

**Application to Review Premises Licence – Riga International, 89  
Kettering Road, Northampton NN1 4AW**

**Alcohol and Gambling Licensing Sub-Committee**

**Date 1.00pm 1<sup>st</sup> February 2022**

**Remote Hearing via ZOOM**

**1.0 Purpose of Report**

- 1.1 To consider an application for a review of a premises licence in accordance with section 51 of the Licensing Act 2003 (“the Act”) made by Northamptonshire Police (“the Applicant”) in respect of Riga International at 89 Kettering Road, Northampton, NN1 4AW. (“the Respondent”).

**2.0 Summary**

- 2.1 The Application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 10th December 2021.

**3.0 Application Details**

- 3.1 The review is made on the ground of The Prevention of Crime & Disorder. The licence (see **Appendix B**) for this premises relates to the sale of alcohol off premises only between the hours of:

Monday – Sunday 08.00 – 23.00

The Premises Current Licence Holder is Mr Shorsh Omar Abdullah and has been in force since 15th June 2020. The Designated Premises Supervisor is Mr Abdullah, whose premises licence was issued by Coventry City Council.

**4.0 Consultations/Representations**

- 4.1 When an application for a review of a premises licence or club premises certificate is received, the applicant must serve the licence holder and all the responsible authorities with the application. It is then the responsibility of the local authority to place the blue public notice (“the Notice”) at or near the premises.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. In this case the notice was displayed on 14th December 2021 and

a photograph of it in situ is shown at **Appendix C**. The last date for making relevant representations in relation to this Application was 10th January 2022.

No other representations have been received during that consultation period.

## **5.0 Attendance**

5.1 The Council is also required to send a notice of hearing to all interested parties and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons on 11th January 2022.:

- Mr Shorsh Omar Abdullah (Licence Holder)
- PC Sandy Tracey (on behalf of the Chief Officer of Northamptonshire Police)

## **6.0 Options**

6.1 Upon application of a review at the end of the consultation period the licensing authority must hold a hearing to consider it and any other representations made. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; and,
- the protection of children from harm.

6.2. The options available to the Sub-Committee are to;

- to modify the conditions of the licence;
- exclude a licensable activity from the scope of the licence;
- remove the designated premises supervisor;
- suspend the licence for a period not exceeding three months;
- revoke the licence;

## **7.0 Financial & Resource Implications**

7.1. There are no financial implications arising directly from this report.

Comments checked by Antony Russell, Finance Business Partner

## **8.0 Legal Implications**

- 8.1** Any decision made with regard to an application for the review of a premises license made in accordance with section 51 of the Licensing Act 2003 (“the Act”), must comply with the requirements of section 52. It must also take into account the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing on 5<sup>th</sup> January 2022, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).
- 8.2** In accordance with section 51 of the Act, where relevant representations are made by a responsible authority or other person, and which are about the likely effect of the grant of the application on the promotion of the four licensing objectives, a hearing must be held to consider them, unless the Members of the Sub-Committee, the Applicant and each person or responsible authority that has submitted a relevant representation agree that a hearing is unnecessary or all representation are withdrawn.
- 8.3** Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to either;
- modify the conditions of the licence;
  - to exclude a licensable activity from the licence;
  - to remove the designated premises supervisor;
  - to suspend the licence for a period not exceeding 3 months;
  - to revoke the licence
  - or take no action
- 8.4** A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant and any person or responsible authority that submitted a relevant representation
- 8.5** In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates’ Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question **received** a copy of the written notice of the Sub-Committee’s decision.

Comments checked by James Chadwick, Senior Licensing and Litigation Solicitor.

#### 9.0. Committee

Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

<b>Additional Documents</b>	<b>Title</b>
<b>A.</b>	Review Application from Northants Police
<b>B.</b>	Current Premises Licence
<b>C.</b>	Blue Notice
<b>D.</b>	Police Evidential Photographs
<b>E.</b>	Public Health Response
<b>Report Author</b>	Martin O'Connell Senior Licensing Enforcement Officer

## APPENDIX A – REVIEW APPLICATION

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

### 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 Police Constable 0010 TRACEY

*(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 Riga International, 89 Kettering Road,		WEST NORTHANTS COUNCIL POST ROOM/SCANNING 10 DEC 2021 RECEIVED
Post town Northampton	Post code (if known) NN1 4AW	
Name of premises licence holder or club holding club premises certificate (if known) Mr Shorsh Omar ABDULAH		
Number of premises licence or club premises certificate (if known) PL1221		

#### 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)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address <b>PC 0010 S TRACEY</b> <b>Northamptonshire Police</b> <b>Wellingborough Police Station</b> <b>Midland Road</b> <b>Wellingborough</b> <b>Northamptonshire</b> <b>NN8 1HF</b>
Telephone number (if any) <b>101 EXT 346307</b>
E-mail address (optional) <b>Sandy.tracey@northants.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**

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

**I act on behalf of the Chief Officer of Police for Northamptonshire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf regarding representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.**

**Northamptonshire Police call for the Review of the Premises Licence for Riga International Superstore under the Licensing Objective of the Prevention of Crime and Disorder.**

**This Review relates to a multi-agency visit to the premises based on intelligence that the premises amongst others visited, was involved in the sale and/or storage of non-duty paid tobacco products.**

**Section 144 of the Licensing Act 2003 makes it an offence to knowingly keep or allow to be kept, on relevant premises, any unlawfully imported goods or goods on which duty has not been paid.**

**Section 11:27 of the Secretary of States guidance details 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 (amongst others detailed) for the sale or storage of smuggled tobacco and alcohol.**



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

The premises were tested purchased on 16/12/20 and sold a packet Marlboro Red for £5 which were confirmed as being counterfeit and again on the 29/6/21 when they sold another packet of Marlboro Red for £5 which were also confirmed as counterfeit. These test purchases were confirmed as having taken place via information provided to police by Trading Standards.

On Wednesday 17<sup>th</sup> November, 2021 Northamptonshire Police were involved in a joint agency operation led by Officers from Her Majesties Revenue and Customs in relation to a number of stores on the Kettering Road Northampton.

Officers from HMRC, Northamptonshire Police including the Force Intelligence Bureau, the Foreign National Offenders Intelligence team, and police licensing, Home Office Immigration Officers, West Northamptonshire Trading Standards Officers and Officers from the East Midlands Serious Organised Crime Unit Disruption Team officers, there were in the region of 40-50 staff in total.

Riga International was visited and within the premises behind a door that led to a store room a hole was discovered in the ceiling, looking through the hole it appeared that it linked the premises with living accommodation situated directly above the shop. It was discovered that the entrance to the accommodation was via a doorway situated directly next to the premises at the end of the shop frontage. Entry was gained to the accommodation by Officers from HMRC, behind the front door was a staircase that led to the accommodation above the shop, on entering the accommodation a person fled from the premises through a first floor rear window that led onto a flat roof, this person escaped and was not detained.

Within one of the rooms above the shop 1178 packets of non UK duty paid cigarettes and 4.8 kilos of non UK duty paid tobacco were located. A large hole was also located in the hallway which had been made through the floor into the shop below. (Please see the photographic evidence attached) This hole from Northamptonshire Police's experience would be used to pass the tobacco products down to the shop below when a customer made an order. This would mean that the illicit tobacco products did not need to be concealed within the shop, giving the appearance to the authorities of being a compliant premises.

Northamptonshire Police believe that the Premises Licence Holder, Mr ABDULAH who is also the Designated Premises Supervisor has shown a blatant disregard in respect of the Licensing Objectives and ask the Licensing Sub-Committee to consider point 11:28 of the Secretary of States guidance below;

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 of 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.

In addition to 11:27 and 11:28 of the Secretary of States guidance (mentioned earlier in these papers) Northamptonshire Police ask the Licensing Sub-Committee to refer to points 2:1, 11:24, 11:25 and 11:26.

Northamptonshire Police ask the Licensing Sub-Committee to revoke the Premises Licence as the Licensing Objectives are not being promoted and to act as a deterrent to the wider community of premises that may be involved in this criminal activity.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Revocation of this particular Premises Licence in the interests of the wider community for reasons detailed in the above case, who are involved in or considering engaging in this illegal activity. Revocation would also show support towards the many other similar small businesses who engage in wholly legal practices and are suffering financially as a result of this illegal practice in their neighbouring stores.

This is Northamptonshire Police's initial submission to the Licensing Authority further details regarding the visit will be submitted in accordance with the Licensing Act 2003 Hearing Regulations.

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day	Month	Year

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

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, 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

.....

Date

.....

Capacity **Northamptonshire Police Licensing Constable**

.....

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

**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.

# Appendix B – Current Premises Licence PL1221



West Northamptonshire Council

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**Licensing Act 2003 - Premises Licence Register as at 14:27 on 11 January 2022**

### RIGA INTERNATIONAL

89 Kettering Rd, Northampton, NN1 4AW

**Premises Licence PL1221 from from 15/06/2020 to indefinite**

#### Licence holder(s)

Full Name:	Shorsh OmarAbdulah
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#### Designated Premises Supervisor

Full Name:	Shorsh OmarAbdulah
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#### Permitted Activities

- the sale by retail of alcohol

#### Premises Open Hours Granted

	Time From	Time To
Monday-Sunday	08:00	23:00

#### Activities - Times Granted

	Time From	Time To
<b>M. The sale by retail of alcohol for consumption OFF the premises only</b>		
Monday-Sunday	08:00	23:00

#### Additional Conditions

##### MANDATORY CONDITIONS

##### 19 Mandatory conditions where licence authorises supply of alcohol

(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.

## **ANNEX 2 - ADDITIONAL MANDATORY CONDITIONS**

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

### **The following conditions shall come into force on 1<sup>st</sup> October 2014**

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 of alcohol 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 out in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 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.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

### **The following conditions shall come into force on 28th May 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. 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 rate 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 pence, 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. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.
- (2) 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.

### **General - all four Licensing Conditions**

In making this application, we have taken into account the Guidance issued under the Licensing Act 2013 and the Licensing Policy of Northampton Borough Council. We have inspected the area and have noted the environmental and socioeconomic composition. We have also consulted the Crime Mapper service on Police.gov.uk. As a consequence of all this, we are applying effective conditions in order to promote the Licensing Objectives.

### **The Prevention of Crime & Disorder**

1. Spirits of high ABV will be sold from behind the counter.
2. When the Designated Premises Supervisor is not on duty, a contact telephone number will be available at all times.
3. CCTV will be provided in the form of a recordable system, capable of providing pictures of EVIDENTIAL QUALITY in all lighting conditions particularly regarding facial recognition.  
Cameras shall encompass all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of alcohol occurs.  
Equipment MUST be maintained in good working order, be correctly time and date stamped, recordings MUST be kept in date order, numbered sequentially and kept for a period of 28 days.  
The Premises Licence Holder must ensure at all times a DPS or appointed member of staff is capable and competent at downloading CCTV footage in recordable media format, and able to produce it to a Police Officer and/or an authorised Local Authority/Council Trading Standards Officer on demand and in a viewable format.  
The CCTV equipment shall be kept in a secure environment under the control of the DPS or other responsible named individual.  
An operational log must be maintained endorsed by signature, indicating the system has been checked and is compliant, in the event of any failings actions taken are to be recorded.  
In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS MUST report the failure to the Police (on contact number '101') and Council Licensing Department immediately.
4. An Incident log must be kept at the premises. Incident log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by Section 13 of the Licensing Act 2003), an authorised Trading Standards Officer or the Police, and must record the following:
  - (a) all crimes reported to the premises (where relevant to the licensing objectives)
  - (b) all ejections of patrons
  - (c) any complaints received (where relevant to the licensing objectives)
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system or searching equipment or scanning equipment
  - (f) any refusal of the sale of alcohol
  - (g) any visit by a relevant authority or emergency services, noting time, date & purpose and those officials by name.The DPS shall inspect and sign the Incident log monthly, to ensure that it is being properly maintained.

### **Public Safety**

5. No customers will be allowed to take from the premises open bottles or vessels.

### **Prevention of Public Nuisance**

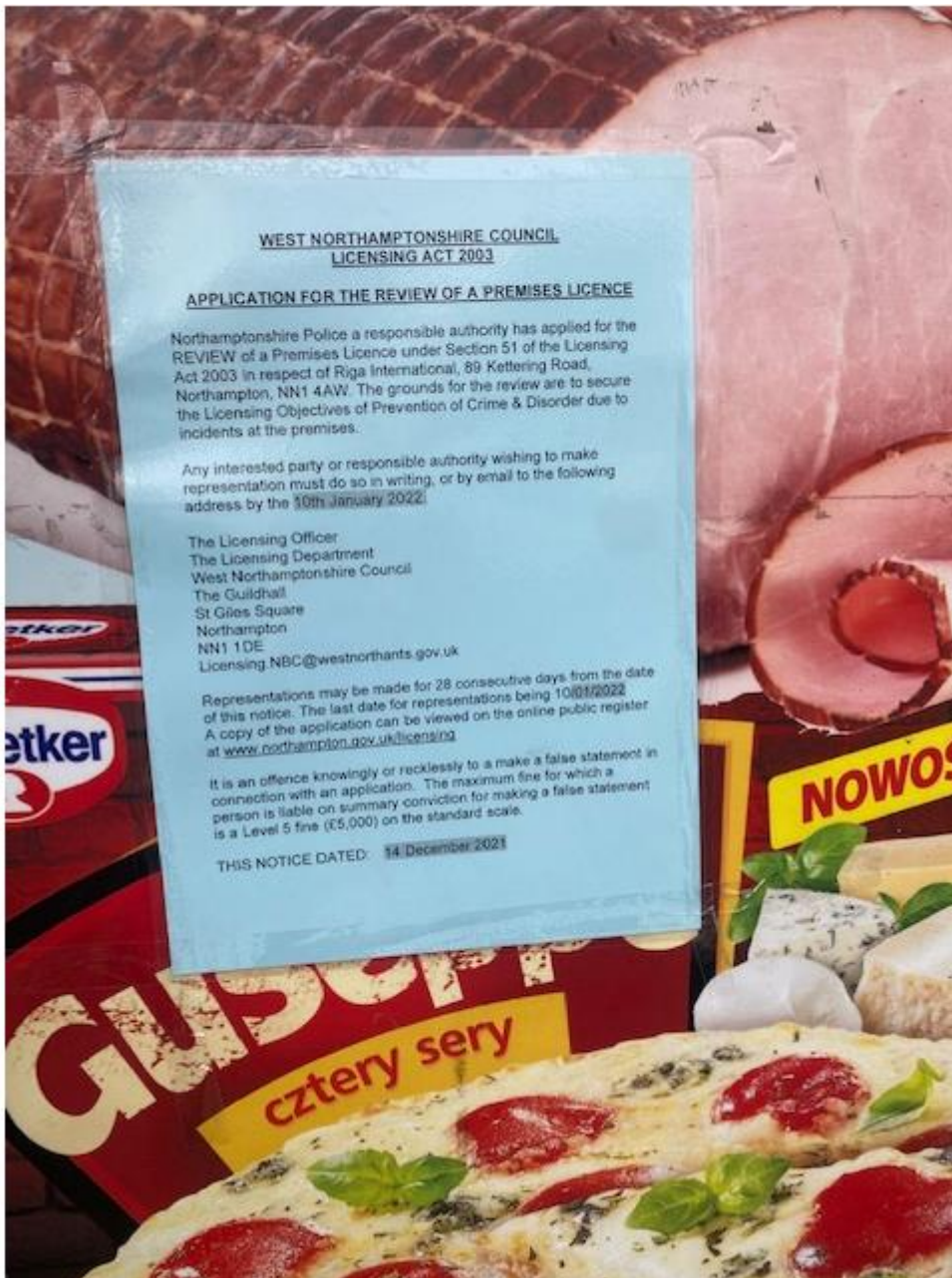
6. Prominent, clear and legible signage (in not less than 32 font bold) shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly.
7. The Management will monitor the exterior of the premises using CCTV and use their best endeavours to disperse any persons who appear to be congregating outside the premises.

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

8. A written register of Refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the Designated Premises Supervisor and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council on demand. The DPS shall inspect and sign the Refusals register monthly, to ensure that it is being properly maintained.
9. All staff engaged in the sale of alcohol to be trained in Responsible Alcohol Retailing upon commencing employment at the premises. Retraining will be carried out annually. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer of the Local Authority/ Council) on demand.
10. The premises shall operate a Challenge 25 Policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand of the Police or an 'authorised person' (as defined by Section 13 of the Licensing Act 2003) or an authorised Trading Standards Officer the Local Authority/Council. Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.



## Appendix C – Blue Notice





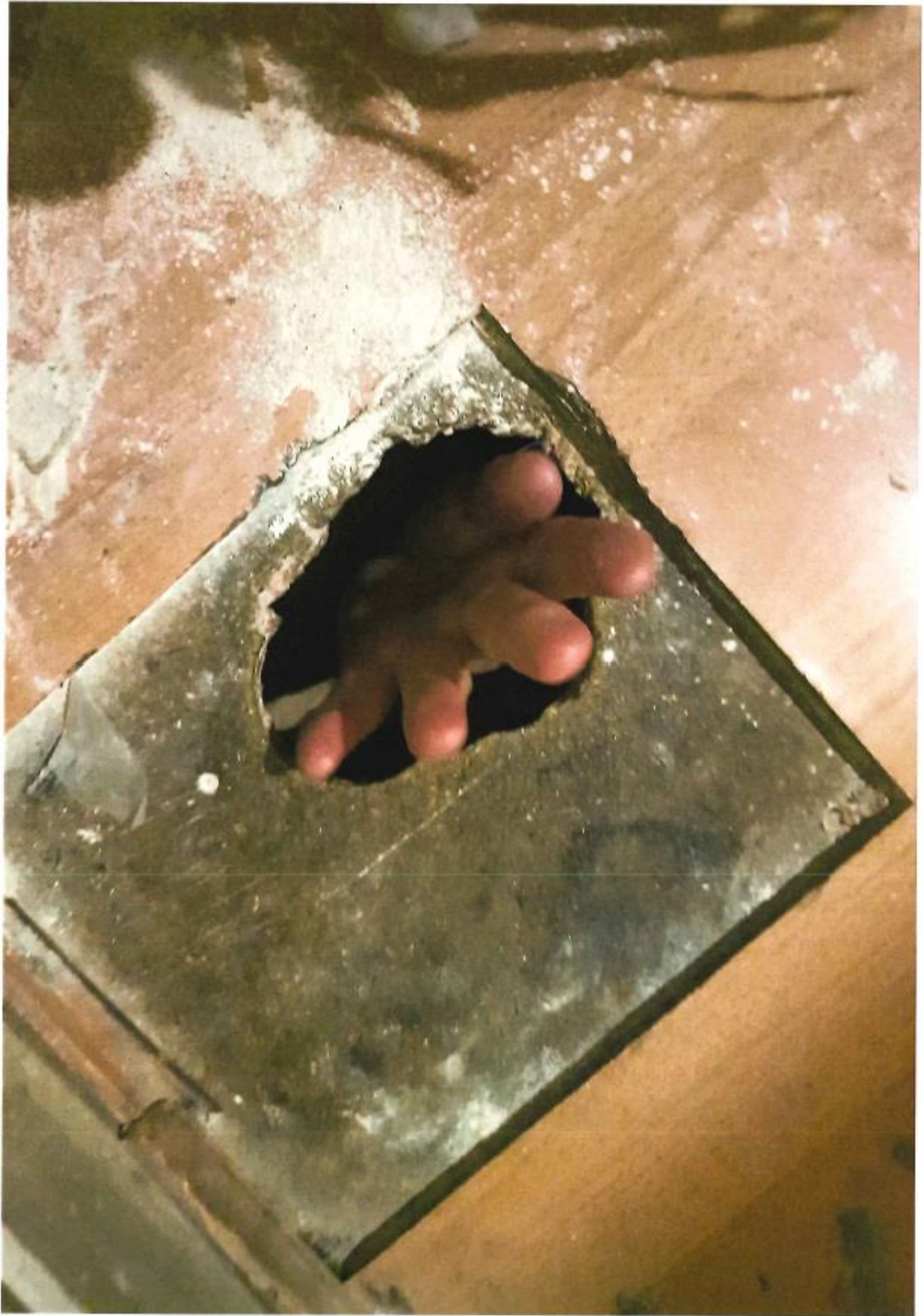
## APPENDIX D – Police Evidential Photographs





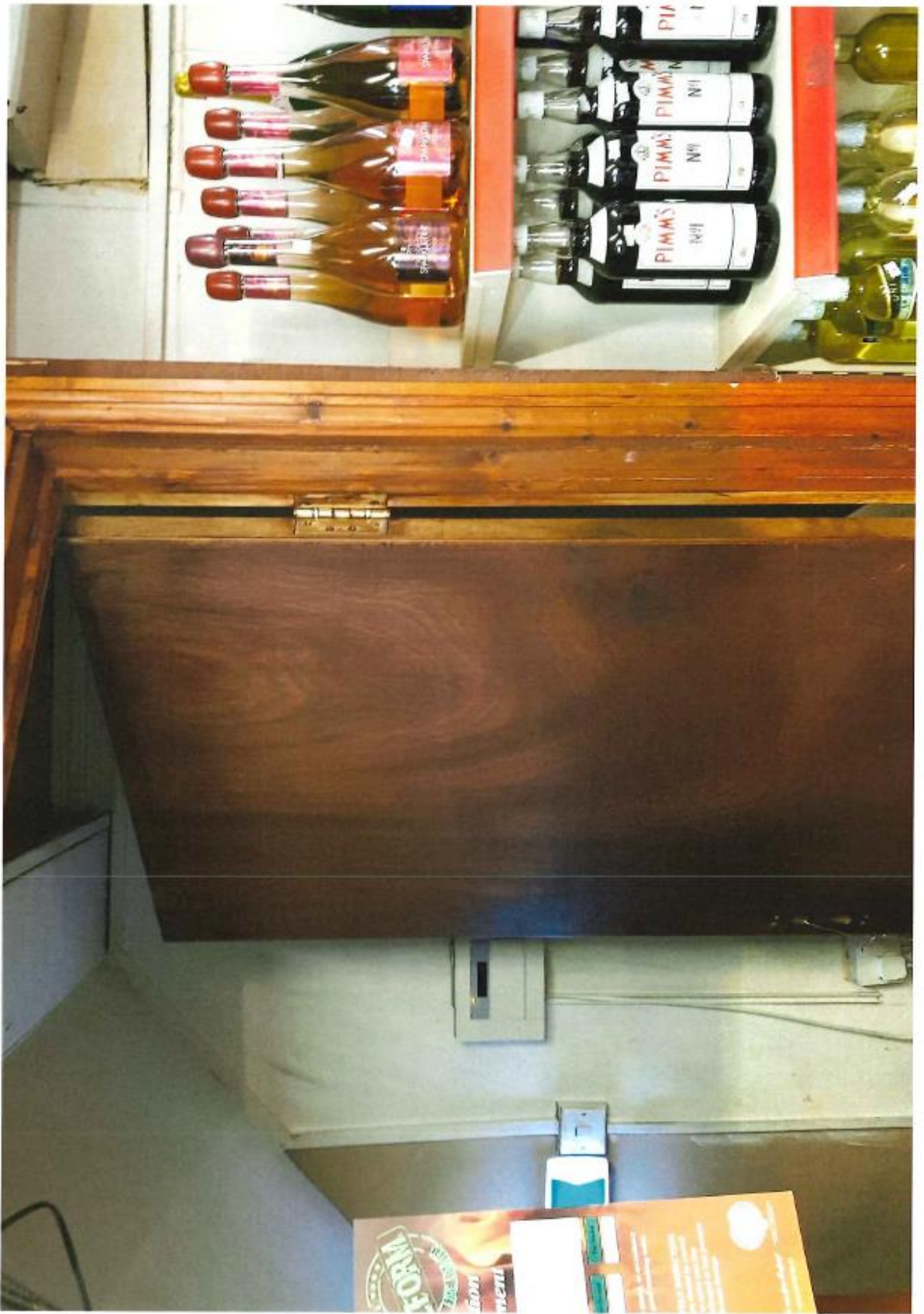
















## APPENDIX E. Public Health Response



05/01/2021  
Please ask for:  
Richard Holley  
Public Health main office 01604 361500

Via email:  
FAO Sandy Tracey  
Northamptonshire Police

Dear Sandy,

Thank you for forwarding us the licencing review application and allowing us the chance to comment on your recommendations.

The sale of non-duty paid tobacco is deeply concerning from a public health perspective, as illegally sold cigarettes bypass many of the measures put in place to reduce smoking prevalence. The financial burden smoking places on the individual is greatly reduced when illegal cigarettes are readily available. As the cost of smoking is one of the most common reasons that people eventually decide to quit, it is of the utmost importance that efforts are made to curtail the availability of cheap tobacco. Similarly, low-cost cigarettes make it far more affordable for children to take up smoking. As two thirds of young people who experiment with smoking go on to become daily smokers, we need to do all that we can to make it less accessible to them. It is also worth noting that smoking accounts for more than half the difference in risk of premature death between social classes and is closely linked to social deprivation. The availability of cheap tobacco compounds these differences as those in more deprived areas are far more likely to be able to access illegal tobacco than those in areas of affluence.

Considering the reasons outlined above we believe that the licence holder of Riga International has acted irresponsibly, showing little regard for licencing laws and the health of the wider community. Irresponsible behaviour such as this prolongs tobacco dependency, curtails public health interventions, and makes smoking more accessible to children. As such, we agree that revocation of this individual's licence is appropriate, and support the recommendations outlined in this application.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Richard Holley'.

Richard Holley – Area Manager and Tobacco Control Lead, North Northamptonshire Council

On behalf of Lucy Wightman - Joint Director of Public Health – North and West Northamptonshire Councils



