



**HASTINGS POLICE STATION  
EAST SUSSEX DIVISION**

Your Ref: Our Ref: ESX/LIC/DCI Date: 14<sup>th</sup> November 2012.  
Contact Name: Chief Inspector Keating Tel. Extension: 60221 Direct Dial No: 01424 456171

Dear Mr Brown

**SUSSEX POLICE REPRESENTATION AGAINST THE GRANT OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003.**

**Sevens Mini Market 57 Queens Road Hastings East Sussex TN34 1RE.**

Sussex Police wish to make representation against the application for the grant of a premises licence submitted by Mr. Hiwa Hama on the 25<sup>th</sup> October 2012, relating to Sevens Mini Market 57 Queens Road Hastings East Sussex. TN34 1RE.

The basis for the opposition is that the grant of a premises licence for these premises will not promote the licensing objectives, particularly the prevention of crime and disorder and the prevention of public nuisance. The hours the premises will be open to the public are Monday – Sunday 09:00hrs to 23:00hrs with no seasonal or special event variations.

The application is made under Section 17 of the Licensing Act 2003, for the licensable activity, supply of alcohol. Times requested for the licensable activity are Monday – Sunday 09:00hrs to 23:00hrs with no seasonal or special event variations to these times. Supply of alcohol for consumption off the premises.

On the 28<sup>th</sup> July 2010, East Sussex Trading Standards conducted an investigation concerning the premises selling counterfeit, illicit and dangerous alcohol. The alcohol involved being:-

- 4 bottles of Papus brand brandy.
- 4 bottles of Glens brand vodka
- 1 bottle of Raymond Vadim champagne.

Samples of the alcohol were forwarded to the Public Analyst who reported that a sample of the vodka contained 2.8% methanol which is harmful to health making the product unfit for human consumption.

Legislation breached was The General Food Regulations 2004, Trade Mark Act 1994, Food safety Act 1990 and the Consumer Protection from Unfair Trading Regulations 2008.

The Premises Licence Holder at that time, Mr. Ali Kawani, was sent a formal warning letter.

On the 8<sup>th</sup> December 2011 East Sussex Trading Standards again conducted an investigation concerning the premises selling counterfeit, illicit and dangerous alcohol. On this occasion 12 bottles of vodka on sale were seized. After this investigation the legislation found to have been breached was The General Food Regulations 2004 and the Consumer Protection from Unfair Trading Regulations 2008.

Mr. R. Brown  
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On the 1<sup>st</sup> February 2012, Ms. Louise Baxter Team Manager East Sussex County Council Trading Standards Service submitted an application to the Licensing Department Hastings Borough Council for a review of the premises licence. The basis for the review being that the premises have been involved in the illegal sale of counterfeit, illicit and dangerous alcohol.

On the 20<sup>th</sup> March 2012 the Licensing Sub Committee, after hearing all the evidence, revoked the premises licence.

Mr. Baktyiar Kawani, the holder of the premises licence at that time, appealed the decision of the Licensing Sub Committee. The appeal was withdrawn and therefore the revocation of the premises licence was implemented on the 3<sup>rd</sup> September 2012.

It was not established as to whether the two Premises Licence Holders at the time the offences were committed were related.

The proposed Designated Premises Supervisor on the application is a Mr. Kamal Kardo Osman. Enquiries have confirmed that this is the same person who was the Designated Premises Supervisor at the time the offences were committed. Sussex Police have a real concern that a designated premises supervisor prepared to purchase unbranded alcohol may well have the inclination to break the law in other areas. The Premises Licence Holder has a duty not merely to uphold the licensing objectives but to promote them.

The applicant submitted the application for the grant of a premises licence on the 25<sup>th</sup> October 2012, approximately two months after the Licensing Sub Committee found cause to revoke the licence. There is nothing in legislation to prevent this application however Sussex Police contend that to allow the grant of a premises licence at this time would undermine the whole process of reviewing a premises licence.

On the 7<sup>th</sup> November 2011, Anthony Masters, Sussex Police Licensing Officer for the Hastings District contacted the applicant. During the conversation Mr. Hama stated that the previous Premises Licence Holder, Mr. Kawani was a friend, and that he would have no involvement in the operation of the premises.

Sussex Police have no additional evidence to adduce, with regard to the premises but wish to emphasize the reasons as to why the premises licence was revoked.

During the first investigation conducted by East Sussex Trading Standards in July 2010 a sample of the vodka contained 2.8% methanol which is harmful to health. Tests on counterfeit bottles seized by council trading standards officers across the UK have revealed high levels of methanol – an ingredient used to make anti-freeze and which can cause blindness.

Trading Standards mentions in their review paper that their public analyst commented that there were irregularities with the UK duty stamp which indicated that it may not be genuine

In the Government's new alcohol strategy published in March this year, sections 2.18 to 2.20 refer to the government's response to 'emerging issues' of serious concern.

2.19 Alcohol duty fraud costs the Government up to £1.2 billion per year and organised crime groups are responsible for much of this cost.

Sussex Police also regard this as a serious public confidence issue. The public have a properly placed expectation that responsible authorities such as the police & trading standards have a duty to safeguard their welfare in the context of the Licensing Act and in the general context of being a responsible public body. By dealing with these breaches robustly it is hoped that such public confidence will be maintained and public




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expectations properly managed.

Sussex Police contend the premises licence was revoked, by the Licensing Sub Committee, as a result of the significant evidence submitted by the East Sussex Trading Standards Department. With regard to this issue, in addition to those mentioned above, Sussex Police invite the Licensing Authority to refuse this application.

Yours sincerely,

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Chief Inspector H. Keating  
District Commander.  
Hastings.