 states “The Authority may require any person attending the hearing who, in their opinion, is behaving in a disruptive manner to leave the hearing and may -

- (a) refuse to permit that person to return; or
- (b) permit him to return only on such conditions as the Authority may specify.

but such person may, before the end of the hearing, submit to the Authority in writing any information which they would have been entitled to give orally had they not been required to leave”).

Non-attendance of a party at the hearing

- (1) If a party has informed the Authority that he does not intend to attend or be represented at a hearing, the hearing may proceed in his absence.
- (2) If a party who has not so indicated, fails to attend or be represented at a hearing, the Authority may -
 - (a) where it considers it to be necessary in the public interest, adjourn the hearing to a specified date; or
 - (b) hold the hearing in the party's absence.

- (3) Where the Authority holds the hearing in the absence of a party, the Authority shall consider at the hearing the application, representations or notice made by that party.
- (4) Where the Authority adjourns the hearing to a specified date, it must forthwith notify the parties of the date, time and place to which the hearing has been adjourned.

Procedure to be followed at the hearing

- At the beginning of the hearing, the Authority shall explain to the parties the procedure that will be followed and shall consider any request by a party for permission for another person to appear at the hearing.
- The hearing will usually be conducted in public, although the Sub-Committee may exclude the public from all or part of a hearing where it is considered expedient.
- The hearing will take the form of a discussion led by the Authority and cross-examination will not normally be permitted unless the Authority considers that cross-examination is required for it to consider the representations, application, or notice, as the case may require.
- The hearing will proceed as follows:-
 1. The Chair to open the meeting, introducing Members and officers to all parties, members of the public, explain the nature of the application and the procedure to be followed.
 2. The applicant or their representative; relevant Authorities or their representatives; objectors or their representative to introduce themselves to the Sub-Committee.
 3. The Chair to ensure everyone has a full copy of documents for the hearing and to deal with any preliminary issues that may affect the hearing, for example, an application for an adjournment to consider fresh or late evidence.
 4. The Licensing Officer to tender a report to the Sub-Committee, outlining the application, any relevant representations and relevancies to the Local Authority licensing policy statement and statutory guidance.
 5. The Sub-Committee or other parties to seek points of clarification from the Licensing Officer on his report, if necessary.
 6. The responsible Authorities, or their representatives, to make relevant representations in relation to the application.
 7. The applicant and other interested parties to ask questions of the responsible Authorities in relation to their representations.
 8. Sub-Committee Members to ask relevant questions of the responsible Authorities in relation to their representations.
 9. Interested parties to be invited, if they wish to, to make relevant representations to the Sub-Committee.
 10. The applicant or person representing them to ask questions of the interested parties in relation to their representations.

11. Sub-Committee Members to ask relevant questions of the interested parties in relation to their representations.
12. The applicant, or their representative, to present their case to the Sub-Committee.
13. The responsible Authorities, or their representatives, to ask questions of the applicant.
14. The interested parties, or their representative, to ask questions of the applicant.
15. The Sub-Committee to ask questions of the applicant.
16. The Chair to invite any parties making representations, and the applicant, to briefly summarise their case, if they wish.
17. The Chair will check that the parties have said all that they wish to.
18. The Sub-Committee will then decide on the matter in private and all persons, except the legal advisor and the Committee administrator, will withdraw from the hearing.
19. All the parties will then be recalled and the decision of the Sub-Committee will be delivered, including any conditions placed on the licence (if granted) and the licensing objective that they relate to.

Determinations

- In most cases, the Sub-Committee will make a determination at the conclusion of the hearing. In all cases, the determination will be in writing, giving reasons for the decision.
- The Sub-Committee will consider its final decision in private, accompanied by the Legal Officer and the Committee Clerk. Any legal advice given to Members of the Sub-Committee will be repeated by the Legal Officer to the parties when the decision is announced publicly.

Action following receipt of notice of hearing

- (1) A party shall give to the Authority, within the period of time provided for in the following provisions of this Regulation, a notice stating -
 - (a) whether he intends to attend or be represented at the hearing;
 - (b) whether he considers a hearing to be unnecessary.
- (2) In a case where a party wishes any other person (other than the person he intends to represent him at the hearing) to appear at the hearing, the notice referred to in Paragraph (1) shall contain a request for permission for such other person to appear at the hearing accompanied by details of the name of that person and a brief description of the point or points on which that person may be able to assist the Authority in relation to the application, representations or notice of the party making the request.
- (3) In the case of a hearing under -
 - (a) Section 48(3)(a) (cancellation of interim authority notice following police objection); or
 - (b) Section 105(2)(a) (counter notice following police objection to temporary event notice),

the party shall give the notice no later than one working day before the day or the first day on which the hearing is to be held.
- (4) In the case of a hearing under -
 - (a) Section 167(5)(a) (review of Premises Licence following Closure Order);
 - (b) Paragraph 4(3)(a) of Schedule 8 (determination of application for conversion of existing licence);
 - (c) Paragraph 16(3)(a) of Schedule 8 (determination of application for conversion of existing Club Certificate); or
 - (d) Paragraph 26(3)(a) of Schedule 8 (determination of application by holder of Justices Licence for grant of Personal Licence),

the party shall give the notice no later than two working days before the day or the first day on which the hearing is to be held.
- (5) In any other case, the party shall give the notice no later than five working days before the day or the first day on which the hearing is to be held.

Right to dispense with hearing if all parties agree

- (1) An Authority may dispense with holding a hearing if all persons required by the Act to agree that such a hearing is unnecessary, other than the Authority itself, have done so by giving notice to the Authority that they consider a hearing to be unnecessary.
- (2) Where all the persons required by the Act to agree that a hearing is unnecessary have done so in accordance with Paragraph (1), the Authority, if it agrees that a hearing is unnecessary, must forthwith give notice to the parties that the hearing has been dispensed with.

Withdrawal of representations

A party who wishes to withdraw any representations they have made may do so -

- (a) by giving notice to the Authority no later than 24 hours before the day or the first day on which the hearing is to be held; or
- (b) orally at the hearing.

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LICENSING SUB-COMMITTEE
ORDER OF PROCEEDINGS

1. Introductions.
2. Licensing Officer to present report outlining the application, relevant representations and relevance to the Local Authority licensing policy statement and statutory guidance.
3. Questions to the Licensing Officer from the Sub-Committee or other parties.
4. Reviewing authority to present their case.
5. Other responsible authorities, interested parties and Sub-Committee to ask questions of the reviewing authority.
- 6.. Other responsible authorities to present their case.
7. The licence holder/representative, other responsible authorities, interested parties and Sub-Committee to ask questions.
8. The licence holder/representatives to present their case.
9. Reviewing authority, other responsible authorities, interested parties and Sub-Committee to ask questions.
10. Interested parties to make representations.
11. Licence holder/representatives, responsible Authorities and Sub-Committee to ask questions of the interested parties.
12. All parties to briefly summarise their case.
13. The Chair to check that all parties have said all they wish to.
14. The Sub-Committee to deliberate in private, all persons except the Legal Adviser and Committee Administrator, to withdraw from the hearing.
15. All parties to be recalled and advised of the Sub-Committee's decision and inform parties in regard to the right of appeal to the Magistrates Court under Section 181 of the Licensing Act 2003

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Walsall Council

REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES

LICENSING SUB - COMMITTEE

12 MAY 2022

APPLICATION FOR A PREMISES LICENCE REVIEW UNDER SECTION 167 OF THE LICENSING ACT 2003

**SPAR (formerly Known as Aldridge News & Booze)
62 Walsall Road
Aldridge
Walsall
WS9 0JW**

1.0 Summary of Report

- 1.1 For members of the licensing sub-committee to determine a review of a premises licence in respect of a "Spar" convenience store at 62 Walsall Road, Aldridge, Walsall WS9 0JW. The licence is held by Mr Paul Sapra who is also the Designated Premises Supervisor ("DPS"). This review hearing is triggered automatically under the terms of section 167 of the Licensing Act 2003. It follows the making of a Closure Order by Black Country Magistrates' Court on 23 March 2022. The Court made that Closure Order following an application by West Midlands Police ("WMP") under the Anti-Social Behaviour, Crime and Policing Act 2014. (A further review application made by WMP under section 51 of the Licensing Act 2003 is duplicative and has been withdrawn by WMP prior to hearing).
- 1.2 The application cannot be determined under officer-delegated authority.

2.0 Recommendations

- 2.1 That the licensing sub-committee hold a hearing to consider the Closure Order and the further relevant representations and take such steps, if any, as it considers appropriate and proportionate for the promotion of the licensing objectives in relation to this premises.
- 2.2 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- (a) modify the conditions of the premises licence (which includes adding new conditions or altering or omitting any existing condition including permitted hours);
- (b) exclude a licensable activity from the scope of the licence;
- (c) remove the designated premises supervisor;
- (d) suspend the licence for a period not exceeding three months; or
- (e) revoke the licence.

(Where the authority takes a step within (a) or (b) above, it may provide that the modification or exclusion is to have effect only for a specified period not exceeding three months).

- 2.3 The Licensing Authority must reach a determination on the review no later than 28 days after the day on which it receives the notice from the Magistrates' Court of the Closure Order (under section 167(3) of the Licensing Act 2003 Act). The Court emailed its notification to the Licensing Authority on 20 April 2022.

Determination of the review must therefore be made by 18 May 2022 (although detailed reasons may follow after this date if necessary).

3.0 Background information

- 3.1 The current premises licence which includes the conditions and premises plan is attached as **Appendix 1**. The premises was previously licensed under the Licensing Act 1964 which was replaced by the Licensing Act 2003 which came in to force on the 24th November 2005. The current licence has been in place since then. Mr Paul Singh Sapra took over the premises and became the premises licence holder from the 3rd January 2020 following a transfer of the premises licence and application to vary the Designated Premises Supervisor ("DPS").
- 3.2 The premises is licensed for the sale of alcohol for consumption off the premises (only) during these hours:
- Monday to Saturday: 08:00 – 23:00
 Sunday: 10:00 – 22:30
- (There are currently no stipulated restrictions on "Opening Hours" and so the premises may open for 24 hours a day all week.)
- 3.3 A street map of the locality and shop front is given as **Appendix 2**.
- 3.4 WMP initially served a Closure Notice on the Premises Licence Holder on 21 March 2022. The police provide information relating to the following concerns:

- (a) A large scale disorder near to the store in Oakley Avenue, Aldridge on 14 February 2022 linked to youths aged 15-16 engaged in “postcode wars” who frequented the Spar store and were using the side alleyway of the store as a place to hide weapons (including a claw hammer).

CCTV evidence showed one of the youths involved in the disorder enter the store asking for the hammer.

- (b) On 19 February 2022 due to concerns of violence and tensions within the school and the local area WMP was in the area and attended the store. An officer was approached by the Premises Licence Holder who disclosed a metal wrench had been found in the alleyway.
- (c) WMP cite a “high-level” of intelligence reports suggesting that the store was facilitating county lines drugs supply by using young students and ex-students of Aldridge School to sell cannabis from the shop and use it to store weapons. A “multitude” of intelligence reports suggested the shop was responsible for selling alcohol, cigarettes and illegal vapes to children.
- (d) On 23 February 2022 a Trading Standards operation was completed at the store where a 15 year old volunteer was able to purchase a “Elux Blueberry Raspberry Vape Bar” (which contains nicotine and is age-restricted to 18 plus). The seller was not the licence holder and he did not ask the volunteer for his age or identification. The sale of products containing nicotine to children is a criminal offence. 57 illegal vapes were removed from the store as they were non-compliant with safety legislation by virtue of containing an excess amount of e-liquid. (The licence holder and seller are under investigation by Trading Standards for criminal offences).
- (e) Later on 23 February 2022, a member of staff was later arrested at the store for possession of cannabis (found in the kitchen area) and an offensive weapon (a “Rambo” style knife found underneath the counter). On 15 March 2022 this staff member was later found guilty of possession of cannabis and received a court fine.
- (f) Due to continued concerns of anti-social behaviour and potential violence within the area extra police patrols were deployed around the nearby school and store.
- (g) On 17 March 2022 youths are seen on CCTV coming and going from the store. These youths include a female who appeared to be under the age of 18 vaping on the car park. Two youths are seen entering the store, one wearing a balaclava. One youth is a named offender alleged to be involved in the violent disorder on 14 February 2022 (where a “Zombie-knife” was involved”).

They have hidden in the rear of the store with the apparent permission of the Premises Licence Holder, Mr Paul Sapra, who was present. A male, who appeared under the age of 18, was seen standing in the doorway with a balloon in his mouth (believed to contain illegal nitrous oxide gas). A teacher from the local school is later seen entering the store. CCTV footage was viewed by police the following day which revealed further information. Groups of youths are seen attending the store. Some were seen vaping freely inside the premises without being challenged. They were in school uniform and appeared to be under the age of 18.

The Premises Licence Holder, Mr Paul Sapra, was in the store at the time. Mr Sapra can be heard saying “teachers are coming” as if to warn the students. The youths verbally abuse the teacher when he enters. Once the teacher leaves the store Mr Sapra can be heard saying “not inside the shop, you can beat him up outside, I don’t care, just not inside the shop”. A large dog can be seen behind the counter. A male can be seen returning from the back of the store and putting his balaclava back on prior to leaving the store.

- (h) WMP have concerns in relation to young and vulnerable children attending the store and have made a number of referrals to social services. WMP have liaised with Aldridge School on a regular basis. There are community tensions and risks of further disorder occurring in and around the area of the Spar store that is negatively impacting the community. This has increased significantly over the past 6 months
- (i) On 21 March 2022 WMP served a Closure Notice on the Premises Licence Holder under section 76 of the Anti-social Behaviour, Crime & Policing Act 2014.
- (j) On 23 March 2022 Black Country Magistrates’ Court considered the Closure Notice at a hearing and issued a Closure Order under section 80 of the same Act for a period of 3 months effective until 15 June 2022. The Closure Order did not close the premises. Instead, it permitted the premises to open but subject to the following restrictions agreed to by the CPS and defendant’s legal representative:
 - a. A named member of staff (Mr Gafar Hussain) to be banned indefinitely from the store and not to be present there at any time from 24 March 2022;
 - b. To utilise SIA accredited staff at the store between the hours of 08:00-10:00hrs and 14:00-17:00hrs;
 - c. No under 18’s to be present in the store unless accompanied by an adult over the age of 21;

- d. To only utilise appropriate staff having conducted appropriate background checks as to suitability.

A copy of the notice from Magistrates' Court together with the Closure Order is attached as **Appendix 3**.

- 3.5 The Closure Order states that the Court was satisfied that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or serious nuisance to members of the public.
- 3.6 Following the issuance of the Closure Order on 23 March 2022, the police have visited the store and witnessed breaches of the terms of the Court's Closure Order by the Premises Licence Holder as follows:
 - (a) On 28 March 2022 police attended the store at 16:22hrs. The store was open but operating without SIA accredited door staff.
 - (b) On 29 March 2022 police attended the store at 16:25hrs. The store was open but operating without SIA accredited door staff.
- 3.7 On 19 April 2022 WMP applied for a (duplicative) review of the premises licence under section 51 of the Licensing Act 2003. The police believe that since the Premises Licence Holder has not complied with the terms of the Closure Order, he is unlikely to comply with conditions on his Premises Licence. Given the issues relating to weapons, drugs, illegal vaping, underage sales at the store and associated anti-social behaviour, the police believe operation of the store undermines all four of the licensing objectives, namely the prevention of crime and disorder, prevention of public nuisance, public safety, and the protection of children from harm. WMP believe there has been a serious lack of management at this premises and request that the Licensing Authority revoke the Premises Licence.
- 3.8 In accordance with Regulation 37 of the Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 a notice was served to the premises licence holder and all statutory responsible authorities under the act notifying them of the Licensing Authorities duty to review the premises licence following the Closure Notice. A copy of the notice is attached as **Appendix 4**. This notice was served to all relevant parties on the 20/04/2022.
- 3.9 The application was advertised on a pale blue notice under regulation 38 for a period of 7 days at the premises and also on the council's website and building. The last date for representations to the application was 27/04/2022.

4. Representations

4.1 Representations/Responses from Responsible Authorities

Police

Appendix 5 is a copy of the police representation together with statements from Police Officers in relation to the activities that have been taking place at the premises and police concerns. The email was received from West Midlands Police on the 26 April 2022. The police ask for the Premises Licence to be revoked.

Trading Standards

Appendix 6 is a copy of the representation received from Walsall Council Trading Standards on the grounds of Crime & Disorder. The representations relate to the incident involving a worker at the premises who sold a vape to a child on 23 February 2022 and the seizure of 57 non-compliant vapes. The officer also cites five complaints made to Trading Standards over the last few years alleging that the staff at this store regularly sell alcohol, vapes and cigarettes to minors some as young as 12 or 13 years of age. The Trading Standards officer supports the police proposal that the Premises Licence be revoked.

4.2 Representations from 'other persons'

During the consultation period, the Licensing Authority received 5 representations from the landlord of the property and people who live locally. These representations are supportive of the Premises Licence Holder. Suggestions are made that the issues that gave rise to this review were the fault of a member of staff employed by the Licence Holder. They indicate the store provides a valuable service to the locality. Copies of the representations are attached as **Appendix 7**.

5. Walsall Council Licensing Policy

5.1 Please click this link to access Walsall Council's Statement of Licensing Policy or copy the URL address into a search bar:

https://go.walsall.gov.uk/business/licensing_and_regulation/alcohol_and_entertainment/premises_licence

6. Resource Considerations.

6.1 **Financial: Any decision taken by the Licensing Authority may be appealed to the Magistrates' Court. The Licensing Authority would have to bear the costs of defending such an appeal.**

- 6.2 **Legal:** Any received application for review must be relevant to the promotion of the licensing objectives namely: Prevention of Crime and Disorder, Public Safety, Prevention of Public Nuisance, Protection of Children from Harm.

In determining the review application the licensing sub committee must have regard to:

- The need to promote the four licensing objectives.
- Representations made.
- Relevant sections of the Licensing Act 2003.
- Relevant sections of the statutory guidance issued under s.182 of the Licensing Act 2003.
- The Licensing Authority's Statement of Licensing Policy.

7. Relevant extracts from Section 182 Guidance:

- 7.1 Paragraph 10.28 of Section 182 Guidance issued under The Licensing Act 2003 states:

The 2003 Act does not require a designated premises supervisor or any other personal licence holder to be present on the premises at all times when alcohol is sold. However, the designated premises supervisor and the premises licence holder remain responsible for the premises at all times including compliance with the terms of the 2003 Act and conditions attached to the premises licence to promote the licensing objectives.

Reviews

- 7.2 Chapter 11 of the section 182 Guidance deals with "Reviews". The following paragraphs may be of particular relevance:

11.1 - *The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate*

11.7 - *In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a*

geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.

11.10 - Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this cooperation.

11.19 - Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;*
- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);*
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;*
- suspend the licence for a period not exceeding three months;*
- revoke the licence.*

11.20 - In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 - *For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.*

11.22 - *Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.*

Reviews arising in connection with crime

11.24 - *A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.*

11.25 - *Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.*

11.26 - *Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective.*

It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder.

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;*
- 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.*

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.

Representations from Responsible Authorities

- 7.3 Paragraph 9.12 of the Section 182 Guidance relates to the role of responsible authorities and states:

9.12 - Each responsible authority will be an expert in their respective field, and in some cases it is likely that a particular responsible authority will be the licensing authority's main source of advice in relation to a particular licensing objective. For example, the police have a key role in managing the night-time economy and should have good working relationships with those operating in their local area. The police should usually therefore be the licensing authority's main source of advice on matters relating to the promotion of the crime and disorder licensing objective. However, any responsible authority under the 2003 Act may make representations with regard to any of the licensing objectives if they have evidence to support such representations. Licensing authorities must therefore consider all relevant representations from responsible authorities carefully, even where the reason for a particular responsible authority's interest or expertise in the promotion of a particular objective may not be immediately apparent. However, it remains incumbent on all responsible authorities to ensure that their representations can withstand the scrutiny to which they would be subject at a hearing.

Public Nuisance

- 7.4 Paragraphs 2.15 - 2.16 of the Section 182 Guidance concerns the meaning of "public nuisance" and states:

2.15 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.16 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in

the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.

8. Relevant Representations

8.1 In determining whether a representation is 'relevant', and may therefore be taken into account, the Sub-Committee must have regard to Sections 18(6) and 18(7) of the Licensing Act 2003, which state:

8.2 18(6) For the purposes of this section, "relevant representations" means representations which—

- (a) are about the likely effect of the grant of the premises licence on the promotion of the licensing objectives;
- (b) meet the requirements of subsection (7);
- (c) if they relate to the identity of the person named in the application as the proposed premises supervisor, meet the requirements of subsection (9); and
- (d) are not excluded representations by virtue of section 32 (restriction on making representations following issue of provisional statement).

18(7) the requirements of Section 18 subsection (7), referenced above, are—

- (a) that the representations were made by a responsible authority or other person] within the period prescribed under section 17(5)(c);
- (b) that they have not been withdrawn; and
- (c) in the case of representations made by a person who is not a responsible authority, that they are not, in the opinion of the relevant licensing authority, frivolous or vexatious

8.3 Licensing Objectives

The Licensing Objectives are:

- The prevention of crime and disorder;
- The prevention of public nuisance;
- Public Safety; and
- The protection of children from harm.

8.4 Conditions

Any conditions imposed on the Premises Licence :

- must be appropriate for the promotion of the licensing objectives;
- must be precise and enforceable;
- must be unambiguous and clear in what they intend to achieve;
- should not duplicate other statutory requirements or other duties or responsibilities placed on the employer by other legislation;
- must be tailored to the individual type, location and characteristics of the premises and events concerned;
- should not be standardised and may be unlawful when it cannot be demonstrated that they are appropriate for the promotion of the licensing objectives in an individual case;
- should not replicate offences set out in the 2003 Act or other legislation;
- should be proportionate, justifiable and be capable of being met;
- cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- should be written in a prescriptive format.

8.5 Conditions must be targeted on deterrence and preventing crime and disorder including the prevention of illegal working in licensed premises (see paragraph 10.10). For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television (CCTV) cameras both inside and immediately outside the premises can actively deter disorder, nuisance, anti-social behaviour and crime generally.

Some licence holders may wish to have cameras on their premises for the prevention of crime directed against the business itself, its staff, or its customers. But any condition may require a broader approach, and it may be appropriate to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

8.6 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 8.7 Licensing authorities are best placed to determine what actions are appropriate for the promotion of the licensing objectives in their areas. All licensing determinations should be considered on a case-by-case basis. They should take into account any representations or objections that have been received from responsible authorities or other persons, and representations made by the applicant or premises user as the case may be.
- 8.8 The authority's determination should be evidence-based, justified as being appropriate for the promotion of the licensing objectives and proportionate to what it is intended to achieve.

Appeals

- 8.9 Where the applicant, responsible authority, or other persons is aggrieved by the decision of the Licensing Authority, appeal is to Magistrates Court where the reasonableness or otherwise of the decision will be tested.

9. Anti-Social Behaviour, Crime and Policing Act 2014

- 9.1 Section 76 states:

A police officer of at least the rank of inspector, or the local authority, may issue a closure notice if satisfied on reasonable grounds—

- (a) that the use of particular premises has resulted, or (if the notice is not issued) is likely soon to result, in nuisance to members of the public, or
- (b) that there has been, or (if the notice is not issued) is likely soon to be, disorder near those premises associated with the use of those premises, and that the notice is necessary to prevent the nuisance or disorder from continuing, recurring or occurring.

(2) A closure notice is a notice prohibiting access to the premises for a period specified in the notice. For the maximum period, see section 77.

(3) A closure notice may prohibit access—

- (a) by all persons except those specified, or by all persons except those of a specified description;
- (b) at all times, or at all times except those specified;
- (c) in all circumstances, or in all circumstances except those specified.

(4) A closure notice may not prohibit access by—

- (a) people who habitually live on the premises, or

- (b) the owner of the premises, and accordingly they must be specified under subsection (3)(a).

9.2 Section 80 states:

- (1) Whenever a closure notice is issued an application must be made to a magistrates' court for a closure order (unless the notice has been cancelled under section 78).
- (2) An application for a closure order must be made—
 - (a) by a constable, if the closure notice was issued by a police officer;
 - (b) by the authority that issued the closure notice, if the notice was issued by a local authority.
- (3) The application must be heard by the magistrates' court not later than 48 hours after service of the closure notice.
- (4) In calculating when the period of 48 hours ends, Christmas Day is to be disregarded.
- (5) The court may make a closure order if it is satisfied—
 - (a) that a person has engaged, or (if the order is not made) is likely to engage, in disorderly, offensive or criminal behaviour on the premises, or
 - (b) that the use of the premises has resulted, or (if the order is not made) is likely to result, in serious nuisance to members of the public, or
 - (c) that there has been, or (if the order is not made) is likely to be, disorder near those premises associated with the use of those premises, and that the order is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.
- (6) A closure order is an order prohibiting access to the premises for a period specified in the order. The period may not exceed 3 months.
- (7) A closure order may prohibit access—
 - (a) by all persons, or by all persons except those specified, or by all persons except those of a specified description;
 - (b) at all times, or at all times except those specified;
 - (c) in all circumstances, or in all circumstances except those specified.
- (8) A closure order—
 - (a) may be made in respect of the whole or any part of the premises;
 - (b) may include provision about access to a part of the building or structure of which the premises form part.
- (9) The court must notify the relevant licensing authority if it makes a closure order in relation to premises in respect of which a premises licence is in force.

10. **Staffing:** Nothing arising from this report.

11. **Citizen impact**

11.1 None arising from this report.

12. **Community Safety.**

12.1 Is addressed through the review hearing process.

13. **Environmental impact**

13.1 None arising from this report.

14. **Performance and risk management issues**

14.1 None arising from this report.

15. **Equality implications**

15.1 When considering this review and reaching a determination the Licensing Authority must always have due regard to the Public Sector Equality Duty set out in section 149 of the Equality Act 2010:

A public authority must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

16. **Consultation**

16.1 Carried out in accordance with prescribed regulation.

17.0 **Contact Officer**

17.1 Sayful Alom – Sayful.alom@walsall.gov.uk

18.0 **Appendices**

18.1 Appendix 1 – Current premises licence.
Appendix 2 – Street map of the locality.
Appendix 3 – Notice from Magistrate's and Closure Order
Appendix 4 – Notice of Review to Licence Holder and RA's

Appendix 5 – Police Representation
Appendix 6 – Trading Standards Representation
Appendix 7 – Representations from ‘Other Persons’



Licensing Act 2003 Premises Licence Number: WS/PRL/0369

(Walsall Council reference WK/202000207)

Part 1 – Premises details

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

Aldridge News and Booze
62 Walsall Road
Aldridge
Walsall
WS9 0JW

Telephone number of premises

Where the licence is time limited the dates

The licence is not time limited

Subject to the conditions set out in this licence and its annexes, the following licensable activities are licensed:

Alcohol Sales for consumption off the premises.

The times the licence authorises the carrying out of licensable activities

Alcohol Sales

Monday to Saturday 08:00 – 23:00
Sunday 10:00 – 22:30

Plus non-standard times detailed in operating schedule (Annex 2)

The opening hours of the premises

This is a "conversion" from a Licence under a previous licensing regime whereby premises opening hours were not stipulated

Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Only "Off"

Part 2 – Details of Licence Holder**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Mr Paul Sapra



Tel:

**Registered number of holder, for example company number, charity number (where applicable)**

Not applicable

Part 3 – Details of Designated Premises Supervisor**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Paul Sapra



Tel:



Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol

Paul Sapra

Personal Licence Number – [REDACTED]

Licensing Authority – [REDACTED]

Part 4 – Licence approval

Approved on behalf of Walsall Metropolitan Borough Council



Stephen Gunther
Director of Public Health

Effective from: 20 December 2019 (*Original Licence: 24th November 2005*)

Mandatory Licensing Conditions (Amendment) Order 2014

1. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises—
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).

2. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 - (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.
4. The responsible person must ensure that—
 - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml;
 - (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.”

Mandatory Licensing Conditions Order 2014

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. In this condition:—
 - (a) “permitted price” is the price found by applying the formula $P = D + (D \times V)$, where—
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (b) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence—
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (ii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) “value added tax” means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.
4. Where the permitted price on a day (“the first day”) would be different from the permitted price on the next day (“the second day”) as a result of a change to the rate of duty or value added tax, the permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 - Conditions consistent with the Operating Schedule

Alcohol Sales Off the Premises			
Day	Start	Finish	Plus non-standard times
Mon	08:00	23:00	Good Fridays 08.00 to 22.30
			Christmas Day 12.00 to 15.00
Tues	08:00	23:00	19.00 to 22.30
Wed	08:00	23:00	
Thurs	08:00	23:00	
Fri	08:00	23:00	
Sat	08:00	23:00	
Sun	10:00	22:30	

The following adult entertainment or services, activities or other matters ancillary to the use of the premises that might give rise to concern in respect of children have been highlighted by the applicant:

None

Conditions volunteered by the applicant in order to promote the licensing objectives:

(a) General – all four licensing objectives

None

(b) The prevention of crime and disorder

None

(c) Public safety

None

(d) The prevention of public nuisance

None

(e) The protection of children from harm

None

Conditions agreed by the applicant following mediation

None

Annex 3 - Conditions attached after a hearing by the licensing authority

Not applicable - this application was not subject to a hearing.

Annex 4 – Plans

Plans detailing those aspects of the premises covered by this Licence form part of this Licence and are attached.

End of annexes

O = FIRE EXTINGUISHER

NOTES

Liquor/Spirit to be displayed behind the Counter.

All shelf fittings to be plastic coated metal type including back bars.

All fittings to be easily cleanable.

Fire Extinguishers to be installed to comply with the requirements of West Midlands Fire Services Authority.

Premises are protected by Roller shutters and Security Alarm System.

SOFT DRINK CHILLERS

BEER CHILLER

SCREEN





Sayful Alom

From: BC-Enquiries <BC-Enquiries@Justice.gov.uk>
Sent: 20 April 2022 09:27
To: Licensing
Cc: Sayful Alom
Subject: RE: SPAR - Closure Order - Case Ref: 202200116117
Attachments: CLOSURE ORDER.pdf


CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

Good Morning,

Please see attached closure order.

Regards

Laura Elliott
 Administration Officer
 HMCTS | Black Country Magistrates' Courts | Dudley Court House | DY1 1RY
 Phone: 01902 773151
 Web: gov.uk/hmcts

 HM Courts & Tribunals Service

[Coronavirus \(COVID-19\): courts and tribunals planning and preparation](#)

[Here is how HMCTS uses personal data about you](#)

From: Sayful Alom <Sayful.Alom@walsall.gov.uk>
Sent: 19 April 2022 17:38
To: BC-Enquiries <BC-Enquiries@Justice.gov.uk>
Subject: SPAR - Closure Order - Case Ref: 202200116117

Hi,

West Midlands Police have informed Walsall council's Licensing Authority that the above premises was served a closure order.

Please can the magistrate's court serve a copy of the closure order to Walsall Council's Licensing Authority (Licensing@walsall.gov.uk).

The case reference is 202200116117.

The notice must be served in line with section 167 of the Licensing Act 2003 to the local authority to then review the premises licence.

Please can someone give me a call or respond to my enquiry.

Kind Regards

Page 40 of 93

Muhammed Sayful Alom
Team Leader (Licensing)
Resilient Communities
Economy Environment & Communities

Walsall MBC
Civic Centre,
Darwall Street,
Walsall,
WS1 1TP.

Tel: 07788 326927

sayful.alom@walsall.gov.uk **Chat with me in Teams!**

Licensing@walsall.gov.uk

Taxilicensing@walsall.gov.uk

www.walsall.gov.uk

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content may be read at any time. You have a responsibility to ensure laws are not broken when composing or forwarding e-mails and their contents.



Closure order

Premises:

The Store 'Spar'
62 Walsall Road
Aldridge
Walsall
West Midlands
WS9 0JW

Case number: **202200116117**

Respondents: PAUL SOPRA

The court has considered a closure order made on 23 March 2022 on the ground that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public.

Order

The premises are to be **closed immediately** to all persons and **remain closed** for **3 months** from the date of this order.

residents or visitors to the residential premises immediately above the Spar shop at 62A Walsall Road, Aldridge, Walsall, West Midlands WS9 0JW may be admitted onto the premises for the purpose of To reside or visit the residential premises above the Spar shop at 62A Walsall Road, Aldridge, Walsall, West Midlands WS9 0JW.

The Court makes the following Order A. To utilise, SIA accredited door staff to enforce paragraph 1 below for the duration of the Order, between the hours of 8:00 to 10:00 and 14:00 to 17:00. B. To only utilise appropriate to assist in the shop employed or otherwise having conducted appropriate background checks as to suitability in light of this application. 1. From 08:00am on 24 March 2022 the following persons are excluded from the premises known as 62 WALSALL ROAD ALDRIDGE WS90JW, and shown in Schedule 1 below, for a period of 3 months, being to 23:59 15 June 2022. a. Gafar HUSSAIN born 26 September 1995; b. All minors under the age of 18, unless accompanied by an adult of at least 21 years of age..

Warning

A person who, remains on or enters the premises in contravention of this order is liable to a fine or imprisonment or both.

Head of Legal Operations Midlands

Date: 23 March 2022

Justices' Clerk

Offences

202200116117/1

Application for a closure order following service of a notice on 21/03/2022 in respect of All persons who do not own and/or are not habitually resident in The Store at 62 Walsall Road, Aldridge, Walsall, WS9 0JW.
Pursuant to section 80 of the Anti-social Behaviour, Crime and Policing Act 2014.

COPY



LICENSING ACT 2003

NOTICE OF REVIEW FOR PREMISES LICENCE

Notice is hereby given that Walsall Council Licensing Authority has received notice pursuant to section 167 of the Licensing Act 2003 from the Magistrate's Court following a closure order for the premises relating to:

SPAR
62 Walsall Road
Aldridge
Walsall
WS9 0JW

Following this notice, the Licensing Authority will be reviewing the premises licence pursuant to section 167 of the Licensing Act 2003.

Interested parties and responsible authorities may make representations to the Licensing Unit at: The Licensing Unit, Walsall Council, Civic Centre, Darwall Street, Walsall, WS1 1TP or via email:

Licensing@walsall.gov.uk.

Any person wishing to make representations should do so in writing between 21 April 2022 to 27 April 2022.

Details of the notice and Licensing Register may be viewed by sending a request to Licensing@walsall.gov.uk.

A copy of the closure order from the Magistrate's is also attached with this notice.

20 April 2022

Reba Danson

From: Reba Danson on behalf of Licensing
Sent: 27 April 2022 14:41
To: Walsall Licensing
Subject: RE: [External]: Premises Licence Review following Closure Order

Hi Jennifer,

Thank you for your email, this is to acknowledge receipt.

Kind regards



Reba Danson
Licensing Officer
Resilient Communities
Economy Environment & Communities

Walsall MBC
Civic Centre
Darwall Street
Walsall
WS1 1TP



www.walsall.gov.uk

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From: Walsall Licensing <H_WALSALL_LICENSING@westmidlands.police.uk>
Sent: 26 April 2022 12:13
To: Licensing <Licensing@walsall.gov.uk>
Cc: Walsall Licensing <H_WALSALL_LICENSING@westmidlands.police.uk>
Subject: RE: [External]: Premises Licence Review following Closure Order

CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

Please find attached West Midlands Police evidence in support of the Licensing Authorities Review of the Spar Store in Aldridge.

Can you please confirm receipt and advise if I need to serve the attached papers on any of the Responsibly Authority's or the Premise Licence Holder.

Kind regards

Jennifer

Jennifer Mellor
Walsall Licensing and Regulatory Services Officer
Walsall Partnership Team
Walsall Police
Civic Centre, Walsall

Sign-up for neighbourhood policing alerts at www.wmnow.co.uk

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www.twitter.com/wmpolice

From: Reba Danson <Reba.Danson@walsall.gov.uk> **On Behalf Of** Licensing
Sent: 20 April 2022 12:23
To: Walsall Licensing <H_WALSALL_LICENSING@westmidlands.police.uk>; alcohol@homeoffice.gsi.gov.uk; firesafety.admin <firesafety.admin@wmfs.net>; Neil Aston-Baugh <Neil.Aston-Baugh@wmfs.net>; Community Protection <CommunityProtection@walsall.gov.uk>; TradingStandards <TradingStandards@walsall.gov.uk>; Environmental Health <EnvironmentalHealth@walsall.gov.uk>; Namita Mistry <[REDACTED]> planningsservices <planningsservices@walsall.gov.uk>; Rebecca Warren <[REDACTED]> Janice Rowley <[REDACTED]> PHBusinessSupport <PHBusinessSupport@walsall.gov.uk>
Cc: Sayful Alom <[REDACTED]>
Subject: [External]: Premises Licence Review following Closure Order
Importance: High

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Dear Colleague,

I am writing to notify you that the Council has received a **Closure Order** in respect of the premises below and the Licensing Authority must now review the premises licence issued under the Licensing Act 2003:

Premises: Spar, 62 Walsall Road, Aldridge, Walsall, WS9 0JW

Please see the attached Notice informing you of the grounds for the review and [please note the 7 DAY consultation period.](#)

The application documents are attached and the **last day for representations is 27 April 2022.**

Please let me know if you require any further information.

Kind regards



Reba Danson
Licensing Officer
Resilient Communities
Economy Environment & Communities

Walsall MBC
Civic Centre
Darwall Street
Walsall
WS1 1TP

www.walsall.gov.uk

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Licensing Authority Review
Spar, 62 Walsall Road, Aldridge, Walsall WS9 0JW
West Midlands Police Supporting Evidence

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WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. **N/A**URN **N/A**

Statement of Jennifer Mellor

Age if under 18 over 18 (if over 18 insert "over 18")

Occupation Walsall Licensing & Regulatory Service
Officer, West midlands Police

This statement (consisting of 5 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature: (witness)

Date 25 April 2022

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

I am Jennifer Mellor 60384, Walsall Licensing and Regulatory Services Officer currently stationed at Walsall Police Station.

This statement is a timeline of notifiable incidents occurring at the Spar Store, 62 Walsall Road, Aldridge, Walsall from the period 14th February 2022 to April 2022. The information has been gained from speaking with police officers and officers of Walsall Borough Council. I have researched police and external systems and read police officer statements. The purpose of this statement is to provide supporting evidence in support of the Licensing Review served by the Walsall Council Licensing Authority.

On the 14th February 2022 a large-scale disorder at Oakley Avenue, Aldridge occurred which resulted in police officers visiting the Spar Store 62, Walsall Road as information received linked the disorder with youths frequenting the store. The Premise Licence Holder (PLH) and Designated Premise Supervisor (DPS) Paul Sapra advised, youths were using the side alleyway of the store as a place to hide weapons as he had seized a claw hammer which has been placed in the alleyway on the same day as this disorder had occurred.

Police returned to view internal CCTV and evidenced one of the youths involved in the disorder enter the store asking for the hammer. Of note, the Premise Licence holder had not called the police prior to the officer's visit to record the finding of this claw hammer which was then seized by the Police.

On the 19th February 2022 due to concerns of violence and tensions within the school and the local area which West Midlands Police were aware of, PC Whittaker on patrol in the vicinity, was approached by the Premise Licence Holder who disclosed a metal wrench had now been found in the alleyway. This again was seized by police.

Signature Page 52 of 83 Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

On the 23rd February 2022 a Trading Standards operation was completed at the shop where a 15-year-old volunteer was able to purchase an Elux Blueberry Raspberry vape bar which was non-compliant resulting in the seizure of 57 illegal vapes. This vape bar is an age restricted product and should not be sold to anyone under the age of 18 years of age. Trading Standards and West Midlands Police returned to the store after the sale took place which resulted in the arrest of a member of staff for Possession of a Controlled Drug namely Cannabis and Possession of an Offensive Weapon. The drugs were found in the kitchen area and the Offensive Weapon, a Rambo style knife was found underneath the counter.

Due to the continued concerns of anti-social behaviour, potential violence within the area which the school and the police were receiving, extra patrols were necessary to reduce the risk of harm around the school and the store. An additional camera was installed by Walsall Borough Council in the area to support the work of the police around the local anti-social behaviour concerns.

On 15th March 2022 the member of staff found in possession of cannabis on 23rd February (as mentioned above) was found guilty and received £75 fine and £185 court costs fee.

On 17th March 2022 from the footage viewed on the Walsall Borough Councils re-deployable camera, youths are seen coming and going from the shop including a female vaping on the car park which officers believed to be under the year of 18 years of age and a male standing in the doorway with a balloon in his mouth who, was also in the officer's opinion, under the age of 18 years of age. From the same footage, a number of youths can be seen entering the store, shortly after a teacher can be seen from the local school entering the shop.

On the 17th March 2022 the Neighbourhood policing team contacted the Walsall Licensing for advice and support as the level of concerns and the intelligence received was a concern.

On 18th March 2022 PC 23760 Phillips with PC Greenfield visited the Spar store after receiving intelligence and used police bodycam to record the internal footage from the store cameras from the 17th March. Officer's evidenced youths attending the store in large groups, some of these youths were seen vaping freely inside the premise without being challenged. These youths were in school uniform and in the officer's opinion; these children were below the age of 18 years of age whilst Mr Sapra was in the store. Full details

Signature

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Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

are provided in PC Phillips statement which will be provided in the evidence attached.

On 18th March 2022 When PC Whittaker viewed the footage that has been recorded on PC 23760 Phillips police bodycam which related to the same time and date when the two youths mentioned above were in the store, these youths can be seen inside running into the private part of the shop. Paul Sapra the Premise Licence holder can be heard saying "Teachers are coming" as if to warn the students. There are also other students of school age seen vaping in the store in the presence of the Premise Licence Holder. Students can be heard giving the teacher verbal abuse such as "get the fuck out". Once the teacher leaves the store the Premise Licence Holder can be heard saying "not inside the shop, you can beat him up outside I don't care just not inside the shop". The footage also evidences students inhaling what police officers believe to be C02 from balloons inside the store.

On Monday 21st March a Closure Notice was served on the Premise Licence Holder

On Wednesday 23rd March PC Whittaker and PC Phillips attended Black Country Magistrates Court where the court issued a Closure Notice with the following restrictions:

- Closure Order given for 3 months effective from 12:00 today until 15th June 2022
- A named member of staff to be banned indefinitely from the store and not to be present there at any time
- For SIA accredited staff to be present at the store between the hours of 08:00-10:00 and 14:00-17.00
- No under 18's to be present in the store unless accompanied by an adult over the age of 21
- For any future staff to be DBS checked prior to undertaking any work at the store.

On 28th March PC Whittaker and PC Greenfield attended the Star store at 16:22hours. The store was open and operating without an SIA accredited door staff at the time that it should have according the undertaking listed in the Closure Order.

On 29th March PC Stokes and PC Waddison attended the Spar store at 16:25 hours. The store was open and operating without an SIA accredited door staff at the time that it should have according the undertaking

Signature

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Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

listed in the Closure Order.

On 19th April 2022 West Midlands Police served a Licensing Review as we believed there has been a serious lack of management at this premise with all four of the licensing objectives clearly being undermined. Police had evidenced breaches of the Closure Notice issued by the court on 23rd March 2022 which is a serious offence. The actions of the store have caused concerns within the local community and within the local school which the local policing team have worked with to alleviate this situation. West Midlands Police requested the Licensing Sub-committee to revoke this Premise Licence

On 21st April 2022 West Midlands Police were advised by Walsall Council Licensing Department their Licensing Review had not been accepted by them.

West Midlands Police fully support the Licensing Authority's Review and respectfully request the Premise Licence on this occasion be revoked. Mr Sapra has been unable to keep to the undertakings of the Closure Notice issued by the Court, we therefore believe on the balance of probabilities, any conditions added by the Licensing Sub Committee at the hearing would not be adhered to.

Signature

Page 55 of 83

Signature witnessed by

03/2016

OFFICIAL – (when complete)

4



Walsall Council

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 **The Chief Constable of West Midlands Police**

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Aldridge Spar (Name of Premise Licence is Aldridge News and Booze) 62 Walsall Road Aldridge	
Post town Walsall	Post code (if known) WS9 0JW

Name of premises licence holder or club holding club premises certificate (if known)
Mr Paul Sapra

Number of premises licence or club premises certificate (if known)
WS/PRL/0369

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)

☒ X

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

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 Chief Constable of West Midlands Police Walsall Licensing Section West Midlands Police HQ Lloyd House Birmingham B4 6NQ
Telephone number (if any) 101 8896331
E-mail address (optional) H_WALSALL_LICENSING@westmidlands.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 | X |
| 2) public safety | X |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | X |

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

On Monday 21st March 2022 Police served a Closure Notice under Section 80 of the Anti-Social Behaviour, Crime and Policing Act 2014 at the Spar Shop 62 Walsall Road, Aldridge, Walsall due to a number of concerns raised by the local neighbourhood policing team and schools. These concerns included anti-social behaviour, crime and disorder.

On Wednesday 23rd March 2022 the Police attended Black Country Magistrates Court where the court issued a Closure Notice on the grounds that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public. The Closure Notice imposed restrictions on the premises until 15th June 2022.

Weapons, drugs and illegal vapes have been seized from this premise and an underaged sale of age restricted products has been made whilst under the ownership of the Premise Licence Holder together with anti-social behaviour during the current year

Since the Court issued the Closure Notice the Premise Licence holder has breached the undertaking of that Closure Notice which is an offence.

The activities taking place at this premise clearly undermine the Crime and Disorder, Public Nuisance, Public Safety and the Protection of Children from Harm licensing objection. West Midlands Police would respectfully request the revocation of the licence.

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

On the 14th February a large-scale disorder at Oakley Avenue, Aldridge occurred which resulted in the police officers visiting the Spar Store 62, Walsall Road as information received linked the disorder with youths frequenting the store. The Premise Licence Holder (PLH) and Designated Premise Supervisor (DPS) Paul Sapra advised, youths were using the side alleyway of the store as a place to hide weapons as he had seized a claw hammer which has been placed in the alleyway on the same day as this disorder had occurred.

Police returned to view internal CCTV and evidenced one of the youths involved in the disorder enter the store asking for the hammer. Of note, the Premise Licence holder had not called the police prior to the officer's visit to record the finding of this claw hammer which was then seized by the Police.

Due to concerns of violence and tensions within the school and the local area which West Midlands Police were aware of, PC Whittaker whilst on patrol, on 19th February was approached by the Premise Licence Holder who disclosed a metal wrench had now been found in the alleyway. This again was seized by police.

On the 23rd February a Trading Standards operation was completed at the shop where a 15-year-old volunteer was able to purchase an Elux Blueberry Raspberry vape bar which was non-compliant resulting in the seizure of 57 illegal vapes. This vape bar is an age restricted product and should not be sold to anyone under the age of 18 years of age. This clearly undermines the Crime and Disorder and the Protection from Harm Licensing objective. Trading Standards and West Midlands Police returned to the store after the sale took place which resulted in the arrest of a member of staff for Possession of a Controlled Drug namely Cannabis and Possession of an Offensive Weapon. The drugs were found in the kitchen area and the Offensive Weapon, a Rambo style knife was found underneath the counter. This undermines the Crime and Disorder, Public Safety and Protection of Children from Harm licensing objectives.

Due to the continued concerns of anti-social behaviour, potential violence within the area which the school and the police were receiving, extra patrols were necessary to reduce the risk of harm around the school and the store. An additional camera was installed by Walsall Borough Council in the area to support the work of the police around the local anti-social behaviour concerns.

On 17th March 2022 from the footage viewed on the Walsall Borough Councils re-deployable camera, youths are seen coming and going from the shop including a female vaping on the car park which officers believed to be under the year of 18 years of age and a male standing in the doorway with a balloon in his mouth who, was also in the officers opinion, under the age of 18 years of age. From the same footage, a number of youths can be seen entering the store, shortly after a teacher can be seen from the local school entering the shop.

On 18th March PC 23760 Phillips with PC Greenfield visited the Spar store after receiving intelligence and used police bodycam to record the internal footage from the store cameras from the 17th March. Officer's evidenced youths attending the store in large groups, some of these youths were seen vaping freely inside the premise without being challenged. These youths were in school uniform and in the officer's opinion; these children were below the age of 18 years of age whilst MR Sapra was in the store. Full details are provided in PC Phillips statement which will be provided in the evidence bundle.

On 18th March 2022 When PC Whittaker viewed the footage that has been recorded on PC 23760 Phillips police bodycam which related to the same time and date when the two youths mentioned above were in the store, these youths can be seen inside running into the private part of the shop. Paul Sapra the Premise Licence holder can be heard saying "Teachers are coming" as if to warn the students. There are also other students of school age seen vaping in the store in the presence of the Premise Licence Holder. Students can be heard giving the teacher verbal abuse such as "get the fuck out". Once the teacher leaves the store the Premise Licence Holder can be heard saying "not inside the shop, you can beat him up outside I don't care just not inside the shop". The footage also evidences students inhaling what police officers believe to be CO2 from balloons inside the store.

On the 17th March the Neighbourhood policing team contacted the Walsall Licensing for advice and support as the level of concerns and the intelligence received was a concern.

On 23rd February the member of staff found in Possession of Cannabis. On 15th March 2022 he was found guilty and received £75 fine and £185 court costs fee.

On Monday 21st March a Closure Notice was served on the Premise Licence Holder

On Wednesday 23rd March PC Whittaker and PC Phillips attended Black Country Magistrates Court where the court issued a Closure Notice with the following restrictions:

- Closure Order given for 3 months effective from 12:00 today until 15th June 2022
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- For SIA accredited staff to be present at the store between the hours of 08:00-10:00 and 14:00-17.00
- No under 18's to be present in the store unless accompanied by an adult over the age of 21
- For any future staff to be DBS checked prior to undertaking any work at the store.

On 28th March PC Whittaker and PC Greenfield attended the Star store at 16:22hours. The store was open and operating without an SIA accredited door staff at the time that it should have according the undertaking listed in the Closure Order.

On 29th March PC Stokes and PC Waddison attended the Spar store at 16:25 hours. The store was open and operating without an SIA accredited door staff at the time that it should have according the undertaking listed in the Closure Order.

West Midlands Police believe there has been a serious lack of management at this premise with all four of the licensing objectives clearly being undermined. Police have now evidenced breaches of the Closure Notice issued by the court on 23rd March 2022 which is a serious offence. The actions of the store have caused concerns within the local community and within the local school which the local policing team have worked with to alleviate this situation. We therefore request the Licensing Sub-committee revoke this Premise Licence

Within the evidence bundle which will be supplied prior to the hearing, the following will be supplied.

Photograph of the combat Knife

Close Notice paperwork and decision by the court

Officer Statements

Local Policing Inspectors Statement

Licensing Officer Statement

Neighbourhood Policing Statements

Any other relevant information

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

Please tick ✓ yes

No

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

N/A

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

Date 19th April 2022

Capacity Chief Superintendent 3398 Dolby

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Walsall Licensing Department Civic Centre Darwall Street Walsall West Midlands	
Post town Walsall	Post Code
Telephone number (if any) 101 8896324 or 07826 956933	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) j.mellor@west-midlands.pnn.police.uk	

Notes for Guidance

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

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Janine FAGAN

Age if under 18 0/18 (if over 18 insert "over 18") over 18 Occupation POLICE INSPECTOR 3749

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

Signature: J. Fagan (witness)

Date 19.04.2022

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

I am Police Inspector 3749 of West Midlands Police currently operating within the Aldridge Neighbourhood Team based at Aldridge Police Station, Aldridge, Walsall.

I am making this impact statement to highlight the negative impact that the 'SPAR' at 62 WALSALL ROAD, ALDRIDGE WS9 0JW is having on the residents of the local community of which the Aldridge Neighbourhood Team police, the local school, and the high demand placed not only on the Aldridge Neighbourhood Team but also on other supporting departments of Walsall Police as a direct response to the shop, and criminal incidents affiliated to the shop.

It must be stressed that when reviewing the licensing of the store, there is overwhelming evidence to suggest that the licensing objectives of Crime and Disorder, Public Nuisance, Public Safety and Protection of Children from Harm been all been undermined by the actions of the Premise License Holder, Paul SAPRA, in how he has been operating the shop, which has had a negative effect on the local neighbourhood and the residents of Aldridge.

Firstly, the location of the shop is on a a main arterial route into Aldridge and Walsall and close to a large high school. This has meant that the shop has become a popular location for high school students to gather in large groups in and around the shop in the morning before school commences and in the afternoon when school has finished. This is not unusual behaviour, however it is a huge concern for police that a member of staff operating the store was recently arrested by police for being in possession of an offensive weapon, namely a zombie knife, of which was seized from inside the store by officers along with controlled drugs.

This is a clear breach of the SAPRA's responsibility to prevent crime and disorder and ensure public safety whilst trading under his licensing terms. It can be argued it was not SAPRA in possession of the knife, however he is the Premise License Holder and therefore it is his responsibility to ensure that the licensing objectives are upheld of which he evidently has not. Furthermore, a further concern for police is that the

Signature J. Fagan

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Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. URN

Statement of Janine FAGAN

shop is within a very close proximity to where a large scale disorder occurred on Monday 14th February 2022 involving young 15-16 year old children engaging in 'postcode wars' where various weapons have been retrieved from the side passage of the shop during the same period that this disorder involving weapons and young individuals have occurred.

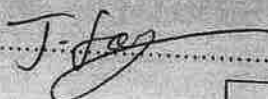
A further incident occurred on 17/03/22 where two youths have been seen entering the store, one wearing balaclava, and have hidden in the rear of the store with SAPRA's permission, as shown in footage whereby he warns the individuals "THE TEACHERS COMING". This footage has been captured on officers body worn camera also you can hear SAPRA stating this verbally. This caused the two individuals to take refuge in the rear of the premises in an attempt to conceal themselves. The necessity to store weapons in and around the shop and the facilitation by SAPRA allowing children to seek refuge in his store whilst concealing their identity by a balaclava is deeply concerning. The shop is in a very close proximity to a large high school where students as young as 11 attend every day, and is also surrounded by residential houses where families of all ages have chosen to reside. The shop is therefore used by members of the community ranging from young to old, and is not an environment I believe them to be safe in if SAPRA is facilitating and allowing crime and disorder to flourish within the community putting individuals at risk with scant disregard for members of the public's safety.

Looking at internal police systems there is also a high level of intelligence reports raising concerns that the shop is facilitating county lines drugs supply by using young students and ex-students of Aldridge School to sell cannabis from the shop, as well as using the shop as a storage place for weapons to potentially be used later in crime and disorder within the community. There have also been a multitude of intelligence logs stating that the shop was responsible for selling alcohol, cigarettes and illegal vapes to children. This led police to conduct a joint operation with Trading Standards on 23/02/22 whereby the shop failed a test purchase as illegal vapes were sold to underage customers. This has substantiated police intelligence reports and further raised our concerns for the community as a whole. It is in my professional opinion that this is clear evidence that SAPRA has not adhered to one of his sole responsibilities as a License Premise Holder in Protecting Children from Harm.

As a result, police have taken action to ensure that the 5/6 individuals deemed most at risk as a result of their on-going affiliation with the shop and community tension/disorder associated with the shop have been referred via MARF and as a result of social services concerns, 3 of those individuals have been referred to family interventions to ensure they are protected from harm, away from the shop.

As an Inspector for the local area, the team and I have been contacted by the Aldridge School in the last six months more than ever and on a regular basis. Although a large school, the school have previously been

Signature



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Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. URN

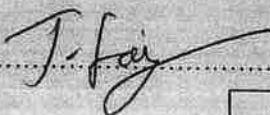
Statement of Janine FAGAN

sufficient in dealing with matters in house and have not required much police involvement or intervention over the years. However, over the last six months this has significantly increased directly as a result of the SPAR store and how the shop is operating and affiliating with students from the school causing numerous safeguarding concerns. The officers of the Aldridge NHT, alongside assistance from the Brownhills NHT and the Neighbourhood Task Force have carried out hours of reassurance patrols for weeks post the disorder to manage community tensions and prevent any further disorder occurring in and around the area of the shop and school. This has required a large amount of police time and already sparse resources to ensure that the school was patrolled before students arrived and when students were being let out at the end of the day. Although this may be reassuring to members of staff at the school and some parents, I am fearful that to some students and parents the presence of police in and around the school may cause further worry for their children's safety due to the necessity for uniformed officers to be in attendance on a regular basis. There has been liasons between the Aldridge officers and the Safeguarding Lead, [REDACTED] on multiple occasions and he has made it clear that the shop operating as usual is his biggest safeguarding concern for his students and the community as he feels that the location and Mr SAPRA's behaviours is the focal point of which the problems are stemming from, and he does not feel that the shop is supportive in his concerns.

The school is not alone in their concerns. Aldridge officer, PC23760PHILLIPS, has had a meeting with an anonymous member of the local community who wished to voice their concerns around the SPAR and the negative impact it is having on their life, and the lives of others in the local community. The informant stressed to PC PHILLIPS that the disorder that is occurring in and around the shop location and the intimidation caused by having large groups of anti-social youths, gathered in and around the front of the store has caused them to feel unsafe in their own community. Further to this, the informant requested to remain anonymous because they feared the repercussions which might come along with speaking to police to voice their concerns of their safety. Similarly to the school, the informant made it clear to me that they have lived in the community for years but never once felt intimidated around the area of the shop, however in the last 6 months that has all changed as a direct result of the SPAR and how the SAPRA is operating the shop. They stressed they feel intimidated in and around the area of the store and this has been echoed by parents who have attended Aldridge School to also voice their concerns as mentioned in Shaun Eaton's statement. This is further evidence of the store again of the Premise License Holder undermining his responsibility to ensure Public Safety to those in and around the community in which the shop trades.

From a neighbourhood policing perspective, we have a duty to identify threat, harm and risk through developing and understanding local issues in order to best protect our community. We have identified a

Signature



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Signature witnessed by

03/2016

Crime No. URN

Statement of Janine FAGAN

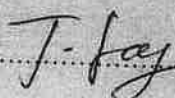
multitude of major concerns in relation to public safety (especially that of young, vulnerable children), nuisance and crime which we believe to be all as a result of how Mr SAPRA is operating his business, and that his behaviours have continued despite multiple police visits and teacher visits and trading standards visits to the location to try and intervene and give chance to change those behaviours and activities. In my role as Neighbourhood Inspector I also spoke to Local Councillor Murray, who agreed and echoed the concerns detailed around how the business was being run. As a result our concerns, built to a point that on the 23/03/2022 officers of the Aldridge NHT were successful in their application to Walsall Magistrates Court and were able to provide enough evidence to satisfy the Court that the store was facilitating disorder and failing to protect children from harm and as a result the Court issued a Closure Order onto SAPRA. However, in the following days after the Order was issued, SAPRA was in clear breach of the terms of the orders as on two separate occasions he had not utilised an SIA accredited door staff to enforce no entry to the store of any minors under the age of 18, unless accompanied by an adult of at least 21 years of age which he was required to do so by the Court Order from 23/03/2022.

Even though SAPRA has still been allowed to trade with conditions, rather than ordered to close permanently for 3 months, he has again failed to adhere to the conditions bestowed upon him. This is a clear illustration of SAPRA's lack of consideration, respect and failure to adapt his ways when warned by authorities and I am fearful if no further action is taken in attempts to tighten SAPRA's trading terms and conditions, it will allow for further crime and disorder to flourish within the community, putting young people in harms ways and at further risk of criminal exploitation and risk.

As the Police Inspector of Aldridge, I have never seen so much concern from different members of the community before surrounding one location. The violence has become increasingly worse, putting children at risk of being drawn into illegal activities and violence. The incidents to date have caused numerous members of the local residential community, and school community to become increasingly worried. As a force we are already spread thin on the ground in terms of resources and it is becoming increasingly difficult to respond to the sheer amount of incidents alone, but SAPRA is ensuring further strain on resources as police from different neighbourhood teams, and on occasions, response are being required to conduct reassurance patrols in the area, ensure public safety and also conduct regular checks to ensure that he is complying with his Closure Order which so far he has failed to do so.

I believe that the facts stated in this statement are true to the best of my knowledge. These are my original notes.

Signature



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Signature witnessed by

03/2016

OFFICIAL – (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of Stacey PHILLIPS

Age if under 18 O/18 (if over 18 insert "over 18")

Occupation Police Constable 23760

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  23760

(witness)

Date 18.03.22

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

I am PC23760PHILLIPS of West Midlands Police currently based at Aldridge Police Station in Walsall.

On 18/03/2022 I was tasked by my supervision to attend the SPAR on 62 WALSALL ROAD, ALDRIDGE WS9 0JW and request the shopkeeper to allow us access to view the store CCTV footage between 15:15hours and 15:46 hours 17/03/2022. This is due to receiving intelligence that an incident occurred at approximately 15:25hours on 17/03/22 whereby two individuals enter the SPAR. One individual of interest is known to police to be a [REDACTED] and the other another male was wearing a balaclava. [REDACTED] is a named offender allegeded to be involved in a violent disorder on OAKLEY AVENUE, ALDRIDGE on 14/02/2022 (whereby a zombie knife was involved) which is only a street away from the SPAR. Police intelligence states SPAR is suspected to have been used by [REDACTED] among others to store weapons on the premises in relation to the disorder. Due to the tensions in the community that this disorder has caused, officers wished to attend the store and view to footage to identify any individuals in the store wearing balaclavas and causing further tension.

I attended the store at 16:03hours 18/03/2022 in accompany with PC20325GREENFIELD in full street uniform. Upon entering the store I spoke to a male behind the counter. At first I did not know who the male was however I saw that he had the name "SAPRA" tatooed down the front of his left arm. This lead me to confirm that he was 'Paul SAPRA'. I was familiar that a male named Paul SAPRA worked at the shop as I had been told this by my colleague PC20739WHITTAKER previously when he had conducted enquiries at the store for previous matters. SAPRA confirmed his first name was Paul however appeared anxious and uncomfortable that officers knew his identity and questioned as to how and why.

When asked SAPRA was accomodating and showed officers the footage, however SAPRA was visably shaking and appeared extremely nervous and fumbled often whilst trying to sort out the CCTV on his phone.

Signature

Signature witnessed by

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Crime No. URN

Statement of Stacey PHILLIPS

The following CCTV has been seized by myself from the SPAR store 62 WALSALL ROAD, ALDRIDGE on 17/03/2022. It has been captured on my mobility device and uploaded to my Axon BWV account. I can now produce the following footage as evidence exhibited as:

SP/01 - 1 x CCTV footage showing SAPRA name [REDACTED] as "[REDACTED]" and point out the store window moments prior to [REDACTED] entering the store with a male wearing a balaclava. You can also hear another young male in the store state "HE'S WEARING A MASK" in shock. SAPRA can then be seen ushering to someone outside the store to take off a mask just before a male enters the store. SAPRA can be heard stating "TEACHERS COMING" as if to elude the males, whereby they then walk hastily into the back of the store out of sight. The male that enters wearing a balacalva (of which he takes off) is not known to me. He is also wearing a black puffer jacket with a circular logo on the left hand shoulder side and appears to purchase an orange Oasis drink from SAPRA. There is also a large dog which appears to be an XL Bully or of a similar breed. The dog can be heard loudly barking. Two students in school uniforms that are clearly under the age of 18 can be seen vaping within the store in front my SAPRA. Court Ref (.....)

SP/02- 1 x CCTV showing a male wearing a balaclava enter the store again and rush to the back of the store. Soon after, [REDACTED] (Deputy Head Teacher of Aldridge School) can be seen entering the store clearly looking to see where the male in the balaclava had gone and who he was. [REDACTED] walks to the back of the store and SAPRA follows out of view of the camera. Quickly after [REDACTED] and SAPRA reappear and [REDACTED] goes to walk out the store. This is when [REDACTED] begins to receive a lot of verbal abuse off of some other students who are stood by the tills telling him to "GET THE FUCK OUT". EVANS leaves and SAPRA can be heard telling them "NOT INSIDE THE SHOP. YOU CAN BETA HIM UP OUTSIDE, I DON'T CARE. JUST NOT INSIDE THE SHOP". SAPRA then disappears into the back of the store again for a couple of minutes out of view of the cameras. SAPRA then returns behind the tills but continues to look warily outside of the store window. Students can clearing be heard stating "I'VE GOT TWO BALLOONS. DO YOU WANT A BALLOON?". In my professional opinion they are eluding to Nitrous Oxide Cannisters and balloons. The balloons can then be seen being inhaled by two students clearly infront of SAPRA: Court Ref (.....)

SP/03- 1 x CCTV showing a large dog behind the counter. A male can then be seen returning from the back of the store and putting his balaclava back on prior to leaving the store. Court Ref (.....).

Prior to officers attendance to gather the CCTV, SAPRA had phoned [REDACTED] and stated that he knew it was [REDACTED] that was present with the male in the balaclava. However he did not

Signature

Stacey Phillips 23760

Signature witnessed by

03/2016

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OFFICIAL – (when complete)

MG11

Crime No.

URN

Statement of Stacey PHILLIPS

know who the male wearing the balacalva was. SAPRA stated this was the first time he had ever seen this unknown male. Officer's questioned SAPRA regarding who he could identify from the footage and he stated the same to officers of which he told [REDACTED]

This statement is true to the best of my knowledge and I am willing to attend court if necessary to give evidence. These are my original notes and I had no further dealings. 18/03/22 18:54hours.

Signature

SP Phillips 23760

Signature witnessed by

03/2016

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Witness contact details

URN : / /

Name of witness: Mr/Mrs/Ms/Miss/Dr

Former name

*Email address:

*Email address needed for correspondence i.e. support material to be sent

Address

Postcode:

Preferred telephone number:

Alternate telephone number:

Agreed means of contact and frequency :

Gender

Date and place of birth

Ethnicity Code (16+1)

DATES OF WITNESS NON-AVAILABILITY: (12 months)**Witness care**

Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case. ALSO crimes involving gun and knife crimes and victims of Modern Slavery Act 2015*)

Yes ☐ No ☐ If 'Yes', submit **MG2** with file in NGAP, contested or indictable only cases OR to read VPS in GAP cases.

Witness Consent (for witness completion)

- | | | | |
|---|------------------------------|-----------------------------|------------------------------|
| a) I am aware that I may have to attend court. | Yes <input type="checkbox"/> | | |
| b) I have been given the Victims' leaflet with the crime number on . | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| c) The Victim Personal Statement scheme (victims only) has been offered to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| d) It has been explained to me what will happen next with this investigation | Yes <input type="checkbox"/> | No <input type="checkbox"/> | |
| e) I consent to police having access to my medical record(s) in relation to this matter (<i>obtained in accordance with local practice</i>) | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| f) I consent to the statement being disclosed for the purposes of civil proceedings if applicable, e.g. child care proceedings, CICA, CLPD. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| g) Child witness cases only. I have had the provision regarding reporting restrictions explained to me. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| I would like the CPS to apply for reporting restrictions on my behalf. | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
- I understand that the information recorded above will be passed on to the Witness Service, which offers help and support to witnesses pre-trial and at court.
 - I understand that my details may be passed to other agencies who can offer me help and support in relation to being a victim of this crime.

I give my informed and explicit consent for my personal details to be passed to other agencies that can support me or are involved in the criminal justice process.

Yes ☐ No ☐

Signature..... Date

Parent/guardian signature..... Date

Address

Contact tel no

Supporter signature..... Date

Statement taken by (*print name*):

Station:

Time and place statement taken:

Signature Signature witnessed by

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of James WHITTAKER

Age if under 18 ☐ 18 (if over 18 insert "over 18")

Occupation Police Constable

This statement (consisting of 3 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Signature:  20139

(witness)


Date 18/03/2022

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

I am PC 20739 WHITTAKER of the West Midlands Police Force currently based at Aldridge Police Station on the WS Local Policing Unit.

I am making this statement in support of a Closure Order for the Spar Store, 62 Walsall Road, Aldridge Walsall, WS9 0JW all though recently I have received information that the Spar store as a franchise has distanced itself from the store due to recent incidents that had took place at the premises. The premises has previously also been known as 1st Stop, Uppal Newsagents.


The Closure Order in any case, will be supported for the Store retailing at 62 Walsall Road, Aldridge, Walsall, WS9 0JW.

The person named on the licensing conditions and licensee of the premises is a Paul SAPRA of  however is unknown as to who owns the building and pays for the building at this moment in time.

At this location there have been a number of incidents that have taken place which are of huge concern, most of which stem from students that attend Aldridge Community School, Tynings Lane, Aldridge, Walsall, WS9 0BG.

A number of youths that don't reside in Aldridge but travel to school, have ongoing disputes with one another involving weapons and violence and all frequent the store as mentioned above in some capacity, whether as a customer or a place to hang out, which seems to be a trend amongst other students, which will be explained further in this statement. Some of the youths travel specifically to the area from out of Aldridge to frequent the store also.

The most noticeable incident of note that had occurred between youths that attend the school, took place on the 14th February 2022 whereby a large scale disorder took place on Oakley Avenue, Aldridge, Walsall, of which several of youths that attend the school, who had been identified by teachers, were involved in some

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03/2016

OFFICIAL – (when complete)

OFFICIAL – (when complete)

MG11

Crime No. []

URN []

Statement of James WHITTAKER

way. I now produce in evidence the Crime report for this incident as Police Reference Number JW/03, Court Reference (). There was also another crime recorded Threaten with a Blade or Sharply Pointed Article in a public place which I now produce in evidence as Police Reference Number JW/04, Court Reference (). This was recorded as a witness had been threatened with the Zombie knife that was used in the disorder.

It was identified that the following youths were present and involved :

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

It is believed that issues between [REDACTED] and [REDACTED] were the main cause for the disorder which resulted in [REDACTED] attending the schools location armed with a Zombie knife awaiting the school to finish, which lead to the disorder taking place. Witnesses had stated that [REDACTED] was chased with the Zombie Knife by [REDACTED] and also threatened various other persons with this, who were associated with [REDACTED]. Unfortunately, all though witness were able to provide various accounts to the Police, due to the reluctance of persons present wishing to co-operate with Police in terms of providing an official witness statement no further criminal Investigation was able to take place. It is evident that this event has caused major upset and fear to the community with the levels of Anti Social Behaviour that has been occurring.

It was then that the day after the 15th February 2022 officers were conducting CCTV checks around the location and had cause to attend the store mentiond in order to ascertain as to whether there is any evidence that would help asisst identify an offender and or further witnesses to the offence.

It was then that I had a conversation with Paul SAPRA who stated that the youths were using the side alleyway of the store as a place to hide weapons as he had seized a claw hammer which had been placed in the alleyway on the same day. SAPRA provided Police with CCTV from inside the store which identified [REDACTED] as the person who came back to the store asking for the hammer which he had earlier placed there that day, after he had finished scool, in the anticipation that he may need this for further disorder that was potentially going to take place.

The hammer was seized and booked into Police Detained Property under property reference 2584491/F

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Crime No.

URN

Statement of James WHITTAKER

I am of the opinion that had officers not attended the store and spoke with SAPRA that he would not of given the wrench to officers for confiscation and had not actively looked to contact Police with his concerns regardless of the large scale disorder that took place the day previous.

As part of the on going issues with the school and students that attend there, officers were pro actively patrolling the location in the days to come and I was then again approached by Paul SAPRA on the 19th February 2022 who further disclosed to me that another weapon of offence was found in the alleyway, namely a metal wrench. This I believe was going to be used in connection with further violence from youths that attend the school. This was also seized and booked into the Police Detained Property store under property reference 2585219/C.

The fact that weapons had been stored at the location was of great concern to the Police as the weapons that were being used were capable of causing serious injury if used. Other students at the school were being put at risk as well as other members of the public potentially due to the stores negligence in not notifying Police about their concerns.

Upon dealings with the store and reviewing the CCTV, it was also apparent that youths were attending the location in large groups and were witnessed by officers to be vaping inside the premises freely, without any person inside the store challenging their behaviour. Police had also received information from sources that the store was also allowing alcohol sales to under age persons as well as supplying energy drinks to under age persons along with vaping products and vaping devices. There was also a suggestion from another source that the store was providing cannabis to students from the school and were using the rear of the yard to allow youths to smoke cannabis and consume alcohol.

Police then patrolled the location of the store at times where schools were finishing in an attempt to reduce the possibility of any future disorder and to provide the public with reassurance that any further incidents would be dealt with. It was also requested that a Local Authority Camera be put up in that location as a preventive measure to reduce the possibility of disorder, which was duly placed on lamppost number 1 of Walsall Road, Aldridge a few days later.

On the 23rd February 2022 and due to the concerns and intelligence received that the store were selling under age products to young persons, a trading standards operation was completed in the store which the store failed as vapes were able to be bought by under age persons and as a result at SPAR, 62 Walsall Road, Aldridge, Walsall, the volunteer purchased an 'ELUX Blueberry Raspberry' vape bar which was also non-compliant and resulted in the seizure of 57 illegal vapes. In doing so, the person working at the time was a male who Police now know to be [REDACTED] who was arrested by officers in

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Statement of James WHITTAKER

attendance for Possession of a Controlled Drug, namely Cannabis and also Possession of an offensive weapon. I now produce in evidence the Crime report for the Possession of Cannabis as Police Reference Number JW/05, Court Reference, () and the Offensive Weapon in a public place as Police Reference Number JW-6, Court Reference ().

The Cannabis which was seized was in the kitchen area of the premises of which [REDACTED] stated was his. This evidences that drugs are either being consumed or sold on the premises as mentioned previously in the statement. [REDACTED] was also arrested for the offensive weapon. I now produce in evidence a picture of the weapon as Police Reference Number JW-01, Court Reference ().

This is a major concern as it is alarming to think that a shop owner or worker feels that he needs to be in possession of such a weapon in an environment such as this. School children regularly use this store as do other members of the public, un be known to them that a weapon such as this is stored underneath the counter. When cautioned, [REDACTED] stated that it was for his "own protection". In working in a store, what is it [REDACTED] needs protecting from? As mentioned previously there has been disorder in close proximity to the store, weapons had been concealed in the alleyway of the store and now it has been shown that weapons have been stored inside the store. It is a believed that the store had prior knowledge of the disorder or in doing so had information that suggested that further incidents would take place as a result of the first disorder which would evidence as to why weapons are being stored inside the premises or within its locality.

It further transpires that information has also been received to Police that [REDACTED], who is responsible for a large part of the original disorder, is associated with the store in some capacity working there, however it is unknown as to what his role within the store is at this moment in time.

On the 25th February 2022 schools broke up for half teram and no further incidents of note had taken place during the school holidays.

Since the restart of term, there has been a significant police presence that has been put in place due to the level of threat harm and risk associated with the store and the students themselves as it is believed that the issues between the youths involved hasn't subsided even with the break. There continues to be recent intelligence and updates from the school, with ongoing concerns around the store allowing young persons to hang around in inside.

There has however been developments in school, which have boiled over between the same youths as mentioned previously in the statement which has resulted in assaults in school and fights breaking out amongst them. This has lead to recent Intelligence regarding [REDACTED] who had been

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OFFICIAL – (when complete)

OFFICIAL – (when complete)

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Crime No.

URN

Statement of James WHITTAKER

witnessed by teachers at the school to be around the Spar store following hearing news about the fight in school and that he had attended the location in an attempt to wait for school to finish and begin an attack. This was further evidenced as the CCTV camera from lamppost shows 2 males, one of which is believed to be [REDACTED] and another male outside the store, concealing his identity by wearing clothing that conceals his face. They are joined by another female who comes out of the store with [REDACTED] and the other unidentified male. The female can be seen to vape on the car park of the premises having come out of the store moments earlier.


The two males and female are then on the car park for a few minutes before re entering the store, moments before a teacher from Aldridge School walks to the location. Shortly after this another unknown male can be seen to be standing in the doorway with a balloon in his mouth. This CCTV footage has been evidenced by [REDACTED] under Exhibit reference KMP/2 with the statement providing the footage as KMP/01. Still images have been made of the youths and I now produce these in evidence as Police Reference Number JW-02

The teacher from Aldridge then enters the store and the two males, run into the private area of the store, which isnt open to the public and seem to attempt to evade the teacher for unknown reasons.

SAPRA has provided the Police with CCTV footage from within the store which a copy has been taken from PC 23760 PHILLIPS on her Body Worn Camera.

I have seen the Body Worn Video footage from PC 23760 PHILLIPS which shows concerning statements made by SAPRA. Whilst the two males run in the rear of the store SAPRA can be heard to say on CCTV "TEACHERS ARE COMING" as if to warn the students of the teachers presence. There are also other students of school age that can clearly be seen to be vaping inside the store in the presence of SAPRA.

It appears that a sort conversation has been had between the teacher at Aldridge and other students some of which attend the same school, in the presence of SAPRA, some of which can be heard to be giving the teacher verbal abuse such as "GET THE FUCK OUT" amongst other things. The teacher from Aldridge School then leaves the store due to the lack of co-operation by the store and youths. SAPRA can then be heard to say "NOT INSIDE THE SHOP, YOU CAN BEAT HIM UP OUTSIDE I DON'T CARE JUST NOT INSIDE THE SHOP". The way that SAPRA has engaged with the youths that were arguing with school staff isnt particularly encouraging in asking them to stop shouting or causing any further issues for the teacher, which I would of expected from someone in his position. In no way does SAPRA ask for the students to stop how they are behaving whilst the teacher is still present.

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Signature witnessed by

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Crime No.

URN

Statement of James WHITTAKER

I had also noticed other students inside the store on this occasion that seemed to be inhaling co2 from balloons, which is commonly known as laughing gas. They are clearly visible from the CCTV in operation outside the store and inside the store. I do not know whether SAPRA has provided the youths with the nitrous oxide or whether he has access to this in the store however it is evident that SAPRA is aware of what is happening and makes no attempt to stop such activity.


A short while later SAPRA contacted the teacher at Aldridge School and stated that one of the males was indeed [REDACTED] who was one of the schools ex students and was present with the unknown male in the balaclava or face covering.

Intelligence:

Between the period of the 01/02/2022 and 19/03/2022 there have been 8 Intelligence logs submitted in respect of the premises alone which vary from the unlawful supply of vapes amongst other products, weapons being used and stored on the premises, suspects into criminal offences being harboured or assisted in some way and drug dealing either taking place on the premises or drugs being on the premises. There is evidence that is presentable that shows that the Intelligence that officers have submitted is of very good value, with offenders being arrested from the premises, weapons being recovered/seized, drugs being recovered/seized and a Trading Standards Operation that the store failed, by allowing a 15 year old person to purchase vaping products. A person has been arrested and convicted of drug related offences as a result, the store has an active ongoing case with the Trading Standards Department and yet still the store is subject to allowing students of school age to consume illegal products on the premises and do not seem to be looking to distance themselves from these matters or put measures into place so as this type of activity cannot take place on their premises.

Concerns:

In my professional opinion, there is an honest held belief that there are major concerns for both the Police and the General Public with how the store are currently operating, as evidenced above. It cannot be ignored that all be it not SAPRA, a member of staff from the store has been in possession of an offensive weapon, namely a rambo knife as well as possessing controlled drugs on a licensed premises. It is the responsibility of the person in control of the store at that time to ensure that order is kept. It is no coincidence that disorder has occurred within very close proximity of the store and in doing so weapons have been seized from the premises whilst conducting an Operation with Trading Standards. It is evident in my opinion that the store is playing a huge part in issues that are likely to continue such as further disorder and encouraging those involved to be there in the store and participate in disorder. There are links to the

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03/2016

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Crime No.

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Statement of James WHITTAKER


store from [REDACTED] who used to attend Aldridge School and now has an affiliation with the store which I believe attracts associates of his from the school, to the store. [REDACTED] is a major instigator in the original disorder and is named in recent Intelligence reports suggesting that further disorder will occur. [REDACTED] is a daily presence at the store and seems to be welcomed by SAPRA and/or other persons who work in the store. The excuse of having weapons such as the Rambo knife due to "own protection" is in my opinion no defence. In my almost 15 year policing career I have never previously known stores such as this feel the need to possess weapons such as this for their own protection and it is clear to me that the store is allowing, encouraging or assisting crime to take place inside and outside of the store. The store itself, knowing that Police have been heavily involved in its activities over recent months and with several disorders inside and outside of the school in the locality of the store, have not changed their approach or attempted to distance themselves from the known trouble causers as mentioned and appears that this will be a continuing trend based on the Intelligence that has been submitted and the offences that have been committed.

In relation to the youths involved, all the young people associated in the disorder have been linked to an ongoing feud between one another in the Walsall Borough. This has continued to escalate. Weapons have been used on multiple occasions and the violence has escalated to the point there is a real threat of harm for each individuals safety. This all came to a head during two violence incidents at Aldridge school where there was a mass disorder where adults were present and a several reports of weapons including a knife was brandished. It is clear the feud is ongoing and violence is occurring from and to each young person putting them equally at risk of causing significant as well as being the victim of serious harm and the store is facilitating this by allowing the youths to hang around the store and hide there when the need arises.

Lastly, regarding the store premises there is clear evidence to show that a person within the store has engaged in criminal behaviour on the premises. There is further evidence that the use of the Premises concerned has resulted in serious nuisance to members of the public, through the use of weapons and disorder. Moreover, there is evidence to show that there has been, disorder near the premises associated with its use and ongoing potential for it to reoccur.

Overall, I think that the making of a closure order for three months is necessary to prevent the above criminal behaviour and/or serious nuisance and/or disorder from continuing or happening there again.

I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

Signature 

Signature witnessed by

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URN

Statement of James WHITTAKER

At approximately 16.45 hours on Saturday 19th March 2022 I attended the store in company with PC.20325 GREENFIELD and spoke to SAPRA and informed him that the Police intend to take action against the store due to what has been happening recently at the location and because of this a Closure Notice will be served in the near future. The process of the notice has been explained and the next steps which he understood.

[Signature] 20329

Signature

[Signature] 20329

Signature witnessed by

03/2016

OFFICIAL – (when complete)

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

Crime No. URN

Statement of James WHITTAKER

Age if under 18 O 18 (if over 18 insert "over 18")

Occupation Police Officer

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

Signature: (witness)



Date 15/04/2022


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

I am PC 20739 WHITTAKER of the West Midlands Police Force, currently based at Aldridge Police Station on the WS LPU.

I am making this further statement in relation to a Closure Notice, which had originally been issued to the Spar Store, 62 Walsall Road, Aldridge on Monday 21st March 2022 due to a number of concerns that had been raised over a period of time. At this time, Police were satisfied that a person has engaged in anti-social behaviour on the premises and the use of the premises is associated with significant and persistent disorder or persistent serious nuisance to members of the public. This notice being in force for a period of 24 hours with the relevant authority granting the Notice.

Whilst the above criteria had been met and the original Notice authorised, to enable the matter to be put before Court, there was an extension given on the notice on Tuesday 22nd March for a further period of 24 hours.

On Wednesday 23rd March 2022 I attended the Magistrates Court at Walsall and witnessed the hearing of the matter in front of the District Judge accompanied by PC 23760 PHILLIPS. It had been agreed that a Closure Order would be granted however the following conditions would be followed:

- 1 Closure Order granted for 3 months effective from 12:00 Wednesday 22nd March 2022 until 15th June 2022
- 2  to be banned indefinitely from the store and not to be present there at any time
- 3 For SIA accredited staff to be present at the store between the hours of 08:00-10:00 and 14:00-17:00
- 4 No under 18's to be present in the store unless accompanied by an adult over the age of 21
- 5 For any future staff to be DBS checked prior to undertaking any work at the store

Signature



Signature witnessed by

03/2016

OFFICIAL – (when complete)

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Crime No. URN

Statement of James WHITTAKER

Both parties, CPS and the defendants legal representative were happy with these conditions so that the store could continue to trade and also to minimise any amount of disruption to the public while minimising the possibility for further disorder.

Since the order was granted on Wednesday 22nd March 2022 there has been a significant decrease in calls for service as well as information that has been given to officers on the Aldridge NHT. I cannot recall there being any calls from this location regarding incidents involving youths, weapons or drug activity. There has been no crime recorded and no intelligence relating to the premises.

To date however, there have been a number of breaches to the undertaking of the order, which have been noted by the Aldridge Neighborhood Team and evidence that has been obtained to support this. These matters will be addressed in due course.



Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

**Licensing Act 2003 – Representation Form**

Personal Details					
Title:	Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other <input type="checkbox"/> (please specify)
First Name:	Stuart		Surname:	Powell	
Address:	Civic Centre, Darwall Street, Walsall				
Postcode:	WS1 1TP				
Contact Telephone Numbers:			Daytime:	<input type="text"/>	
			Mobile:	<input type="text"/>	

Premises Details <i>(please give as much information as possible)</i>	
Application Ref:	WS/PRL/0369
Name of Premises	SPAR
Address of Premises:	62 Walsall Road, Aldridge, Walsall, WS9 0JW

Reasons for Representation
Please provide your reasons under the relevant licensing objective below. You are not required to complete all sections. Complete only those that you consider are relevant to your representation.
The Prevention of Crime and Disorder As the Chief Officer of Weights and Measures and a Responsible Authority under the Licensing Act 2003, I wish to make representations in respect of the submitted application to revoke the premises licence for SPAR 62 Walsall Road, Aldridge, Walsall, WS9 0JW On 23rd February 2022, Trading Standards carried out a vaping products test purchasing exercise with a young volunteer, aged 15 years old, following complaints that disposable vapes were being sold to children from SPAR, 62 Walsall Road, Aldridge. The young volunteer purchased a disposable vape containing nicotine called an 'ELUX 2500'. The seller, who was not the licence holder, did not ask the volunteer for his age or for identification. The sale of products containing nicotine to children is prohibited and carries the maximum penalty of a £2500 fine. The vape product purchased was also examined and found to breach safety legislation by virtue of containing an excess amount of e-liquid. Following the sale, Trading Standards seized a further 57 illegal disposable vapes. The licence holder and seller are under investigation by Trading Standards for the above offences.
The Prevention of Public Nuisance
Public Safety
The Protection of Children from Harm

Over the last few years, five complaints have been made to the Trading Standards Service regarding the SPAR, 62 Walsall Road, Aldridge. In April 2021 a report was received stating that staff in the SPAR regularly sell alcohol to minors, some as young as 12 years old. The complainant also stated that the children from the local school can buy cigarettes from SPAR. In September 2021 a complainant stated that children aged 13 have been seen coming out of the SPAR shop with vapes.

In October 2021 two complaints were received by Walsall Trading Standards. It was alleged that alcohol and vapes were being sold to minors and that it is well known throughout the local school that the SPAR staff will 'serve anyone'. The complainant added that her son and two friends, all aged 13, purchased three bottles of beer and a vape from SPAR. A further complaint was received in the same month stating that disposable vapes are being sold for five pounds to underage children. The complainant stated that her child, aged 13, brought a vape from SPAR. In February 2022, Trading Standards received another report that vapes were being sold to minors.

Selling cigarettes, alcohol and vapes to children poses a health threat and can lead to them engaging in other dangerous behaviours. Furthermore, the super-strength vapes being sold in SPAR lure youngsters into a dangerous nicotine dependency.

As outlined above, the prevention of Crime and Disorder and the Protection of Children from Harm licensing objectives have been undermined and I therefore make representations to support the application for the premises licence to be revoked.

In accordance with the provisions of the Licensing Act 2003, the Licensing Authority is required to include all personal details in the Committee report. Should there be exceptional circumstances, which require the protection of your identity, please explain the reasons below:

Declaration

I confirm that the information I have provided is true and correct.

Signed:



Dated:

27/04/2022

Reba Danson

From: [REDACTED]
Sent: 20 April 2022 17:58
To: Licensing
Subject: Fwd: Spar 62 Walsall Road,Aldridge,WS9 0JW

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From: Upkar Uppal
Sent: Wednesday, April 20, 2022 5:56:25 PM
To: Licencing@walsall.gov.uk <Licencing@walsall.gov.uk>
Subject: Spar 62 Walsall Road,Aldridge,WS9 0JW

Dear Sir/Madam

I am writing in connection with the review of the above premises. I am the landlord of this property who was first given the licence to sell alcohol in May 2000. I understand that there has been some issues but the current owner has not broken any licensing laws. Unfortunately an employee for him has done this who has been removed from working in the shop and cannot enter an agreed zone of the shop. I would like to put forward that this is the shop keepers livelihood and needs the licence to keep his livelihood afloat. The removal of the licence would most definitely take a devastating effect on the business even potentially closing it. I request for the licence to be kept for the shop keeper and for the local community.

Regards

Mr Uppal

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Reba Danson

From: [REDACTED]
Sent: 23 April 2022 14:19
To: Licensing
Cc: [REDACTED]
Subject: Spar 62 Walsall road Aldridge Section 167

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To whom it may concern,

>> I feel compelled to write to you in regards to the above section 167 of the Spar shop at 62 Walsall road Aldridge. Since the the current owner's stewardship, I have found the establishment to provide a valuable service to the locality. Having lived in the local area for over 10 years (my post code is [REDACTED]), it is great to have the wide choice and range of groceries that this shop allows as well as it flexible opening hours and friendly courteous manner of the owner.

>>

>> If this shop was to close due to the section 167, I feel the local area and residents would be adversely affected due to the lack of competition so would urge you to reconsider this course of action. Local residents such as myself appreciate the ability to have a choice when shopping and the ability to support local businesses. In my experience I have not seen or witnessed any anti social behaviour around the shop.

>>

>> Kind regards,

>> Sukhy Nahal

>>

>> Sent from my iPhone

Reba Danson

From: Nicola Pryce [REDACTED]
Sent: 24 April 2022 17:18
To: licensing@walsall.co.uk
Cc: [REDACTED]
Subject: Review of premises licence

Good afternoon

I am writing this email in response to a notice I have read about reviewing the licence of 62 Walsall Road. I live in the flat above the shop and I have not witnessed the shop keeper Paul sell alcohol to anyone underage.

Paul made a mistake in employing a member of staff who caused a lot of anti-social behaviour and brought trouble to the shop.

Since this member of staff was ordered some weeks ago to stay away from the shop, there have not been any more issues. It is quiet and everyone is respectful of the shop and the surrounding area again.

Kind regards
Miss N. Pryce

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Rapinder Kaur Kler

From: [REDACTED]
Sent: 24 April 2022 14:03
To: Licensing
Subject: Alcohol Licence

CAUTION: STOP and THINK - This email originated from outside of the council. If it looks suspicious it probably is and you should NEVER enter your council username and password into an external link or open attachments.

Re: Paul Sapra's Convenience Store,
Walsall Road, Aldridge

I understand Paul Sapra's licence to sell alcohol is being reviewed. His shop is very convenient for local residents, especially those who don't drive, the elderly and people who call in on their way to and from work. Most small corner shops have either closed down or are under threat due to larger supermarkets monopolising the market and it would be a loss to this area if this shop had to close. The shop is well stocked and he is a very helpful and obliging person. Therefore I hope you will take my comments into consideration.

Kind regards
Mrs J. Jones
Local resident

Sent from my Samsung device



SPAR, 62 Walsall Road, Aldridge

To Whom it May Concern,

I write reference the, intended Review of Premises Licence at the above store for,

1. The Prevention of Crime & Disorder
2. Public Safety
3. The Prevention of Public Nuisance

I am a local resident who has known the current tenant, Paul Sapra since he took occupation in July 2019. Paul is well known in the local community as an individual who has tried his best to establish this store providing a service to his regular customers. Operating 7 days a week he is committed to serving us and tries his best to enhance his product offerings at competitive pricing.

I am also aware that Paul has struggled with certain community members attending Aldridge Comprehensive School who he has tried to work with to avoid insult and intimidation to him. He has encouraged children to behave in a sensible manner to reduce shop pilferages and personal incidents between children themselves. This I know has been with little support from the school where the students are very disruptive at the end of the school day.

Balancing this behaviour can be very challenging for any shop keeper in local vicinity of any comprehensive school. With a lack of support from the school and local policing this matter is solely left to Paul to manage. Any intervention between these school children is very challenging and has resulted in Paul being threatened many times by the elder brothers of these individuals.

I am aware of numerous incidents that have occurred around the school area at the end of the school day. I do not feel that the store or Paul has contributed to this, but is the behaviour of these children that needs to be addressed. Paul has made an error of judgement in recruiting a member of staff who I understand has been terminated due to his character and personal demeanour in his working ethics. This was a very bad move that has hindered Paul at a stage where he has invested heavily to make his business a success.

I would ask the Council to consider my statement before a decision is made in review of the premises licence. Paul has 2 young girls who accompany him on weekends to the shop where he works 7 days a week to sustain his family commitments. Further, I do not think Paul would jeopardise the safety of his daughters by encouragement of any anti-social behaviour at his shop.

Paul clearly is struggling with these inconsiderate school children, many who all travel from outside Aldridge. We local residents and Paul should not have to suffer due to the behaviour of these children. The store offers competitive pricing and I have always witnessed Paul to balance his judgement in the decisions he has had to make.

A review of the licence should review the public safety and nuisance to the local community. Consideration should be given to whether the review considers the immediate local community and not just the welfare of certain school children hindering this business.

The public safety of school children must be considered and enforcement or restriction of entry times by minors should be considered in this review.

I understand an age restricted test purchase also revealed that licensed products may have been sold to a minor by Paul. These errors of judgement can occasionally occur and a review could address the licence conditions by implementing further controlled restrictions or conditions.

Any decision to suspend the premises licence will certainly affect the business substantially resulting in possible closure and another empty unit, being an eyesore to the local community and possibly attracting further anti-social behaviour.

Prior to the current ownership, this shop remained closed for a long period of time. An application for change of use to a hot food restaurant and take away was challenged by the local community and rejected by the council.

I would not like to see the Premises Licence suspended or revoked. However I understand a review with the implementation of certain restrictions would benefit the Public Safety and Prevention of Crime, Disorder & Nuisance.

Gurpaul Singh