

**Swindon Borough Council  
Licensing Act 2003 – Licensing Panel**

**NOTICE OF HEARING**

**Date of Hearing:** Tuesday, 4 April 2017

**Place of Hearing:** Committee Room 2, Civic Offices

**Time of Hearing:** 12.30 p.m.

**Panel Members:**

Conservative Councillors

Nick Martin

Vera Tomlinson

Labour Councillors

Abdul Amin

**Committee Officer:** Shaun Banks (Telephone 01793 463606)

Email: email: sbanks@swindon.gov.uk

Address: Swindon Borough Council, Civic Offices, Euclid Street, Swindon SN1 2JH

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**AGENDA**

**1. Appointment of Chair**

**2. Apologies for Absence**

**3. Declarations of Interest**

Members are reminded that at the start of the meeting they should declare any known interests in any matter to be considered, and also during the meeting if it becomes apparent that they have an interest in the matters being discussed.

**4. Application to Review the Premises Licence, Efes, 131 Manchester Road, Swindon, SN1 2AF together with a copy of each relevant representation made and supporting documents (Pages 7 - 44)**

**Date of Despatch:** 20 March 2017

**Access Arrangements** – The Venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Clerk above, as soon as possible prior to the date of the meeting.

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

## **INFORMATION TO ACCOMPANY NOTICE OF HEARING**

### Action following receipt of Notice of Hearing:

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A party shall give to the Licensing Panel within the period of time provided for in the following provisions of this regulation a notice (in the form attached) stating: -

- Whether he intends to attend or be represented at the hearing.
- Whether he considers a hearing to be unnecessary.
- 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.

### The following notice periods apply:

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No later than one working day in respect of:

- Cancellation of interim authority notice following police objection, or
- Counter notice following police objection to temporary event notice.

No later than two working days before the first day of hearing:

- Review of premises licence following closure order or review of premises licence following review notice;
- Determination of application for conversion of existing licence;
- Determination of application for conversion of existing club certificate; or
- Determination of application by holder of justices' licence for grant of personal licence.

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 of attendance, assistance and representation:

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A party may attend the hearing and may be assisted or represented by any person whether or not that person is legally qualified.

The hearing will take place in public. However the Licensing Panel 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. For these purposes a party and any person assisting or representing a party may be treated as a member of the public.

The Licensing Panel may require any person attending the hearing who in their opinion is behaving in a disruptive manner to leave the hearing and may:

- refuse to permit that person to return, or
- permit him to return only on such conditions as the authority may specify.

Any 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.

#### Representations and Supporting Information:

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At the hearing a party shall be entitled to:

- Give further information as appropriate in response to a point upon which the Licensing Panel has given notice that clarification is required (Note – if clarification is required from any party this will have been indicated in the Notice of Hearing);
- If given permission by the Licensing Panel, question any other party; and
- Address the authority.
- Failure of Parties to attend the Hearing

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.

If a party who has not so indicated fails to attend or be represented at a hearing the authority may: -

- Where it considers it to be necessary in the public interest, adjourn the hearing to a specified date, or
- Hold the hearing in the party's absence.
- 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.
- 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:

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A summary of the procedure that will normally be followed at the hearing is attached.

It should be noted that this is a general procedure intended to cover matters that will normally be applicable at all Hearings. However depending on the circumstances of each individual case, it is recognised that other issues may need to be considered as preliminary points at the hearing. These may include (but are not limited to): -

- Whether to proceed in the absence of a party;
- Whether to admit new documents or information submitted at the hearing;
- Whether it is in the public interest to exclude members of the public from the hearing or any part of it;

- Whether any party wished to withdraw representations previously submitted
- Whether to disregard any information given by a party or any person to whom permission to appear at the hearing is given by the authority which is not relevant to:
  - Their application, representations or notice (as applicable) or in the case of another person, the application representations or notice of the party requesting their appearance, and
  - The promotion of the licensing objectives

**Standard procedure for licensing committee or  
licensing panel review hearings**

- 1) The general facts of the review application will be put to the hearing by an officer of the Licensing Authority.**
- 2) The applicant for the review will put their case. They will be invited to clarify and support (but not add to) their written submission.**
- 3) Members of the Licensing Committee (or Panel) may ask questions arising from this submission, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask the party which applied for the review to give a brief clarification concerning any of the points they have made.**
- 4) Ward Members who wish to speak on behalf of constituents who have made representations following the review application or aspects of the review application will be invited to speak. Written notification of those representations must be submitted within the required period of notice.**
- 5) Where individuals or organisations have given the required notice that they wish to make relevant representations on the review application, they will be invited one at a time to clarify and support (but not add to) their written submissions. Representations will be heard only from those who have submitted an objection in writing before the deadline given for comments. This restriction applies equally to Members and Officers of the Council.**
- 6) Members of the Licensing Committee (or Panel) may ask questions arising from each representation, as may any other Member of Swindon Borough Council who is present. The premises licence holder will not be allowed to comment or reply at this stage but may ask those making representations to give a brief clarification of any of the points they have made.**
- 7) Ward Members who wish to speak on behalf of constituents who have made a representation against the review and in support of the premises licence holder will be invited to speak. Written notification of the positive representation must have been submitted within the required period of notice.**
- 8) The premises licence holder and / or their solicitor or representative will be invited to make a submission in opposition to the application for review and to respond to points made by**

**those who submitted the review application or who made representations subsequently. No unreasonable limits will be placed on the right of the applicant to make their case and they may present any documentation they wish, in doing so.**

- 9) Members of the Licensing Committee (or Panel) may ask questions arising from the premises licence holder's submission, as may any other Member of Swindon Borough Council who is present.**
- 10) The party which applied for the review and anyone who made representations subsequently will be allowed in turn to ask the premises licence holder to give a brief clarification of any point they have made. They will not be permitted to restate or develop their review application or representation and must limit any further brief comment to issues that arise directly from answers given by the premises licence holder or the premises licence holder's representative.**
- 11) Members of the Committee or Panel hearing the application will then discuss the application in private, accompanied only by non-partisan officers who are there in a support role.**
- 12) Should any person present act in a disruptive manner the Chair will first warn him or her about their conduct and then, if the Chair considers it appropriate, may require the person concerned to leave the meeting forthwith. Where a party to the hearing insists on wasting the time of the hearing by needlessly repeating points that have been well aired and clearly put by earlier speakers, their actions may be judged to be disruptive and they may be asked to leave. It is strongly recommended that any spoken representations from groups of people with common concerns are made through an agreed spokesperson.**

Agenda Item 4

**Review of a Premises Licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF**

**Licensing Panel**

**Date: 3<sup>rd</sup> April 2017**

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Author: Kathryn Ashton – Licensing Manager  
Wards: Central  
Locality Affected: Central  
Parishes Affected: None

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**1. Purpose and Reasons**

- 1.1 To consider the application for a review of a premises licence received from the Wiltshire Police in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF

**2. Recommendations**

It is recommended that the Panel:

- 2.1 Considers the application made by the Wiltshire Police together with any supporting evidence, and determines the application for the review of the premises licence. The options available to the Panel are:
- To modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition;
  - To exclude a licensable activity from the scope of the licence;
  - To remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
  - To suspend the licence for a period not exceeding three months;
  - To revoke the Licence

**3.0 Detail**

- 3.1 An application for the review of a premises licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF has been received from Wiltshire Police who consider that the licensing objective in respect of crime and disorder is being undermined by current licensable activities at the premises. A copy of the Wiltshire Police's application is attached as **Appendix A**. A representation in support of the review has been received from Trading Standards which is attached as **Appendix B**
- 3.2 Efes is a licensed premises, operating under a premises licence (ref: 881160097LAPDPS), attached as **Appendix C**. The licence was issued on 25<sup>th</sup> January 2017 and permits the sale of alcohol on Monday to Sunday from

# Review of a Premises Licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF

Licensing Panel

Date: 3<sup>rd</sup> April 2017

08.00hrs to Midnight. The Premises Licence Holder and Designated Premises Supervisor is Mr Ali Sari.

3.3 Since the receipt of the application for review by the Licensing Authority and application to transfer the premises licence and DPS has been received.

3.3 The grounds for the review are stated in the Police's application as follows:

3.3.1 On 3<sup>rd</sup> December 2016 at 23:42hrs, Wiltshire Police officers attended the premises following a call for assistance from a lone male working at the store who identified himself as Aqeelshah Hider, reporting that two males had been in the store and one had stolen 2 cans of Oranjeboom and a packet of Marlborough cigarettes after being refused credit. Mr Hider provided a statement to the Police confirming that he is employed at the store and that he was prepared to sell the Marlborough cigarettes to the male attached as **Appendix D**

One of the males was detained in the area by Wiltshire Police Officers and recovered a white packet of Marlborough cigarettes that were foreign branded and labelled. Mr Ali Sari did not wish to take the matter any further so no Police action has been taken.

The Police Licensing Officer PC Diffin was made aware of the Marlborough Cigarettes and they were handed to Swindon Borough Council Trading Standards for further investigation.

PC Diffin conducted checks with Home Office Immigration with regards Aqeelshah Hider as at the time of recording his statement police officers were concerned of his reluctance to attend court.

Immigration checks confirmed that Mr Aqeelshah Hider as being Syed Aqeel Haider Shah who was illegally in the UK and has no right to work in the country.

3.3.2 On 8<sup>th</sup> December 2016 at 11:17hrs Police Officers attended the premises in an attempt to locate Mr Shah and to conduct a licensing check. Mr Shah was not on the premises, however, staff training records were located which showed on 7<sup>th</sup> April Mr Shah signed under the name of Haider Shah and Mr Sari had countersigned the records.

On entering the premises one person was working namely Khurshid Ahmed who stated he worked at the premises for five hours a week and had worked at the premises for a number of years. He is a personal licence holder.

A check was made of tobacco at which time officers observed that there were few cigarettes on display. When Mr Ahmed was asked if there was any other tobacco in the store Mr Ahmed produced a bag from a shelf under the till which contained a number of foreign labelled packs. Photographs are contained within **Appendix A**

3.3.3 On 12<sup>th</sup> December 2016 Shah was arrested by PC Diffin and is being dealt with by Immigration.

Further information on the subject of this report can be obtained from Kathryn Ashton, Licensing Manager on 01793 466113, or by email: [kashton@swindon.gov.uk](mailto:kashton@swindon.gov.uk)



# **Review of a Premises Licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF**

**Licensing Panel**

**Date: 3<sup>rd</sup> April 2017**

- 3.3.4 Whilst at the premises on 8th December 2016, PC Diffin also noted that a number of licensing conditions were being breached, namely conditions 9, and 10.

Condition 9 states:

‘A weekly stock check of alcohol and tobacco shall be undertaken, to ensure that the stock present reflects the purchase receipts for goods which are intended for sale on the premises. A record of those stock checks shall be made available for inspection by authorised officers on request’.

There were no recent recorded or dated checks on documents at the location.

Condition 10 states:

‘A register shall be maintained in the form of a book with consecutively numbered pages, setting out the full name of the any person who is employed or carried out any unpaid work as part of the business, showing on a daily basis who is working that day and the times when they are present. The register shall be made available for inspection by authorised officers, at any reasonable time’

Mr Ahmed was unable to produce the register and stated he did not know of one.

- 3.4 Wiltshire Police are asking the panel to revoke the premises licence at Efes 131 Manchester Road due to the serious nature of the activity.

Such activity includes ‘knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person’s leave to enter’. In addition ‘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 is seriously considered’.

- 3.5 The Panel is requested to consider the application for the review of the premises licence from the Wiltshire Police and supporting evidence, having regard to Swindon Borough Council’s Statement of Licensing Policy and the Guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

- 3.6 It is also recommended that in considering the application and supporting information, the Panel seek clarification of dates and times included within the application and statements from Wiltshire Police, Shah and Trading Standards.

## **4. Alternative Options**

- 4.1 It would be possible to defer the determination of the review application to a date within five working days of the day (or the last day) on which the hearing was held, or to defer the hearing itself to a specified date (or dates) where it is considered to be necessary for the authority’s consideration of any

representation or notice made by a party. However, either step should be seen as an exceptional measure.

**5. Implications, Diversity Impact Assessment and Risk Management**

Financial and Procurement Implications

- 5.1 There are no direct financial implications arising from the report. Failure to reach a reasonable conclusion, based on the facts, could lead to crime and disorder, or to unwarranted damage to the business in question. Either scenario could raise issues of compensation. In the case of an appeal, the Council could become liable for costs.

Legal and Human Rights Implications

- 5.2 A declaration has been made by the Secretary of State that the Licensing Act is compliant with the Human Rights Act. None of the relevant Articles of the Human Rights Act has absolute sway over the others. Article 8 deals with a right to undisturbed home life; Article 10 gives the right to free expression, including the right to entertain; Article 1 of the Protocol says that licences are 'possessions', which the holder has a right to enjoy. Common sense has to be used, in balancing each of these against the other.

- 5.3 All Other Implications (including Staff, Sustainability, Health, Rural, Crime and Disorder)

This report relates to the requirements of licensing legislation.

- 5.4 Diversity Impact Assessment

It is not considered that the preparation of a DIA is required in respect of this report.

- 5.5 Consultees**

The Director of Law and Democratic Services (Monitoring Officer) is consulted in respect of all reports.

- 5.6 Background Papers**

Licensing Act, 2003

Secretary of State revised Section 182 Guidance

Swindon Borough Council's Statement of Licensing Policy, (2016)

- 5.7 Appendices**

Appendix A - Application from Wiltshire Police for the review of a Premises Licence, (dated 14<sup>th</sup> December 2016), incorporating the Witness Statement of PC Diffin, (dated 14<sup>th</sup> December 2016), photographs of cigarettes and tobacco

Appendix B – Representation from Swindon Borough Council's Trading Standards Department

**Review of a Premises Licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF**

**Licensing Panel**

**Date: 3<sup>rd</sup> April 2017**

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Appendix C – Copy of existing Premises Licence, dated 25<sup>th</sup> January 2017

Appendix D – Statement from SHAH dated 1.2.16

# Appendix A

# WILTSHIRE POLICE



**Swindon Police Station**  
**Gablecross**  
Shrivenham Road  
South Marston  
Swindon  
Wiltshire SN3 4RB  
Telephone: 101  
Direct Dial: 01380861630

Ali SARI  
Efes  
131 Manchester Road  
Swindon  
SN1 2AF

Date 28/02/17

Your ref

Our ref

Reply contact name is **PC Michael DIFFIN MBE Police Licensing Officer**

Dear Sir,

RE – Application for Premise Licence Review Efes 131 Manchester Road Swindon

Please find enclosed Wiltshire Police application and evidence to review the premises licence at Efes under the Crime and Disorder Objective of the Licensing Act 2003.

Yours Sincerely,

Michael DIFFIN MBE  
Police Constable 1630  
Police Licensing Officer.



INVESTOR IN PEOPLE

**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 PC 1630 Michael DIFFIN MBE on behalf of the CHIEF CONSTABLE OF  
WILTSHIRE POLICE

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 (delete as applicable)**

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

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Efes 131 Manchester Road	
<b>Post town</b> SWINDON	<b>Post code (if known)</b> SN1 2AF
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Ali SARI 61 Moredon Road Swindon SN2 2JG	
<b>Number of premises licence or club premises certificate (if known)</b> 881160097LAPDPS	

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

- |   |                          |
|---|--------------------------|
| a) a person living in the vicinity of the premises                                  | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises               | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises                    | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

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

### (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address PC 1630 Michael DIFFIN MBE POLICE LICENSING OFFICER SWINDON POLICE STATION GABLECROSS, SHRIVENHAM ROAD, SOUTH MARSTON, SWINDON, SN3 4RB
Telephone number (if any) 01380 861630
E-mail address (optional) michael.diffin@wiltshire.pnn.police.uk

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

Please tick one or more boxes

- |   |  |
|---|--|
| 1) the prevention of crime and disorder | <input checked="checked" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>                   |
| 3) the prevention of public nuisance    | <input type="checkbox"/>                   |
| 4) the protection of children from harm | <input type="checkbox"/>                   |

**Please state the ground(s) for review** (please read guidance note 1)

This application to review the premises licence for Efes is based on evidence which shows a breach to the licensing objective of:

Crime & Disorder – For knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter the UK.

Crime & Disorder - The premises is being used for the sale of smuggled and foreign cigarettes and tobacco.

Crime & Disorder - Failure to comply with conditions on a premise licence. Offences under Section 136(1) Licensing Act 2003.



Para 11.28 –

"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 license – even in the first instance is seriously considered".

Illegal working has harmful social and economic effects within the UK, it undercuts British businesses and their workers that stay within the law and exploits migrant workers. As long as there are opportunities for illegal working, the UK will remain an attractive place for illegal immigrants. Partners are working very hard to impact upon and disrupt employers breaking the law by taking tough action against those who do so.

There is evidence that illegal workers are paid less than the minimum wage, do not pay tax, and may be doing work that breaches health and safety regulations. Employers who use illegal workers may do so to exploit a vulnerable person, may be connected with human trafficking and avoid providing national minimum standards such as the minimum wage or paid holiday. This is extremely harmful to the exploited workers and enable dishonest employers to gain an unfair advantage over competitors who operate within the law of the United Kingdom.

On Thursday 8th December 2016 at 1117hrs Officers re attended the location in an attempt to locate SHAH and to conduct a licensing check.

SHAH was not at the location but staff training records were located having been completed by him on 07/04/2016 and signed under the name of Haider SHAH and have also been countersigned by SARI as the DPS. Photo MSD/3 refers

On entering the premises there was one person working there Khurshid AHMED he stated that he worked at the premises for five hours a week and had worked there for some time for the owner Ali SARI. AHMED has worked at the location for a number of years and is known to the attending officers he is also a personal licence holder.

A check of the tobacco in the store was conducted at the time as it was observed that there were very few cigarettes on display and the counter was virtually empty. The following were located in the display photo labeled MSD/2 refers

- 3 x Packets of Hamlet Cigars
- 4 x Packets of White Winston Cigarettes
- 6 x Packets of Red Winston Cigarettes
- 6 x Packets of Chesterfield Cigarettes
- 2 x Packets of Berkley Cigarettes
- 1 x Packet of Players Silver Cigarettes
- 1 x Pouch of Sterling Rolling tobacco

On walking behind the counter to check the labels AHMED was asked if there was any other tobacco in the store to which he produced white and green bag for life from a shelf under the till that contained the following. Photo labeled MSD/1 refers.

- 16 x Packets of Marlborough Gold Cigarettes – Foreign Label
- 12 x Packets of PECT Cigarettes – Foreign Label
- 5 x Packets of Mayfair Cigarettes
- 6 x Packets of Richmond Cigarettes
- 1 x Pouch Golden Virginia tobacco – Foreign Label
- 1 x Pouch Amber Leaf tobacco - Foreign Label
- 1 x Pouch Gold Leaf tobacco - Foreign Label



**Please tick yes**

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application      Day Month Year

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

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## INDEX

1. Premise Licence Efes 131 Manchester Road
2. PC 1630 DIFFIN Witness Statement
3. Photographs of cigarettes and tobacco labelled MSD/1
4. Photographs of cigarettes and tobacco labelled MSD/2
5. Photograph of training record SHAH labelled MSD/3
6. Statement recorded from SHAH proving employment at the location (Front Page) – Restricted Document
7. Statement showing details given by SHAH to police (Back Page) – Restricted Document



Licensing Authority  
5<sup>th</sup> Floor, Wat Tyler West  
Beckhampton Street  
Swindon  
SN1 2JG  
Tel: 01793 466113  
licensing@swindon.gov.uk

## Premises Licence Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED  
UPON REQUEST OF AN AUTHORISED OFFICER)

<b>Premises Licence Number</b>	881160097LAPDPS
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### Part 1 – Premises Details

<b>Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code</b>  EFES 131 Manchester Road Swindon SN1 2AF
<b>Telephone number</b> 07739559534

<b>Where the licence is time limited the dates</b> Not Applicable
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<b>Licensable activities authorised by the licence</b>  Sale by Retail of Alcohol
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<b>Times the licence authorises the carrying out of licensable activities</b> Sale by Retail of Alcohol Monday to Sunday 08:00 - Midnight
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## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Ali Sari  
61 Moredon Road  
Swindon  
SN2 2JG  
Daytime Telephone Number - 07739559534

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

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Ali Sari

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

Personal Licence No: 881150918PERSON  
Licensing Authority: Swindon Borough Council

**This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.**

**Dated this 25th January 2016**

Kathryn Ashton  
Licensing Manager

- (i) the holder of the premises licence,
    - (ii) the designated premises supervisor (if any) in respect of such a licence, or
    - (iii) 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 given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above 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.
- (b) 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.

### **Conditions consistent with the Operating Schedule**

5. Reasonable steps shall be taken to deter any groups of people from loitering outside the shop.

### **Conditions attached after a hearing by the Licensing Authority**

6. Signage shall be displayed prominently at the point of sale and at the entrance door, informing customers that if they look 25 or younger, they will be challenged for ID. At the point of sale, a sign shall be displayed prominently, drawing attention to the fact that it is a criminal offence to sell alcohol to a person under 18.
7. A CCTV system capable of providing useful images shall be installed and shall be properly maintained. Access to recordings shall be provided to authorised officers at any reasonable time.
8. True copies of all invoices, receipts and other records related to alcohol and tobacco purchases shall be kept on the premises, covering the whole of the preceding six months. Those records shall be made

IN THE MATTER OF AN APPLICATION BY THE CHIEF CONSTABLE OF  
WILTSHIRE POLICE FOR A LICENSING REVIEW OF EFES , 131 MANCHESTER  
ROAD, SWINDON.

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**STATEMENT OF PC MICHAEL DIFFIN MBE**

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I, **PC 1630 MICHAEL DIFFIN**, Police Licensing Officer, Licensing Department,  
Divisional Police Headquarters, Gablecross Police Station, Swindon, Wiltshire SN3 4RB will  
say as follows:

1. I am a Police Licensing officer for Wiltshire Police and I have been in post since April 2015. My role is to gather and collate evidence around Licencing issues. Prior to this I was the Night Time Economy Manager for Swindon Town Centre. I took up this position in 2012 and held this post until early 2015. I have been a member of the Wiltshire Constabulary since 2001 and have served all of my time in Swindon Town Centre.
2. My role as the Police Licensing Officer is to work with the local policing teams and other agencies to identify and tackle long term issues in areas caused as a result of alcohol and non-compliance with the Licensing Act 2003.
3. On the 30<sup>th</sup> November 2016 at 2342hrs Wiltshire Police received a  
call for assistance at EFES 131 MANCHESTER ROAD SWINDON from a male  
working alone in the store who identified himself to officers as being Aqeelshah  
HIDER, he was reporting that two males had been in the store and one had stolen 2 x  
cans of Oranjaboon and a packet of Marlborough cigarettes after being refused credit.  
HIDER has provided a statement to Police to this effect confirming that he is  
employed at the store and the fact that he was prepared to sell the Marlborough  
Cigarettes to the male. He also states that he called Ali SARI the Premise Licence



he usually gets paid about £20 in cash by SARI for working 4 -5 hours at a time.

8. SHAH is currently being dealt with by immigration

9. On Thursday 8th December 2016 at 1117hrs I attended the location in an attempt to locate SHAH and to conduct a licensing check.

SHAH was not at the location but staff training records were located having been completed by him on 07/04/2016 and signed under the name of Haider SHAH and have also been countersigned by SARI as the DPS. Photo MSD/3 Refers.

10. On entering the premises there was one person working there Khurshid

AHMED he stated that he worked at the premises for five hours a week and had worked there for some time for the owner Ali SARI. AHMED has worked at the location for a number of years and is known to me as I have dealt with him in the location in the past. He is also a personal licence holder.

I conducted a check of the tobacco at the time and as the screen to the cigarette display was going up I saw that there were very few cigarettes on display and the counter was virtually empty.

The following were located in the display photo labelled MSD/2 refers

3 x Packets of Hamlet Cigars

4 x Packets of White Winston Cigarettes

6 x Packets of Red Winston Cigarettes

6 x Packets of Chesterfield Cigarettes

being complied with.

14. Condition 9 on the premises licence states

A weekly stock check of alcohol and tobacco shall be undertaken, to ensure that the stock present reflects the purchase receipts for goods which are intended for sale on the premises. A record of those stock checks shall be made available for inspection by authorised officers on request.

There were no recent recorded or dated checks on documents at the location.

15. Condition 10 on the premises licence states

A register shall be maintained in the form of a book with consecutively numbered pages, setting out the full name of the any person who is employed or carried out any unpaid work as part of the business, showing on a daily basis who is working that day and the times when they are present. The register shall be made available for inspection by authorised officers, at any reasonable time.

16. AHMED was unable to produce this document and stated he did not know of one.

Statement of Truth

I confirm that the contents of this statement are true to the best of my knowledge and belief.

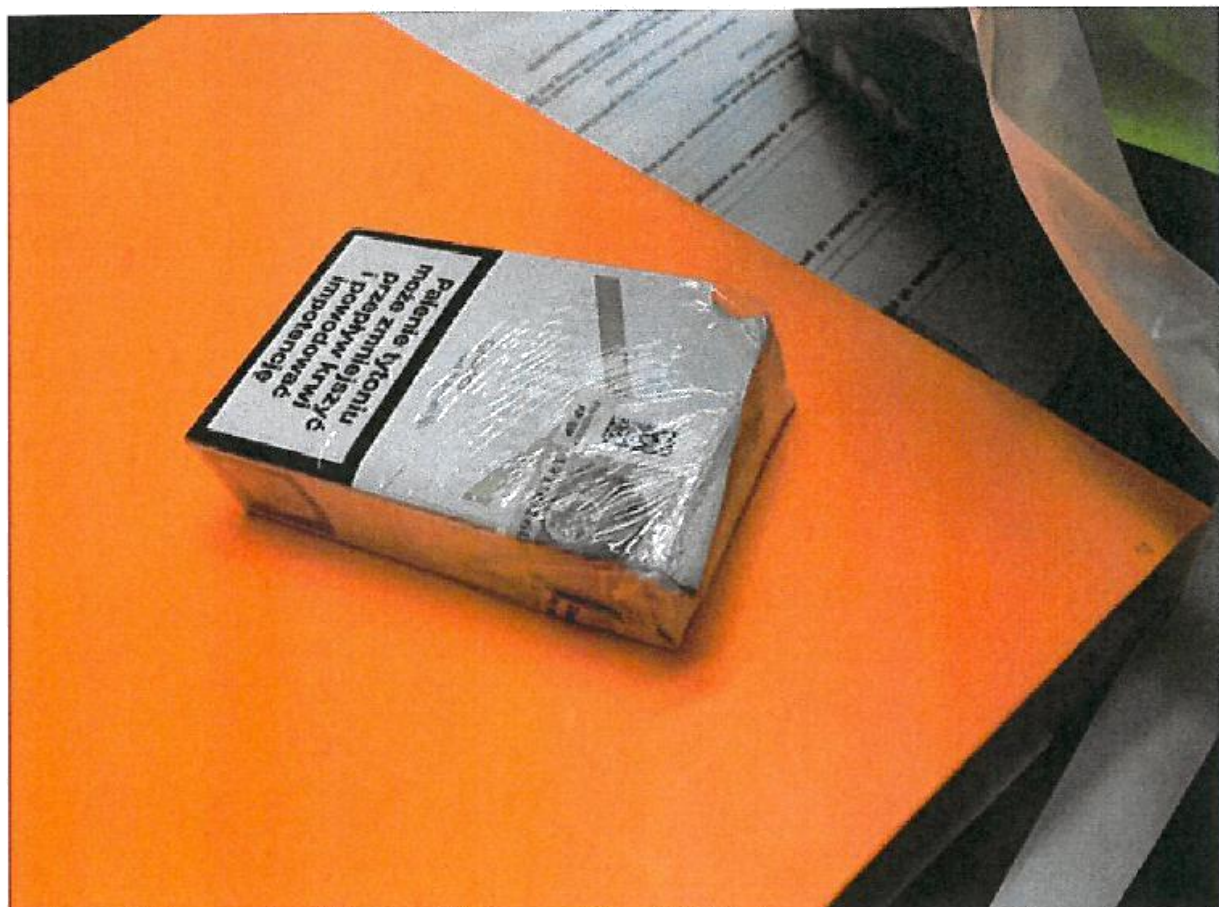
Signed..........  
**PC MICHAEL DIFFIN**

Dated.....28/02/17.....



MSD/1 - Tobacco Bag







MSD/2 - Cigarette Display



**OFF- LICENCE EFES STORE**  
**INDUCTION QUESTIONNAIRE**

Please answer each question. To succeed fully pass the induction training you must answer all 20 questions correctly.

1. Who is the LPS of your store?  
ALI SARI
2. What is the Premises Licence?  
Permitted Licence area to Sell Alcohol on Premise
3. What is Challenge 25?  
To challenge people who look young
4. What are the hours your store is allowed to sell alcohol?  
9am to 12pm
5. If a sale of alcohol is not made where should this be recorded?  
Reject Book
6. Where can the customer consume his/her alcohol?  
On Site of the Shop premises
7. What are the 3 approved forms of identification that you may accept?  
Halfpenny pass, full pass, pass in my hand
8. What is the fixed penalty fine for the cashier making a selling offence?  
Fixed penalty on the spot is £50
9. If you fail a test purchase who should you inform and when?  
Ring police to change licence using DPS
10. If you are in any doubt of the validity of the identification or are still unsure of the customer's age what should you do?  
Refuse sale of alcohol if you are sure you're right

DPS signature: [Signature]  
Staff signature: [Signature]  
Staff print name: HANDED GAGE  
Date: 02-10-16

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# Appendix B



## Licence Objection for Efes at 131 Manchester Road

I am Matthew White, a Senior Trading Standards Enforcement Officer, acting on behalf of the Swindon Borough Council Trading Standards service. I wish to object to the granting of a premise licence to Mr Ali Sari (date of birth 13/10/1980), as I have concern about the prevention of crime, particularly in relation to the sale of illicit tobacco. This is primarily based on the fact that counterfeit tobacco has been found on the premises. I have summarised below, the history of events relating to the premises that give rise to my concern.

### 14/08/2015

Trading Standards visited the premises and the underage refusals register was not being used contrary to the licencing requirements.

### 15/4/2016

Complaints were received by Trading Standards about illicit tobacco being sold under the counter.

### 26/08/2016

On Thursday the 8th of December 2016, Swindon Borough Council Licencing and Wiltshire Police visited 131 Manchester Road in Swindon. On entering the store they found Khurshid AHMED born 25/02/1952 of 105 Broad Street, Swindon working behind the till. He said he worked for Ali SARI, the shop owner. A quantity of suspect tobacco was found being sold for £5 a packet. This comprised of 15 different types of tobacco product.

This tobacco was signed over to me for examination. I suspect that all of the seizure is illicit tobacco and some of the tobacco is smuggled and that duty had not been paid. I sent samples of tobacco for analysis by the brand owner representatives and some of the samples returned have already been confirmed as counterfeit. The labelling on some of the tobacco is not in English which constitutes a product safety offence where health warnings are legally required to be in the language of the member state they are sold in.

Alleged TS offences: S12 Consumer Protection Act 1987 (for breaching The Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (foreign labelled/no health warnings)

S92 Trade Marks Act 1994 (counterfeit cigarettes)

Alleged HMRC offences: Tobacco Products Duty Act 1979

Other alleged offences: S327 Proceeds of Crime Act 2002 (money laundering)  
Conspiracy to commit all the above offences

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# Appendix C



Licensing Authority  
5<sup>th</sup> Floor, Wat Tyler West  
Beckhampton Street  
Swindon  
SN1 2JG  
Tel: 01793 466113  
licensing@swindon.gov.uk

## Premises Licence Schedule 12 - Part A

(THIS PART OF THE LICENCE MUST BE KEPT AT THE PREMISES AT ALL TIMES AND PRODUCED  
UPON REQUEST OF AN AUTHORISED OFFICER)

<b>Premises Licence Number</b>	881160097LAPDPS
--------------------------------	-----------------

### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description,  
including Post Town, Post Code**

EFES  
131 Manchester Road  
Swindon  
SN1 2AF

**Telephone number** 07739559534

**Where the licence is time limited the dates**

Not Applicable

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Sale by Retail of Alcohol  
Monday to Sunday 08:00 - Midnight



**The opening hours of the premises**

Not Applicable

**Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.**

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

Off Sales only

## Part 2

**Name, (registered) address, telephone number and email (where relevant) of holder of premises licence**

Mr Ali Sari  
61 Moredon Road  
Swindon  
SN2 2JG  
Daytime Telephone Number - 07739559534

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

**Name, address and telephone number of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Ali Sari

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

Personal Licence No: 881150918PERSON

Licensing Authority: Swindon Borough Council

**This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.**

**Dated this 25th January 2016**

Kathryn Ashton  
Licensing Manager

## Mandatory Conditions

1. No supply of alcohol may be made under the premises licence
  - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by, a person who holds a Personal Licence.
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.
  - (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) For the purposes of the condition set out in paragraph (1)
    - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
    - (b) "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;
    - (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
    - (iii) 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 given by Paragraph (b) of paragraph (2) would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
- (4) (a) Sub-paragraph (4)(b) below applies where the permitted price given by Paragraph (2)(b) above 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.
- (b) 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.

### **Conditions consistent with the Operating Schedule**

5. Reasonable steps shall be taken to deter any groups of people from loitering outside the shop.

### **Conditions attached after a hearing by the Licensing Authority**

6. Signage shall be displayed prominently at the point of sale and at the entrance door, informing customers that if they look 25 or younger, they will be challenged for ID. At the point of sale, a sign shall be displayed prominently, drawing attention to the fact that it is a criminal offence to sell alcohol to a person under 18.
7. A CCTV system capable of providing useful images shall be installed and shall be properly maintained. Access to recordings shall be provided to authorised officers at any reasonable time.
8. True copies of all invoices, receipts and other records related to alcohol and tobacco purchases shall be kept on the premises, covering the whole of the preceding six months. Those records shall be made



available for inspection by an authorised officer at any reasonable time.

9. A weekly stock check of alcohol and tobacco shall be undertaken, to ensure that the stock present reflects the purchase receipts for goods which are intended for sale on the premises. A record of those stock checks shall be made available for inspection by authorised officers on request.
10. A register shall be maintained in the form of a book with consecutively numbered pages, setting out the full name of the any person who is employed or carried out any unpaid work as part of the business, showing on a daily basis who is working that day and the times when they are present. The register shall be made available for inspection by authorised officers, at any reasonable time.
11. A single refusals book shall be provided with numbered pages that shall be completed in consecutive order. The log shall be reviewed on a monthly basis and a record shall be made of the review. On identifying any trends, staff training needs shall be re-assessed. The refusal book shall be made available for inspection by an authorised officer, at any reasonable time.
12. All staff (including anyone providing temporary relief or cover and whether paid or unpaid) shall be given formal training on age-restricted sales. That training shall include watching the SWERCOTS training CD-ROM (or a replacement or equivalent) and the accompanying quiz shall be completed by each individual and their competence shall be assessed. Full training records shall be kept and shall be made available for inspection by an authorised officer at any reasonable time.
13. No sale of alcohol shall be made on the premises by any person who has not completed the training
14. A Challenge 25 policy shall be operated. Any person who looks 25 years or younger shall be challenged for proof of age, when they present alcohol at the till point. No evidence other than a photo driving licence, passport or PASS accredited age card (e.g. Citizencard) or its successor card shall be accepted as proof of age.
15. If the designated premises supervisor is someone other than the premises licence holder, they shall be required to demonstrate that they have undertaken recent training, sufficient to enable them to promote the licensing objectives. A record of such training shall be made available for inspection by authorised officers at any time.

## **Plans**

No changes to original plans



Licensing Authority  
5<sup>th</sup> Floor, Wat Tyler West  
Beckhampton Street  
Swindon  
SN1 2JG  
Tel: 01793 466113  
licensing@swindon.gov.uk

## Premises Licence Schedule 12 - Part B

(THIS PART OF THE LICENCE MUST BE DISPLAYED IN A PROMINENT POSITION WITHIN THE PREMISES)

**Premises Licence Number**

881160097LAPDPS

### Part 1 – Premises Details

**Postal address of premises, or if none, ordnance survey map reference or description, including Post Town, Post Code**

EFES  
131 Manchester Road  
Swindon  
SN1 2AF

**Telephone number** 07739559534

**Where the licence is time limited the dates**

Not Applicable

**Licensable activities authorised by the licence**

Sale by Retail of Alcohol

**Times the licence authorises the carrying out of licensable activities**

Sale by Retail of Alcohol  
Monday to Sunday 08:00 - Midnight

**The opening hours of the premises**

Not Applicable

**Where non standard timings are authorised, the opening times shall be as those authorised for licensable activities with an additional 30 minutes on the terminal hour.**

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

Off sales only

**Name, (registered) address of holder of premises licence**

Mr Ali Sari  
61 Moredon Road  
Swindon  
SN2 2JG

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

**Name of designated premises supervisor where the premises licence authorises for the supply of alcohol**

Mr Ali Sari

**State whether access to the premises by children is restricted or prohibited**

Not Restricted or Prohibited

**This Premises Licence is issued by Swindon Borough Council as Licensing Authority under Part 3 of the Licensing Act 2003 and regulations made thereunder.**

**Dated this 25th January 2016**

Kathryn Ashton  
**Licensing Manager**

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# Appendix D



**RESTRICTED** (when complete)**WITNESS STATEMENT**

(CJ Act 1967, s9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

The MG11 back sheet must be completed and submitted with this statement

URN

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Statement of: Aqeelshah HIDER

Age if under 18: Over 18 (If over 18 insert 'over 18') Occupation: Shop Assistant

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

Signed:



Date: 01/12/2016

☐ X if witness evidence is visually recorded (Supply witness details on rear)

I am employed as a shop assistant in Efes Off Licence in Manchester Road, Swindon. At some point between 1130hrs and 1145hrs on Wednesday 30<sup>th</sup> November 2016 I was in the store by myself when two males entered the store one male was a white male, he was fat and about 6ft 1ins tall, this male was in his late twenties and had brown short hair and a beard. This male was wearing a t shirt I think it may have been the same colour as skin but I cannot be sure. I recognised this male as he had been in the store many times before over the last few months, he would come in once or twice a week, I do not know his name but I would recognise him if I saw him again. The second male looked like he may have been mixed race, he was in his mid-twenties, he was about 5ft 8ins tall and medium build, I think he had dark hair but he was wearing a hat I think. He was also wearing a coat, but I am not sure of the colour, I have not seen this male before but I would recognise him if I saw him again.


These males walked up to me at the counter, they were only a few feet away from me, the fat man asked me for Chesterfield and Marlboro cigarettes, I gave a pack of 20 Marlboro cigarettes in a white packet, they would normally cost £9.50pence. This male then asked for a bottle of ENJ brandy, I gave him a bottle of this which was valued at £16.99pence. The fat male took these items and then asked me for store credit, I told him that we do not do that and that he would have to pay for the items, he refused and said that he would pay tomorrow. I tried to take the Brandy from him but he kept hold of the bottle, we struggled for a couple of seconds and then he gave me the brandy. Following this he took two bottles of Orange Boom beer valued at £2.22pence in total.

Whilst I was doing this I called my Boss Ali SARI and asked him to come to the shop, he arrived a few minutes later. Ali told the fat man to put the items back but he refused and left with the mixed race male followed by my Boss.

During this the mixed race kept saying that they would pay for the items "TOMORROW" but he didn't physically touch anything.

Nobody has the right to take anything from the shop without paying, but the fat man is a normally a good customer and I think that he should be able to come back to the shop again as long as he doesn't mis-behave. I do not think that this man should go to Court and I do not want to go to Court. I do not wish to pursue a complaint against either of these males.

Signature:

  
 Aqeelshah HIDER  
 Thu Dec 1 2016 01:04:49

Signature witnessed by:

 Double-Click to Sign

**RESTRICTED – FOR POLICE AND PROSECUTION ONLY (when complete)**

Name Aqeelshah HIDER Date & place of birth [REDACTED]  
 Home address [REDACTED] Post Code [REDACTED]  
 Home tel. no. N/A Mobile [REDACTED] Work N/A  
 E-mail address (if applicable and witness wishes to be contacted by e-mail) [REDACTED] Pager N/A  
 Preferred means of contact Email  
 Former name N/A Height: 5ft 10ins ☒ Male ☐ Female  
 Self Assessed Ethnic Origin A 2 Officer Observed Ethnic Origin Classification 4

Dates of non-availability Will not attend Court

**CONSENT FOR MEDICAL EXAMINATION**

If it is necessary for a medical examination to be carried out, I consent to this being done by a qualified Medical Practitioner Yes ☐ No ☐

Signature of witness – (if of sufficient age / understanding)

Date

Signature of representative of witness –  
(if witness not of sufficient age or understanding)

Print name

Date

Relationship

Incident date

Treatment date

Location of treatment

**WITNESS CARE**

- a) Is the witness willing and likely to attend court Yes ☐ No ☒ (If no include reasons on form MG6) What can be done to assure attendance?
- b) Does the person making this statement require 'special measures' as a vulnerable or intimidated witness? Yes ☐ No ☒ If yes, submit MG2
- c) Does the person making this statement have any special needs if required to attend court and give evidence? Yes ☐ No ☒  
 (E.g. language difficulties, visually impaired, restricted mobility, etc.). If Yes, enter details below:

**WITNESS CONSENT (For witness completion)**

- a) The Victim Personal statement has been fully explained to me and I have been given the Witness and Victim Information form. I wish to enter the scheme at the present time. Yes ☐ No ☒
- b) I have been given the Witness and Victim Information sheet Yes ☒ No ☐
- c) I hereby give consent for all details of injuries and treatment given resulting from an incident on [REDACTED] to be provided to the Police. I further authorise the appropriate Health Authority to disclose all relevant information, documentation, medical records, X-rays & photographs connected with the investigation and process of this matter. I have been advised by the Police that the information may be disclosed to a third party. Yes ☐ No ☐

Signature to question c

Counter Signature

Date

- d) I consent to my medical record in relation to this matter being disclosed to the defence. Yes ☐ No ☒

e) I consent to this statement being disclosed for the purpose of disciplinary hearings and/or civil proceedings. (e.g. Child Care and Custody proceedings or Road Traffic collision proceedings etc.) Yes ☐ No ☒

(Please note that the rules of disclosure may place a legal obligation on the Constabulary to disclose your statement, with or without your consent in the above circumstances)

- f) I consent to my details being passed to the Victim Support Service and the Witness Service to assist me at Court Yes ☒ No ☐

Signature to questions a, b, d, e, and f

Counter Signature

01/02/16

Date

Statement taken by (print name) PC 2492 GEERING

Station Gablecross Police Station

Time / date statement taken 01:08 01/02/2016

Place taken Gablecross Police Station

**CONSENT FOR VIDEO INTERVIEW**

I give consent for [REDACTED] to be interviewed by a Social Worker and / or police officer

Name of witness

Signature of witness – if of sufficient age / understanding

Date

**RESTRICTED – FOR POLICE AND PROSECUTION ONLY (when complete)**

Signature of representative of witness – (if witness not of sufficient age or understanding)	Print name	Date	Relationship
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**Review of a Premises Licence in respect of Efes, 131 Manchester Road, Swindon, SN1 2AF**

**Licensing Panel**

**Date: 3<sup>rd</sup> April 2017**

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