

05 JUN 2017

Public Protection

CENTRAL BEDFORDSHIRE 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 Imogen BEST of Central Bedfordshire Council Trading Standards Service
(Insert name of applicant)

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below:-

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Buzz Wines Limited, 17 North Street	
Post town Leighton Buzzard	Post code (if known) LU7 1EF

Name of premises licence holder or club holding club premises certificate (if known) Mr Ali Iraj Azhir

Number of premises licence or club premises certificate (if known) 013955
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Part 2 - Applicant details

I am

Please tick ✓
yes

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

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

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

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

Please tick ✓ yes

Mr

Mrs

Miss

Ms

Other
title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Imogen Best Public Protection – Trading Standards Central Bedfordshire Council Priory House Monks Walk Chicksands Shefford Bedfordshire SG17 5TQ
Telephone number (if any) 0300 300 6017
E-mail address (optional) <u>Imogen.best@centralbedfordshire.gov.uk</u>

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

- Please tick one or more boxes ✓**
- 1) the prevention of crime and disorder
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>This application is submitted following increased incidents of antisocial behaviour in Leighton Buzzard and persistent selling of alcohol to children under the age of 18.</p> <p>The protection of children from harm:-</p> <p>In my professional opinion this licencing objective is not being upheld by the Premise Licence holder as on the 28th March 2016 he was found guilty at Luton Magistrates' Court of persistently selling alcohol to children under the age of 18.</p> <p>The prevention of public nuisance:-</p> <p>It is a well know fact that Leighton Buzzard has a problem with street drinking. In my opinion this problem is being exacerbated by the Premise Licence holder as he continues in selling strong alcohol to street drinkers, whilst they are drunk, Mr Azhir also offers the facility of selling on to them on 'tick'. There have been numerous recorded incidents of anti-social behaviour and nuisance relating to the street drinkers in Leighton Buzzard, to the extent that an Action Group has been set up to address the problem. Further evidence of this is provided below.</p>

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

Central Bedfordshire Council Trading Standards are requesting a review of the premises licence of Buzz Wines and are requesting that the premises licence is revoked, copy of current licence in Appendix 1

I do not feel that the above licencing objectives are being upheld and that the premises are not being managed sufficiently by the Premise Licence holder.

Protection of children from harm

This is a premises that we have had an ongoing problem with the sale of age restricted goods, namely alcohol, cigarettes and nicotine inhaling products, dating back to the formation of Central Bedfordshire Council, see Appendix 2 for historical data (sales of age restricted products are highlighted in yellow, advisory visits are highlighted in blue and the clear boxes are where a test purchase has taken place and no sale has been made).

As a result of these problems a review was requested, however this did not go ahead as the following voluntary conditions were applied to the licence on the 14th August 2012, had these conditions been implemented properly by Mr Azhir they may have prevented subsequent breaches in the legislation:-

1. A 'Challenge 25' policy to be implemented.
2. The 'Challenge 25' posters and signage to be displayed in the areas alcohol is exposed for sale and at point of sale.
3. Within a 4 month period all staff to have achieved the TSI – Fair Trading Award – 'Do You Pass' qualification (or equivalent). After the 4 month period staff must complete the qualification before they are permitted to sell alcohol (allowing for re-takes of the test, and incorporating new staff). Then subsequent 6 monthly refresher training carried out for all staff. This must be documented with all training records to be signed by staff and the deliverer of the training.
4. All sales of alcohol after 5pm can only be made by production of valid identification by All purchasers regardless of age. This should be for a 3 month period. This is to re-establish the stores reputation for not selling to underage people and in turn will reduce the number of attempts to purchase underage alcohol.
5. A documented refusals book or electronic log must be maintained. The log should be of all refusals. The book or log must be checked and signed weekly by the DPS or premises licence holder. The check should include making sure staff are using the system and identifying any issues or training needs through lack of entries.
6. The store will implement and maintain cash registers with electronic 'till prompts' when selling alcohol.

On 17th February 2016 I visited Buzz Wines with 2 volunteers (aged 16 and 17) to test the premises in relation to sales of nicotine inhaling products (NIP's) to children under 18. On this occasion a sale of One Life Blueberry E-Liquid was made. On the

9th March 2016 I sent a warning letter to Buzz Wines, which I produce as Appendix 3. Within this letter I gave advice on setting up procedures for preventing the sales of age restricted products to children under the age of 18.

On 25th July 2016 I visited the premises and provided them with general advice in relation to the sales of NIP's, I also provided them with guidance material and point of sale prompts. Although this guidance related specifically to NIP's, the advice provided can be applied to all age restricted products, as it forms part of a due diligence defence. I produce this guidance as Appendix 4 and 5.

On the 25th August 2016 I carried out a joint alcohol under age sales operation with Bedfordshire Police. The volunteers used on this occasion were two 15 year old girls. On this occasion a sale of 4 x Cans of Kronenbourg 1664 Larger (5% AVB) was made by Mr [REDACTED]. Mr [REDACTED] was issued with a fixed penalty notice. A warning letter was sent to Buzz Wines, again detailing procedures to set up in order to avoid the occurrence of further offences, I produce this as Appendix 6.

On the 12th September 2016 I visited Buzz Wines with two volunteers (aged 17) to test the premises in relation to the sales of NIP's and alcohol. On this occasion a sale of One Lite Banana cake E-Liquid (high nicotine 18mg/ml) and a bottle of Gallo Chardonnay Wine (12.5% ABV) was made by Mr Azhir.

On the 21st October 2016 I conducted a PACE interview with Mr Azhir, during the interview the following point of note were raised by him:-

- 6 part time members of staff – 4 have the Fair Trading award – the others were given some training by Mr Azhir – Mr Azhir forgot to record that this training had been given; nothing was signed by the staff.
- Weekly turnover of the business is £10,000 – 25 – 30% of this relates to alcohol.
- Mr Azhir said he was going to ID the girls (September sale) ... "the moment I saw them I was going to ID them. Three times in my head I was going to ID them".
- There are business policies, but these are verbal only – nothing written down.
- Mr Azhir said that he received my warning letter, point of sales poster and guidance notes.

Mr Azhir is recorded on Companies House to be the Secretary and sole Director of Buzz Wines.

See Appendix 7 - my section 9 statement that was produced in the criminal proceedings as full account of my actions above.

On the 28th March 2016 at Luton Magistrates' Court Mr Azhir pleaded guilty to one offence of persistently selling alcohol to persons under 18 years of age (s.147A(1) Licensing Act 2003) and one offence of selling a nicotine inhaling product to a person under the age of 18 (Reg 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and s.92(2) Children and Families Act 2014).

Mr Azhir was fined £380 (plus £38 victim surcharge) for the sale of alcohol and £250 for the sale of the nicotine inhaling product and ordered to pay £250 towards costs.

The prevention of public nuisance

The problem with street drinking in Leighton Buzzard town centre is one that has been ongoing for some time, with drunks hanging around the streets, urinating, defecating and vomiting in public spaces and shop doorways, harassing shoppers and causing aggravation to local businesses, residents and members of the public.

These issues have been reported to Central Bedfordshire Council Anti-Social Behaviour team (Alan May) and in repose Mr May has been gathering statements dating back to 2015, this case is still ongoing. The following statements show that this is a historical problem:-

Name	Date	Capacity	Appendix
[REDACTED]	10/11/2015	Leighton Linslade Town Clerk	8
[REDACTED]	10/11/2015	Clarins Beauty Consultant	9
Elliot Weedon	12/11/2015	PCSO	10*
[REDACTED]	20/11/2015	Leighton Linslade Councilor	11
David Dodkins	09/03/2016	PCSO	12
[REDACTED]	02/06/2016	Beauty Therapist (Jo Alexandra)	13
Alan May	18/04/2016	CBC ASB Officer	14

*Please note – this statement consists of 1 page not 2.

Most recently PCSO Weedon (Bedfordshire Police PCSO Anti-Social Behaviour Team) has been dealing with the male and female street drinkers in the town centre and the issues caused by these people whilst drunk.

In statements dated 21/01/2017, 02/03/2017, 09/03/2017, 21/03/2017, 24/03/2017 and 27/03/2017 PCSO Weedon details incidents of anti-social behaviour he has encountered with the street drinkers, see Appendix 15.

In a statement dated 24/04/2017 PCSO Weedon gives detailed descriptions of the individuals concerned and refers to a visit he made to Buzz Wines whereby he advised them in relation to selling to the street drinkers, especially whilst drunk, see Appendix 16.

I have received a complaint from [REDACTED], Director of a company that owns a number of retail and office premises in Leighton Buzzard town centre. One of the tenants, Jo Alexandra (beauty salon) moved premises in December 2016 from 13 North Street to Friday Street, as a direct result of the anti-social behaviour of the street drinkers, as their customers were put off by the "drunks" hanging around outside her premises and in her doorway. The following is an extract from an email from [REDACTED] to Mr [REDACTED] (20th January 2017), "we also had a few issues with the drunks today, they were sniffing glue against our side window at the front of the shop, unfortunately the glue (or whatever they were sniffing) has been smeared over the window, I'm really sorry but we couldn't face trying to clean it as its rather disgusting." This premise remains unlet, its felt that prospective tenants are aware of

the problems caused by the street drinkers.

The following recent statements taken from local businesses and residents detail the issues that they are still facing on a daily basis:-

Name	Date	Capacity	Appendix
[REDACTED]	20/03/2017	Employee at Taylors Estate Agents	17
[REDACTED]	24/03/2017	Manager Mill Stream Estate	18
[REDACTED]	28/03/2017	Manager Lloyds Pharmacy	19
[REDACTED]	19/04/2017	Technical Officer Leighton Buzzard Library	20
[REDACTED]	20/04/2017	Owner Rubies Shoes	21
[REDACTED]	05/05/2017	Owner Jo Alexander	22
[REDACTED]	12/05/2017	Owner Natures Harvest	23
[REDACTED]	11/04/2017	Resident of Bossard Court	24
[REDACTED]	12/04/2017	Resident of Bossard Court	25

In March this year I attended a working group set up to discuss community engagement and enforcement of the problem. This meeting was attended by Beds Police, Central Bedfordshire Council Anti Social Behaviour, Leighton Town Council, Noah Enterprise, local churches, homeless charities and representatives from the Black Horse. The general consensus was that funding is required to provide support to the street drinkers, however in the current climate this is very hard to come by. However, the underlying problem stems from the supply of super strength alcohol which we know to be sold by Buzz Wines, it was agreed that if the source of the alcohol could be stopped the problem may improve.

In my opinion Mr Azhir is exacerbating the problems with the street drinkers. Despite warnings he continues to sell strong, cheap alcohol to the street drinkers, he also sells to them when they are drunk. Mr Azhir also offers facility of selling to the street drinkers on 'tick', accepting payment when they receive their benefits (see Appendix 15 Statement of Elliot Weedon (page 5))

Actions taken to remedy this situation and prevent the need for a review

Following the conviction for the persistent selling of alcohol and consultation between Trading Standards and Bedfordshire Police Licencing, an appointment was made with Mr Azhir to discuss a set of proposed voluntarily additional conditions to be applied to the Premises Licence. This joint meeting took place on the 5th April 2017, at the time of the meeting Mr Azhir agreed to the following conditions:-

1. Alcohol will not be supplied to any person on a credit, or 'tick' basis
2. No sales of single cans or bottles of beer, lager or cider will take place at the premises

3. No super-strength beer lager or ciders 6.5% ABV (alcohol by volume) or above shall be sold at the premises.
4. A refusals log to be kept and maintained and to be produced to police on request
5. CCTV to be installed and maintained to an acceptable standard with the footage to be retained for a minimum of 30 days and made available to police on request.

It was felt that these conditions were reasonable and proportionate response in relation to the concerns around issues at the premises and supports the objectives of protection of public nuisance and the protection of children from harm, as defined by the Licensing Act 2003. It was explained to Mr Azhir that if these conditions were not accepted a full review of the premise license would be taken. Since this meeting Mr Azhir has decided that he does not want to accept these conditions and he is apparently in the process of selling the premises.

I feel that the evidence provided in this application is overwhelming in showing that Mr Azhir, despite numerous written warnings, business support and advice over the past 8 years, is not upholding the licencing conditions. In addition to this, he has recently been successfully prosecuted for persistently selling alcohol to children under age of 18 and I would therefore suggest that his licence be revoked.

If the Committee are not in agreement with this course of action, I would suggest that a number of additional conditions are applied to the conditions already in place, namely those mentioned above

Appendices

1. Premises Licence
2. Historical data showing visits to Buzz Wines from 2009
3. Warning letter to Buzz Wines dated 9th March 2016
4. Guidance titled 'It is illegal to sell E-cigarettes and nicotine liquids to anyone under the age of 18'
5. Guidance titled 'Nicotine Inhaling Products Prevention of sales to the under 18's'
6. Warning letter sent to Buzz Wines dated 25th August 2016
7. Section 9 Statement – Imogen Best
8. Section 9 Statement – [REDACTED] (Leighton Linlade Town Clerk)
9. Section 9 Statement – [REDACTED] (Clarins Beauty Consultant)
10. Section 9 Statement – Elliot Weedon (Bedfordshire Police – PCSO) (dated 12/11/2015)
11. Section 9 Statement – Councillor [REDACTED]

12. Section 9 Statement – David Dodkins (Bedfordshire Police PCSO)
13. Section 9 Statement – [REDACTED] (Beauty Therapist – Jo Alexandra)
14. Section 9 Statement – Alan May (CBC ASB Officer)
15. Section 9 Statement – Elliot Weedon (Bedfordshire Police – PCSO) (dated 21/01/2017, 02/03/2017, 09/03/2017, 21/03/2017, 24/03/2017 and 27/03/2017)
16. Section 9 Statement – Elliot Weedon (Bedfordshire Police – PCSO) (dated 24/04/2017)
17. Section 9 Statement – [REDACTED] - Employee at Taylors Estate Agents
18. Section 9 Statement – [REDACTED] - Manager Mill Stream Estate
19. Section 9 Statement – [REDACTED] - Manager Lloyds Pharmacy
20. Section 9 Statement – [REDACTED] - Technical Officer Leighton Buzzard Library
21. Section 9 Statement – [REDACTED] - Owner Rubies Shoes
22. Section 9 Statement – [REDACTED] - Owner Jo Alexander
23. Section 9 Statement – [REDACTED] - Owner Natures Harvest
24. Section 9 Statement – [REDACTED] – Resident of Bossard Court
25. Section 9 Statement – [REDACTED] – Resident of Bossard Court

Please tick ✓ yes
Have you made an application for review relating to the premises before

If yes please state the date of that application

Day		Month		Year	
1	1	1	1	1	1

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

N/A

Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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

[Redacted Signature]

Date

25th May 2017

Capacity

Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
As Above	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. **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.**