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## LICENSING SUB-COMMITTEE

Meeting to be held on: **Wednesday 8 June 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:** TBC

# **A G E N D A**

## **PART I - PUBLIC SESSION**

1. Appointment of Chair
2. Welcome
3. Apologies
4. Declarations of Interest
5. Review of premises licence in respect of Bentley Mini Market, 13 -15 Bentley Road North

## **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. The responsible Authorities to make relevant representations in relation to the application.
5. The applicant, interested parties and Sub-Committee to ask questions of the responsible Authorities.
6. Interested parties to make representations.
7. The applicant, responsible Authorities and Sub-Committee to ask questions of the interested parties.
8. The applicant to present their case.
9. Responsible Authorities, interested parties and Sub-Committee to ask questions of the applicant.
10. All parties to briefly summarise their case.
11. The Chair to check that all parties have said all they wish to.
12. The Sub-Committee to deliberate in private, all persons except the Legal Adviser and Committee Administrator, to withdraw from the hearing.
13. 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



**Walsall Council**

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**REPORT OF THE DIRECTOR OF RESILIENT COMMUNITIES**

**LICENSING SUB - COMMITTEE**

**8 JUNE 2022**

**APPLICATION FOR A PREMISES LICENCE REVIEW UNDER SECTION 51  
OF THE LICENSING ACT 2003**

**Bentley Mini Market  
13-15 Bentley Road North  
Walsall  
WS2 0BZ**

**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 convenience store/mini-market trading as "Bentley Mini Market" at 13-15 Bentley Road North, Walsall, WS2 0BZ. The licence is held by Mr Raja Rafique who is also the Designated Premises Supervisor ("DPS"). The licence permits the store to sell alcohol for consumption off the premises (i.e. an "off-licence"). The review application is made by the Chief Constable of West Midlands Police ("WMP"), a responsible authority under section 51 of the Licensing Act 2003 (the Act). WMP submitted this review application on the following grounds:

- The Prevention of Crime & Disorder
- Public Safety
- The Protection of Children from Harm

1.2 A relevant representation, in support of WMP's review application, has been received from Trading Standards. There are no other representations.

1.3 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 application to review the premises licence 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).

### **3.0 Background information**

3.1 The premises previously held a premises licence (24 November 2005) under Mohammed Rafique. This licence lapsed due to the death of Mr Mohammed Rafique. It was brought to licensing authority's attention in October 2021 that the licence holder passed away in February 2021 and the licensing authority received no correspondence until October 2021 when the annual fee invoices were sent out.

3.2 The Licensing Authority notified WMP that the current licence had lapsed following the death of the licence holder.

3.3 A new premises licence was granted on the 29 December 2021 following a successful application by Mr Raja Rafique. **Appendix 1** is a copy of the current premises licence together with a plan of the premises. Mr Raja Rafique is both the premises licence holder and DPS.

3.4 The premises is licensed for the sale of alcohol for consumption off the premises (only) during these hours:

Monday to Saturday: 07:30 – 22:30  
Sunday: 08:30 – 22:00

3.5 A street map of the locality and shop front is given as **Appendix 2**.

3.6 WMP's application to review the premises licence of this premises under section 51 of the Licensing Act 2003 is dated 6 April 2022 and was received by the Council on 12 April 2022. A copy of that application to review the premises licence is attached as **Appendix 3**.

The application was made following a visit to the premises by WMP and Walsall Council's Trading Standards department. The police provide information relating to the following concerns:

- (a) In February 2021 the previous premises licence holder, Mr Mohammed Rafique, died. Since the licence was not transferred within the prescribed period it was no longer in force.
- (b) Some 9 months later, on 22 October 2021, the family of Mr Mohammed Rafique contacted the Council. They were advised that the law did not permit the licence to be transferred given the passage of time. Therefore, there was no premises licence in force authorising the sale of alcohol. Any alcohol on display should be removed or else criminal offences would be committed. The Council sent an email to this effect. It appears that the unauthorised sale of alcohol had continued over the 9 month period following the death of the previous licence holder. The Council gave advice on how to regularise the position by way of a new premises licence application. WMP were informed and, on 24 November 2021, they requested a visit by the Neighbourhood policing team.
- (c) On 25 November 2021 a visit was made to Bentley Mini Market by the Darlaston policing team. Sgt Khalid spoke to Mr Raja Rafique, the son of Mr Mohammed Rafique. Mr Raja Rafique indicated to police that he had lodged a new premises licence application and mistakenly believed that whilst his application was pending he was allowed to continue selling alcohol. The Police Licensing officer advised Mr Raja Rafique that he had no authority to sell alcohol, and if he wished to he could apply for Temporary Event Notices online to permit sales during the interim period. No premises licence application had been made. Mr Rafique submitted Temporary Event Notices shortly afterwards.
- (d) On 30 November 2021 a new premise licence application was submitted and after liaising with the applicant, revised conditions were agreed. On the 22 December 2021 the Police confirmed they had no representation to this new application subject to the agreed conditions being applied to the licence should it be granted. The premises licence was granted under delegated authority by an officer. No Licensing hearing was required to determine the application.
- (e) On 26 January 2022, following the receipt of intelligence, police officers attended the shop together with Trading Standards officers. Whilst inside the shop, officers searched Raja Rafique and he was found in possession of cocaine. Also located behind the counter at the shop were items associated with drugs together with a series of weapons. At his home address, which is connected to the shop, a firearm and ammunition was found. Mr Rafique did not have a licence for this weapon. All items were seized by officers and Mr

Rafique was arrested for a number of serious offences. Full details will be supplied at the Licensing hearing where possible. The firearm is currently with WMP forensics awaiting authenticity. However, for all the reasons documented, WMP have no confidence in the management of this premises which has shown a total disregard to the licensing objectives and for the safety of their customer and staff.

#### **4. Representations**

##### **4.1 Representations/Responses from Responsible Authorities**

###### Public Health

**Appendix 4** is a copy of the response from Public Health Walsall received on the 12 April 2022. They make no relevant comments.

###### Home Office

**Appendix 5** is a copy of the response from the Home Office received on the 13 April 2022 that they cannot find any recent record of any immigration offences in relation to the above premises and make no relevant comments.

###### Planning

**Appendix 6** is a copy of the response from Planning received on the 4 May 2022 with no relevant comments.

###### Trading Standards

**Appendix 7** is a copy of the representation from Trading Standards received on the 9 May 2022 supporting the review of the premises licence on the grounds of Crime & Disorder. Trading Standards report a history of complaints relating to the shop in relation to the sale of illicit cigarettes from 2014 through to 2022. Of more recent reports:

- (a) In December 2018 undercover officers purchased illicit cigarettes from Bentley Mini Market on 2 separate occasions.
- (b) On 6th February 2019, 120 illegal cigarettes and 0.7kg of illegal rolling tobacco were seized.
- (c) In June 2020 a complaint was received by Trading Standards that illicit cigarettes were being sold from under the counter at the shop.
- (d) In November 2020 a complaint was received by Trading Standards that Bentley Mini Market were selling counterfeit cigarettes and non-duty paid hand rolling tobacco.

- (e) On 19<sup>th</sup> February 2021, 140 illicit cigarettes were seized from the shop.
- (f) On 26<sup>th</sup> January 2022 (the only date when Mr Raja Rafique was the licence holder), 160 illegal cigarettes were seized from the shop.
- (g) Trading Standards indicate that the illegal tobacco trade is thriving in Walsall and cheap tobacco and cigarettes are widely available in Walsall. The supply chain for such activity is controlled by organised criminal gangs who use the profits from illegal tobacco to help finance more serious crimes such as people trafficking, modern day slavery and even terrorism. Furthermore, between 2019 and 2020, HMRC estimated as much as a third of the 12,000 tonnes of rolling tobacco smoked in the UK was bought and sold illegally and around 2.5 billion illegal cigarettes equating to £2.3 billion in lost tax revenue.

#### 4.2 Representations from 'other persons'

None

### 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](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 may 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, and 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 particularly 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*

- 7.2 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.*

## **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.

### 8.7 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.

8.8 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.

8.9 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.

8.10 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.

8.11 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

8.12 Where the applicant, responsible authority, or other person who has made a relevant representation is aggrieved by the decision of the Licensing Authority an appeal lies to the Magistrates' Court.

**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 ("PSED") 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.*

15.2 The Licensing Authority's approach to having "due regard" is based on legal principles arising from case law including those set out in Brown vs. Secretary of State for Work and Pensions (2008) and other cases. These principles may be summarised as:

- **Knowledge** - decision makers should be aware of their duty to have due regard to the aims of PSED.
- **Sufficient information** - decision makers must consider whether they have sufficient information in order to give proper consideration to the matters set out in the PSED. This will assist decision makers to understand the potential impact of their proposed decisions on people with relevant protected characteristics.

- **Timeliness** - public bodies must have due regard “before and at the time that a particular decision is being considered”. This means that equality must form part of the decision making process as it happens and not after the event.
- **Real consideration** - consideration of the aims of the PSED must form an integral part of the decision-making process. The PSED duty must be exercised fully, rigorously and with an open mind.
- **No delegation** - public bodies and others carrying out public functions may use their staff and third parties to assist them to assess the impact of a decision on equality. However, where they make the ultimate decision, they cannot delegate their responsibility to consider the aims of the PSED to another person.
- **Review** - public bodies must have due regard to the aims of the PSED not only when a policy is developed and decided, but also when it is implemented and reviewed. The PSED is a continuing duty.

## **16. Consultation**

16.1 Carried out in accordance with prescribed regulation.

## **17.0 Contact Officer**

17.1 Sayful Alom – [Sayful.alom@walsall.gov.uk](mailto:Sayful.alom@walsall.gov.uk)

## **18.0 Appendices**

18.1 Appendix 1 – Current premises licence.  
 Appendix 2 – Street map of the locality.  
 Appendix 3 – Review Application  
 Appendix 4 – Response from Public Health  
 Appendix 5 – Response from Home Office  
 Appendix 6 – Response from Planning  
 Appendix 7 – Representation from Trading Standards



**Licensing Act 2003 Premises Licence Number: WS/PRL/1195**

(Walsall Council reference WK/202117619)

**Part 1 – Premises details**

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

Bentley Mini Market  
13-15 Bentley Road North  
Walsall  
WS2 0BZ

<b>Telephone number of premises</b>	07711 294216
-------------------------------------	--------------

**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 premise

**The times the licence authorises the carrying out of licensable activities**

Alcohol Sales

Monday to Saturday	07:30 – 22:30
Sunday	08:30 – 22:00

**The opening hours of the premises**

Monday to Saturday	07:30 – 22:30
Sunday	08:30 – 22:00

**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 Raja Rafique

**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**

Raja Rafique

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

Personal Licence Number – WS/PEL/3254  
Licensing Authority – Walsall Council

#### Part 4 – Licence approval

Approved on behalf of Walsall Metropolitan Borough Council



Paul Gordon  
Director of Resilient Communities  
Economy, Environment & Communities

Effective from: 29 December 2021

## **Annex 1 - Mandatory conditions**

### **The following conditions apply where relevant:**

#### **Conditions that apply to the sale of Alcohol:**

No supply of alcohol may be made under this licence;

- (a) At a time when there is no Designated Premises Supervisor in respect of this licence, or
- (b) at a time when the Designated Premises Supervisor does not hold a personal Licence or his/her personal licence is suspended

Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence

#### **Conditions that apply to Security:**

Each individual at the premises in order to carry out security activity must be licensed by the Security Industry Authority (SIA)

#### **Conditions that apply to the exhibition of films:**

Where a film classification body has specified that the exhibition of a film is restricted, the admission of children to the film must be restricted in accordance with the recommendations of that body.

### **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	
Mon	07:30	22:30	
Tues	07:30	22:30	
Wed	07:30	22:30	
Thurs	07:30	22:30	
Fri	07:30	22:30	
Sat	07:30	22:30	
Sun	08:30	22:00	

Opening Hours			
Day	Start	Finish	
Mon	07:30	22:30	
Tues	07:30	22:30	
Wed	07:30	22:30	
Thurs	07:30	22:30	
Fri	07:30	22:30	
Sat	07:30	22:30	
Sun	08:30	22:00	



**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

### Conditions agreed by the applicant following mediation with West Midlands Police 22 December 2021

#### **General – All four licensing objectives.**

The Premises Licence holder will ensure all staff receive adequate training on a regular basis, relating to the four licensing objectives, general licensing regulations and conditions of the premises licence. Training should take place every 6 months and any new members of staff to receive this training within 7 days of employment. A written or electronic record of any training for staff be kept on the premises by the premises licence holder for a minimum of 12 months and will be made available to responsible authorities upon reasonable request.

#### **The prevention of crime and disorder.**

##### CCTV

CCTV must be installed and cover all public internal areas, including all public entry and exit points. The CCTV unit must be positioned in a secure part of the licensed premises. Access to the system must be allowed immediately to the Police, Trading Standards or an authorised officer of the Licensing Authority in accordance with the Data Protection Act where it is necessary to do so for the prevention of crime and disorder, prosecution or apprehension of offenders or where disclosure is required by law.

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.

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.

The CCTV system clock must be set correctly and maintained taking account of GMT and BST.

There must be notices displayed throughout the premises stating that CCTV is in operation. 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.

##### Incident log

In incident log must be kept at the premises and made available on request to the Police or an authorised officer of the Licensing Authority, it must be completed within 24 hours of the incident and must record the following:

All crimes reported to the premises

All ejections of patrons

Any complaints received concerning crime and disorder

Any incidents or disorder

All seizures of drug or offensive weapons

Any visits from Responsible Authorities.

### **Prevention of public nuisance**

Signs will be displayed informing patrons to be quiet when leaving the premises to prevent noise complaints.

### **The protection of children from harm.**

A challenge 25 scheme must operate at the premises whereby any person who appears to be under 25 years of age and unknown to the staff member serving as a person over 18 years of age shall not serve alcohol unless they provide identification to prove they are over 18 years of age.

The only acceptable forms of identification allowed are a valid passport, a valid photo ID driving license or a valid proof of age scheme card with the PASS approved hologram.

Challenge 25 signage must be displayed in a clear and prominent public place at the premises.

A refusals register must be held at the premises and contain details of the time and date of any sales that are refused in relation to persons that are under age, this register must be made available for inspection upon request by a Responsible Authority. This register can be written or electronic.

All staff must be fully trained in relation to the Challenge 25 scheme before being allowed to sell alcohol and a record must be kept of staff training. Training must be refreshed at least every 12 calendar months. Such training must be recorded and be maintained at the premises and made available for inspection upon request

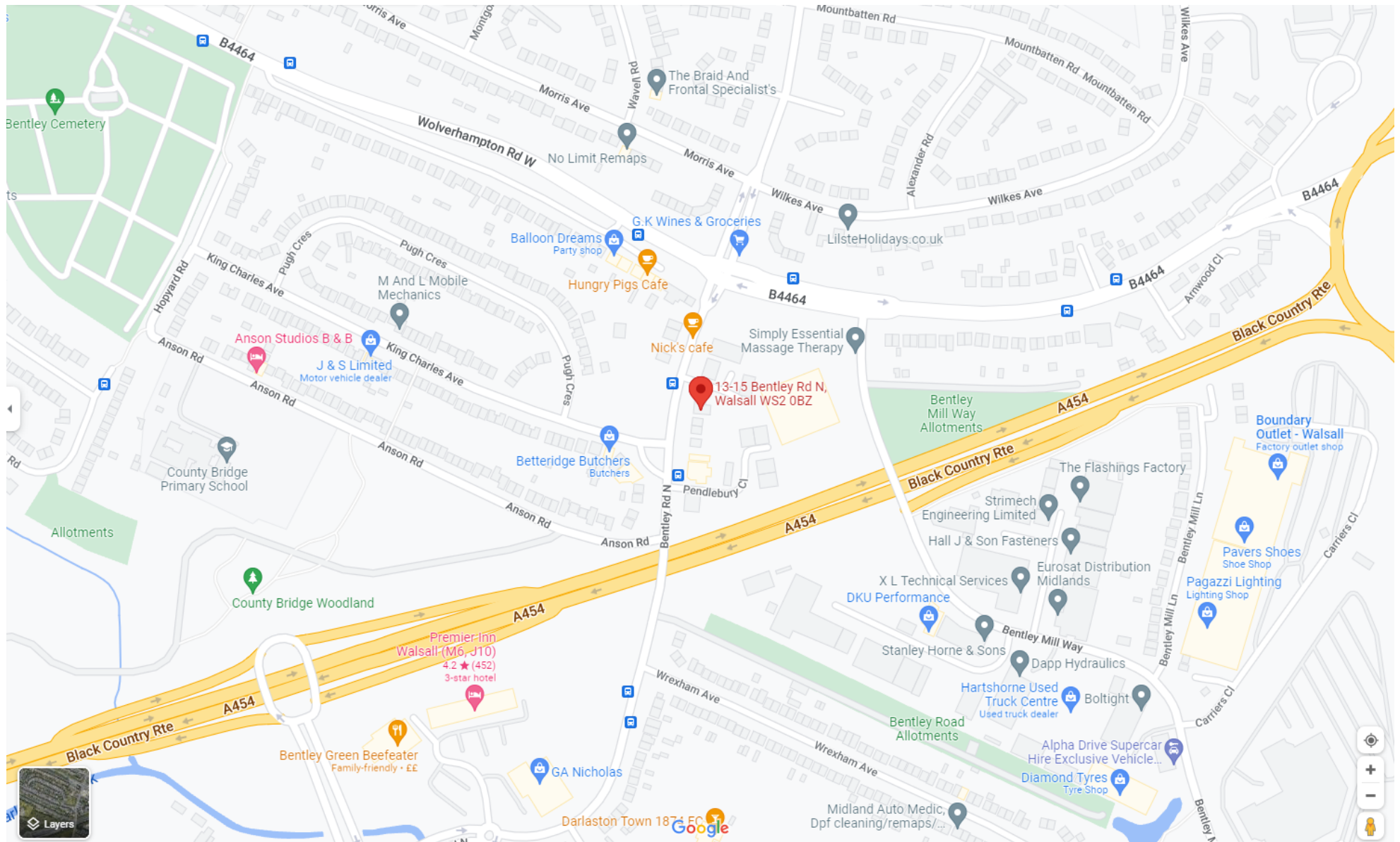
### **Annex 3 - Conditions attached after a hearing by the licensing authority**

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

### **Annex 4 – Plans**

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

### **End of annexes**





# 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**

Bentley Mini Market  
13 – 15 Bentley North Road

**Post town** Walsall

**Post code (if known)** WS2 0BZ

**Name of premises licence holder or club holding club premises certificate (if known)**

Raja Abbas Rafique

**Number of premises licence or club premises certificate (if known)**

WS/PRL/1195

#### 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 <b>Chief Constable of West Midlands Police</b> <b>Walsall Licensing Section</b> <b>West Midlands Police HQ</b> <b>Lloyd House</b> <b>Birmingham</b> <b>B4 6NQ</b>
Telephone number (if any) <b>101 8896331</b>
E-mail address (optional) <b>H_WALSALL_LICENSING@westmidlands.pnn.police.uk</b>

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

**X**

**X**

☐

**X**



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

The grounds for this review are a direct result of a visit on the 26<sup>th</sup> January 2022 where Walsall Police together with Trading Standards made a joint visit to Bentley Mini Market.

On this visit a number of weapons were seized together with a firearm and ammunition. Drugs and drug paraphilia were evidenced also and seized. A small supply of potential illicit tobacco was seized by Trading Standards. An arrest of the Premise Licence holder was made.

These are serious offences and clearly undermines the licensing objectives, therefore West Midlands Police are requesting the revocation of this licence.



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

On the 24<sup>th</sup> November 2021 the Walsall Police Licensing Officer requested a visit by the Neighbourhood policing team. It had been brought to her attention by the council licensing team the owner of the shop, the Premise Licence holder Mohammed Rafique had died in February 2021. The family had been in contact and had wished the council to transfer the Premise Licence into the name of Raja Abbas Rafique, the son of the owner. Concerns were raised that alcohol sales had been continuing since February 2021. The family were clearly informed on 22 October 2021 by Walsall Council that 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, however in this case it had been over 28 days and therefore, a transfer was no longer possible. They were spoken to by the council on the phone and advised that currently there was no premises licence in place, and that they 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. They were also told via email in October, if any alcohol was sold from the premises, it will be an offence, and the fine for the offence is unlimited and or 6 months imprisonment. They were informed on the process to make a new application and given contact information for the Walsall Police Licensing Officer should they wish to make contact to discuss an application.

On 25<sup>th</sup> November 2021 the Darlaston policing team attended the shop and spoke with Mr Rafique who was at the counter. He advised Sgt Khalid that he had already applied for a premise licence and was under the impression this was fine. The shop had alcohol on display behind the counter and in the fridge

On 25<sup>th</sup> November 2021 the Walsall Police Licensing Officer made a call to the shop and advised them they had no authority to sell alcohol. They were also advised to apply online for Temporary Event Notices whilst they submit a full Premise Licence Application.

On 25<sup>th</sup> 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 30<sup>th</sup> November a new Premise Licence application was submitted and after liaising with the applicant, revised conditions were agreed. On 22<sup>nd</sup> December 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 26<sup>th</sup> January 2022 police officers after receiving intelligence attended the shop with Trading Standards officers. Whilst inside the shop officers they have searched Raja Rafique where he was found in possession of cocaine. Also located behind the counter at the shop where items associated with drugs together with a series of weapons. At his home address which is connected to the shop a fire arm and ammunition was found. Mr Rafique did not have a licence for this weapon. All items were seized by officers and Mr Rafique was arrested for a number of serious offences, full details where possible will be supplied at the Licensing hearing. The firearm is currently with WMP forensics awaiting authenticity however

For all of the reasons documented, West Midlands Police have no confidence in the management of this premises which has shown a total disregard to the licensing objectives and for the safety of their customers and staff.

If it had been possible, West Midlands Police would have sought an expedited review owing to the seriousness of what has happened. WMP are therefore seeking the revocation of this Premise

Licence.

West Midlands Police will supply a full evidence bundle for this hearing which will include –

Statements from local police officers that have engaged with the premises.

Licensing officer statement

Officer in Charge statement relating to the crimes recorded on visit to the shop on 26<sup>th</sup> January 2022

Neighbourhood Inspector statement

Bodycam footage of attending officers were appropriate

Photographs were appropriate

Any additional supporting evidence

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

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

**Part 3 – Signatures** (please read guidance note 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 6<sup>th</sup> April 2022

Capacity Chief Superintendent 3398 Dolby

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) Walsall Licensing Department Civic Centre Darwall Street Walsall West Midlands	
<b>Post town</b> Walsall	<b>Post Code</b>
<b>Telephone number (if any)</b> [REDACTED]	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> [REDACTED]	

**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.

## Sayful Alom

---

**Subject:** FW: Licesning Review: Bentley Mini Market.  
**Attachments:** Signed Review Document for Bentley Mini Market.pdf; LA03 Representation Form - Responsible Authorities.docx

---

**From:** Esther Higdon <[Esther.Higdon@walsall.gov.uk](mailto:Esther.Higdon@walsall.gov.uk)>  
**Sent:** 12 April 2022 09:52  
**To:** Sayful Alom <[Sayful.Alom@walsall.gov.uk](mailto:Sayful.Alom@walsall.gov.uk)>  
**Cc:** Kulvinder Kaur  
**Subject:** FW: Licesning Review: Bentley Mini Market.

Just to say I have no evidence to suggest that the objections from the Chief Constable to revoking the licence from Bentley Mini Market will be undermined

Esther Higdon  
Senior Public Health Development Manager - Children and Young People  
Public Health Department  
Adult Social Care Directorate  
Zone 2g Civic Centre  
Darwall Street  
WALSALL WS1 1TP

Tel: 01922 653724  
Fax: 01922 653777  
Email: [esther.higdon@walsall.gov.uk](mailto:esther.higdon@walsall.gov.uk)  
Secure Mail; [e.higdon@nhs.net](mailto:e.higdon@nhs.net)  
Mobile; 07785 307579  
Twitter: @phwalsall

@phwalsall

Website: [www.walsall.gov.uk](http://www.walsall.gov.uk)

*For the latest information regarding COVID-19 including service disruptions and how to get help visit [https://go.walsall.gov.uk/covid-19\\_information](https://go.walsall.gov.uk/covid-19_information)*



**Walsall Council**

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---

## Reba Danson

---

**From:** ISD Alcohol Licensing <Alcohol@homeoffice.gov.uk>  
**Sent:** 13 April 2022 14:15  
**To:** Licensing; Walsall Licensing; ISD Alcohol Licensing; firesafety.admin; Neil Aston-Baugh; Community Protection; TradingStandards; Environmental Health; Namita Mistry; planningservices; Rebecca Warren  
**Subject:** RE: Application of Review - Bentley Mini Market

**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 afternoon,

Thank you for providing your submission on the above premises. Having searched our databases, we can find no recent record of any Immigration offences in relation to the above premises, therefore Immigration Enforcement will not be making any representations at this time.

Regards  
Paul Wynter

---

**From:** Rapinder Kaur Kler <Rapinder.Kler@walsall.gov.uk> **On Behalf Of** Licensing  
**Sent:** 12 April 2022 09:07  
**To:** Walsall Licensing <H\_WALSALL\_LICENSING@west-midlands.pnn.police.uk>; ISD Alcohol Licensing <Alcohol@homeoffice.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 <Namita.Mistry@walsall.gov.uk>; planningservices <planningservices@walsall.gov.uk>; Rebecca Warren <Rebecca.Warren@walsall.gov.uk>  
**Subject:** Application of Review - Bentley Mini Market

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Dear Colleagues,

I hope this email finds you well.

I am writing to notify you that the Council has received an **Application to Review the premises below:**

**Bentley Mini Market, 13-15 Bentley North Road, Walsall, WS2 0BZ.**

The application is attached.

The consultation period commences today 12 April 2022 and the **last day for representations is Monday 9 May 2022.**

Please let me know if you require any further information and I will be pleased to assist.

With regards

Rapinder Kaur Kler (Ruby)  
Licensing Officer

Resilient Communities  
Economy Environment & Communities  
Walsall MBC,  
Licensing Unit  
Civic Centre,  
Darwall Street  
Walsall,  
WS1 1TP

Email: [Licensing@walsall.gov.uk](mailto:Licensing@walsall.gov.uk)

*For the latest information regarding COVID-19 including service disruptions and how to get help visit <https://go.walsall.gov.uk/covid-19> information*

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## Sayful Alom

**From:** Namita Mistry  
**Sent:** 04 May 2022 11:13  
**To:** Licensing  
**Subject:** NEW LICENSE APPLICATION

Stamped Date Rec'd	Date Rec'd into LIT	Ref No.	Applicant	Address	16 Day Due Date	24 Day Due Date	Outcome	Pass to Leg
12/4/22	12/4/22	22/015	Bentley Mini Market, 13- 15	Bentley Road North, Bentley, Walsall WS2 0BZ	5/5/22	09/05/22 Closing Date	No Comments received from Planning Officer	4/5/22

No comments received from Planning Officer

Regards

Namita Mistry  
Land Charges Information Officer  
Land Charges  
Planning and Building Control  
Economy and Environment  
Walsall M.B.C.  
2<sup>nd</sup> Floor, Civic Centre,  
Darwall Street,  
Walsall WS1 1DG



[localandcharges@walsall.gov.uk](mailto:localandcharges@walsall.gov.uk)

Website: [www.walsall.gov.uk](http://www.walsall.gov.uk)



**Walsall Council**

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## Licensing Act 2003 – Representation Form

Personal Details					
<b>Title:</b>	Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other <input type="checkbox"/> (please specify)
<b>First Name:</b>	Stuart		<b>Surname:</b>	Powell	
<b>Address:</b>	Civic Centre, Darwall Street, Walsall				
<b>Postcode:</b>	WS1 1TP				
<b>Contact Telephone Numbers:</b>			<b>Daytime:</b> 01922 653046		
			<b>Mobile:</b>		

Premises Details <i>(please give as much information as possible)</i>	
<b>Application Ref:</b>	WS/PRL/1195
<b>Name of Premises</b>	Bentley Mini Market
<b>Address of Premises:</b>	15 Bentley Road North, Walsall, WS2 0BZ

Reasons for Representation
<p>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.</p>
<p><b>The Prevention of Crime and Disorder</b></p> <p>As the Chief Officer of Weights and Measures and a Responsible Authority under the Licesning Act 2003, I wish to make representations in respect of the submitted application by Walsall Police to revoke the premises licence for Bentley Mini Market, 15 Bentley Road North, Walsall, WS2 0BZ</p> <p>Since 2014, Trading Standards have received complaints relating to the sale of illegal cigarettes from Bentley Mini Market. More recently, in June 2020, a complaint was received regarding illicit cigarettes being sold from "under the counter". Furthermore in November 2020 a complaint was made to Walsall Trading Standards that Bentley Mini Market were selling counterfeit cigarettes and non-duty paid hand rolling tobacco.</p> <p>As a result of these complaints Trading Standards, supported by West Midlands Police and a Specialist Tobacco Search detection dog and handler, have visited Bentley Mini Market on several occasions. On 6th February 2019, Trading Standards seized 120 illegal cigarettes and 0.7kg of illegal hand rolling tobacco. On the 19th February 2021 140 illicit cigarettes were seized. On 26th January 2022, 160 illegal cigarettes were seized by Trading Standards. Furthermore in December 2018 undercover officers purchased illicit cigarettes from Bentley Mini Market on 2 separate occasions.</p> <p>The illegal tobacco trade is thriving in Walsall and cheap tobacco and cigarettes are widely available in Walsall. The supply chain for such activity is controlled by organised</p>

criminal gangs who use the profits from illegal tobacco to help finance more serious crimes such as people trafficking, modern day slavery and even terrorism. Furthermore, between 2019 and 2020, HMRC estimated as much as a third of the 12,000 tonnes of rolling tobacco smoked in the UK was bought and sold illegally and around 2.5 billion illegal cigarettes equating to £2.3 billion in lost tax revenue.

As outlined above, the prevention of Crime and Disorder licensing objective has been undermined and I therefore make representations to support the application by Walsall police for the premises licence to be revoked

#### **The Prevention of Public Nuisance**

#### **Public Safety**

#### **The Protection of Children from Harm**

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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:** 09/05/2022