



Supporting Documentation relating to:

Bentley Mini Market, Walsall Licensing Sub Committee Hearing.

8th June 2022

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

Signature: Jennifer Mellor (witness)

Date 25 May 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 Bentley Mini Market, 13 – 15 Bentley North Road, Walsall from the period 24th November 2021 to May 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 additional evidence in support of the Licensing Review served by West Midlands Police.

My first engagement with Bentley Mini Market was on 22 October 2021 when I was copied into an email from Walsall Council licensing department addressed to Ms Ejaz. The email was in response to an enquiry about the Premise Licence at the venue which had also lead to a phone call between the licensing department and Ms Ejaz. I produce JRM/WPM).

The email informed Ms Ejaz " you have been advised that currently there is no premises licence in place, and that you must remove all display of alcohol from the store and no alcohol could be sold from the premises until a premises licence was in place. If any alcohol is sold from the premises, it will be an offence, and the fine for the offence is unlimited and or 6 months imprisonment."

On the 24th November 2021 I requested a visit by the Neighbourhood Policing team to the store as a new Premise Licence application had not been submitted for this venue and I suspected that the sales of alcohol could have been continuing.

The following day on 25th November 2021 I received an email from Sgt Khalid informing me a visit had been made and alcohol was on display in the shop for sale.

I produce (JRM/WMP) police officers bodycam photographs of said alcohol.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

On 25th November 2021 and after receipt of the email from Sgt Khalid, I made a call to the shop and advised the wife of Mr Rafique, they had no authority to sell alcohol due to the unfortunate death of Mr Mohammed Rafique her father-in-law. I advised them to cover the alcohol and apply online that night for a Temporary Event Notice (TEN) which could allow them to sell again from potentially the following Friday whilst they submit a full application.

On 25th November I received an email from Mr Rafique advising that a Temporary Event Notice had been applied for and this was confirmed the following day when the police received a valid and current Temporary Event Notice. Two further Temporary Event Notices were applied for and approved.

On 30th November a new Premise Licence application was received.

On 22nd December after liaising with the applicant, the police confirmed they had no representations to this new application subject to the agreed conditions being applied to the licence should it be granted.

On 25th January 2022 I received an email advising of a joint Police and Trading Standards operation which resulted in an arrest. I therefore researched police systems to find that Officers have been conducting a search of the store with Trading Standards and had located bags and scales used to supply drugs. Upon a search of Mr Rafique, Class A Cocaine was found on his possession. During a search of the premise, 3 wooden clubs, 1 telescopic baton, 1 knuckle duster, 1 hammer, 1 sling shot, 1 small divers knife and 1 spring loaded pellet gun were found and seized. A further search revealed Mr Rafique had possession of a firearm with ammunition without licence.

On 23rd May in preparation for the hearing I checked police systems again. On 10th May 2022 the police received a report of assault by Mr Rafique from one of his employees. The allegation of assault resulted in the injured party being taken to hospital where staff confirmed he had sustained a perforated ear drum resulting in the loss of hearing. When police officers under Section 19 PACE attended the shop, Mr Rafique was present, they requested to see his CCTV. Rafique advised officers that the CCTV server could not be accessed as his father had "recently died and this was his shop". The CCTV was protected with a password his father has not passed down to him due to his sudden, unexpected death. Mr Rafique's wife Almas and his mother were also present at the time and they all confirmed they have no way of accessing the footage.

I checked my records, it was evident Mr Rafique's father had died in February 2021 and not recently. Unfortunately this assault has been filed with one of the reasons being a lack of CCTV which is a breach of this Premise Licence namely:

The CCTV system must be maintained so as to be fully operational and recording continually whilst the premises are open for licensable activities and during all times when customers remain on the premises.

Signature Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

All images must be kept for a consecutive 31-day period and to be produced to the Police, Trading Standards or an authorised officer of the Licensing Authority upon request or within 24 hours of such a request

There must be a member of staff available at all times who is trained and capable of operating the CCTV system and also downloading any footage required by the Police, Trading Standards or an authorised officer of the Licensing Authority.

A fully trained member of staff will at all times be available who is capable of operating the system and downloading images required by Police and local authority officers.

I evidenced a further allegation of assault on 18th March against Mr Rafique but again with there being no CCTV no charges were brought.

At 15:50 on 24th May I phoned to speak with Mr Rafique in relation to the breach of this Premise Licence with regard to the CCTV however, his wife answered the phone. I requested that her husband called back. A few minutes later Mr Rafique returned my call. He confirmed he was not aware he was in breach of his licence and confirmed he would sort it within the next 10 days.

Whilst on the phone we discussed the Review hearing on the 8th June, Mr Rafique confirmed he had admitted all the offences he was arrested for on 26th January 2022. He also confirmed the gun he had in his possession without a licence, had been given to him by his father who had died in February 2021, over 12 months previous. I asked why he had not handed the gun into a police station, he said that the police had informed him during the investigation progress he could have handed it "onto one of their bins" but he had never seen any of the bins.

It is my professional opinion, with Mr Rafique admitting to having a firearm with ammunition in his possession since February 2021 without a licence and being found in possession of a unnecessary large number of offensive weapons within his shop together with the drugs and drug paraphilia, as well as being unlawful is not acceptable behaviour of a Premise Licence Holder or DPS.

The firearm together with the weapons seized have the potential of causing serious and or life threatening injuries as well as causing a potential fatality seriously undermines all four of the licensing objectives. Mr Rafique has admitted having a supply of drugs on his possession and scales and bags all associated with

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Crime No. N/A

URN N/A

Statement of Jennifer Mellor

the supply of drugs which again undermine the licensing objectives. I therefore respectfully ask the committee to revoke this license. This is not the actions of a responsible Premise License Holder and or DPS.

Signature

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 Mohammed Khalid

Age if under 18 018 (if over 18 insert "over 18")

Occupation Police Sergeant

This statement (consisting of 2 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: M.Khalid (witness)

Date 23/05/2022

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

I am PS 6273 Khalid of the West Midlands Police currently stationed at Willenhall police station. On Wednesday the 24th of November 2021 at approximately 1915hrs I had cause to attend Bentley Mini Market, Bentley Road North, Darlaston. Due to intelligence suggesting that alcohol was being sold from the premises after a Premises Licence to sell alcohol had expired due to the holder of the licence passing away.

I entered the property and spoke with a male who identified himself as Raja Abbas Rafique, he explained to me he currently had applied for a premises licence and was under the impression that this was fine, he was advised to speak with the licencing authority to confirm his status as he was required to have a premises licence to sell alcohol.

Rafique was quite pleasant and demonstrated no resistance to our attendance and was happy for me to film the location, I filmed the visit on my Axon BWV, however this now seems to have been deleted from my account, this could well be an administrative error on my behalf as opposed to the system.

I did however take pictures of the video footage to forward to the licencing officer, I now produce an album of four images under police reference MTK/01 (exhibit), which clearly shows alcohol is being displayed for sale behind the counter and the fridge to the right of the counter.

During my conversation with Rafique, I was happy that he understood his role and the duty placed on him to obtain the proper licence in order for him to continue to sell alcohol, the shop was not closed down however

Signature

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Crime No. URN

Statement of Mohammed Khalid

Rafique was advised to take the bottles for sale down and not to sell any until the proper authorisation is in place.

I remained in the store for approximately 30 minutes after which I left and continued with my patrols.

I am aware that trading standards officers attended on the 26th January 2022 in company with police officers and conducted a search of the premises where a number of weapons were found including a hand gun with ammunition and class A drugs.

There is also intelligence to suggest that the shop owner was attempting to entice local youths to deal drugs for him. This type of suspected behaviour is likely to have a negative impact on the local community who may become involved in drug activity and also be subjected to risks associated with such activity either from Rafique or others involved as well rival gangs.

I am also of the opinion that albeit not directly involved in illegal activity, there will be vulnerable groups that attend the store to buy alcohol who could also be enticed into carrying out drug activity for the owner / Rafique, thus having a detrimental effect on the individuals who could be open to having their condition, be it alcoholics or regular drug users being exploited for Rafique's gain.

As the local neighbourhood Sergeant it is my role keep our communities safe and work with partners to support this aim, in my opinion Rafique's recent activities demonstrate an element of activity that could have a detrimental effect on the community and a licence to sell alcohol should be denied, to go further a licence to trade should also be reconsidered as he clearly demonstrates the potential to go beyond selling alcohol without a proper licence and a potential threat due to being found in possession of a suspected firearm with ammunition which is currently under investigation.

Signature

Signature witnessed by

03/2016

OFFICIAL – (when complete)

Jennifer Mellor

From: Sayful Alom <Sayful.Alom@walsall.gov.uk> on behalf of Licensing <Licensing@walsall.gov.uk>
Sent: 22 October 2021 16:51
To: sana ejaz
Subject: [External]: Premises licence - Bentley Mini Market, 13-15 Bentley Road North, Walsall, WS2 0BZ - WS/PRL/0182
Attachments: Template Advert for New Premises.docx
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 Ms Ejaz,

Further to your email, I have checked our records and we are unable to find any correspondence from yourself in relation to the above premises licence.

The contact telephone number we have for licensing takes you to a voice message that informs all members of the public that due to the pandemic, the offices are closed to the public, and any contact must be made via email and provide you with our email address.

Following your email today, I am really sorry to hear the sad news of your father passing away in February this year. Under section 28 of the Licensing Act 2003, a premises licence lapses following the death of the licence holder. The licence could have been transferred, providing the transfer application is made within 28 days of the lapse of the licence, in this case it has been over 28 days. Following our telephone conversation today where you have been advised that currently there is no premises licence in place, and that you must remove all display of alcohol from the store and no alcohol could be sold from the premises until a premises licence was in place. If any alcohol is sold from the premises, it will be an offence, and the fine for the offence is unlimited and or 6 months imprisonment.

Please read through the guidance notes carefully before submitting an application:

<https://go.walsall.gov.uk/Portals/0/Uploads/Licensing/Website%20Guidance%20Pages/Premises%20Licence%20Guidance%20Notes.pdf?ver=2019-09-26-115755-303>

Once you have read the above guidance, I would strongly recommend that you speak to our Police Licensing Officer before submitting your application. The email address for the Police is:

H_WALSALL_LICENSING@west-midlands.pnn.police.uk

West Midlands Police and our Community Protection team have been notified of the lapse of the licence.

In Applying for a premises licence, you will need to ensure that you have the following in place before submitting the application:

I can confirm I have received the following:

- Personal Licence Holder
- Signed DPS Consent form by the personal licence holder
- Application fee £190;
- Licensing plan of the premises (detailing entrance/exit, fire extinguishers, fixed fittings as per the guidance)

- Rateable Value

Advertising

Please arrange for the display of the statutory blue notice on the premises in a clear and prominent position, from where it can be seen 24 hrs a day (including when the business is closed). The notice must be displayed from the morning after the application has been submitted to Walsall Council, for a period of 28 days. A template blue notice is attached. Please ensure the notice is printed on pale blue paper morning for the full 28 days. Template notice has been attached to assist you.

Once the blue notice is up, please could you take two photographs of the notice and email them to

Licensing@walsall.gov.uk :

- a) One up close so the words can be read in the image; and
- b) One from about 15 feet away so it shows where on the building the notice is situated.

These are sent to the Police and Community Protection Team for them to check it remains in place for the full 28 days.

Newspaper Notice

Please also arrange for the publication of your newspaper advert and send me an original copy of the page of the newspaper when it is published. Publication must be printed by the tenth working day of the consultation period.

I will await receipt of all the above, if you have any questions or need anything please email us at

Licensing@walsall.gov.uk .

Applying online:

<https://www.gov.uk/apply-for-a-licence/premises-licence/walsall/apply-1>

Please download the form, complete and then attach when submitting the form.

If you need any further information please email us.

Kind Regards

Sayful

Muhammed Sayful Alom

Team Leader (Licensing)

Resilient Communities

Economy Environment & Communities

Walsall MBC

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Darwall Street,

Walsall,

WS1 1TP.

Licensing@walsall.gov.uk

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www.walsall.gov.uk

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AXON BODY 2 X81186671



2021-11-24 T18:07:27Z
AXON BODY 2 X81186671

