

THAMES VALLEY POLICE

Division/Station : HQ South

From : Charlotte Norman
TVP Licensing Officer

To : Cherwell District Council
Licensing Department

Ref : International Supermarket

Date : 02 Aug 2018

Tel.No.

Subject :

Thames Valley Police's Representation For the Review of the Premises Licence

I am writing to formally present Thames Valley Police's representation in support of the application to review the Premises Licence of International Supermarket, 33-34 High Street, Banbury; made by Oxfordshire County Council Trading Standards Tobacco Control Officer on 10th July 2018.

On 24th August 2016 International Supermarket was visited as part of an under 18 Alcohol Test Purchasing operation run by TVP licensing department and Banbury Town Neighbourhood Police Team. Alan Ali MOHAMMED served one 75cl bottle of peach white wine, at 7% ABV to two 16 year olds without asking for identification. This was witnessed by an undercover police officer. Alan Ali MOHAMMED admitted the offence and gave reason for sale that he thought they were in their early 20's. As he was the DPS and licensee of the premises at the time he was dealt with by way of voluntary interview. After which he received a postal requisition to attend Banbury Magistrates Court on 6th October 2016 where he pleaded guilty and received a £445 fine, £85 in costs, and £45 surcharge to fund victim services.

During the follow up immediately after the test purchase fail, it was noted that there were several licence breaches:

- There was no licence summary displayed.
- The refusals book could not be found to show officers.
- No training documents could be provided and staff stated that they were trained verbally.

Then on 3rd April 2018, two months after the Transfer and DPS variation from Alan Ali MOHAMMED to Rafik Mohammed TOFIQ; Cherwell District Council Lead Licensing Enforcement Officer Chris PEGLER and myself, visited International Supermarket to collect CCTV footage to check the conditions set out in their Licence. When we arrived we asked the female behind the till if the manager was present, she said no. When asked if she was capable of providing us the CCTV, she said no and called her manager on the phone to see us. Alan Ali MOHAMMED arrived and we explained that we were there to collect CCTV footage from three separate dates with varying times, with the intention of checking the premises is compliant with the conditions in the licence. He said we were welcome to collect the footage but that he did not think it went back very far, and he did not know how to work the system. From Chris PEGLER'S appraisal of the CCTV she deduced that there was only footage available since Thursday 29th March from approximately 22:00. As the condition on their licence does not stipulate a length of time that recordings needs to be retained for; this was not a breach of their licence. However, when we asked Alan Ali MOHAMMED to provide us a copy of recordings from within the time still held on the system, he said he had no means to and would not know how. On further examination of the CCTV hard drive; we noted that there was neither a visible CD drive nor USB port in which recordings could be downloaded to. This was a direct violation of the conditions on the premises licence.

On the way back down to the shop floor, Alan Ali MOHAMMED made the comment that he is trying to sell the shop. We acknowledged this and he joked that it was making him old.

The history of licence breaches and the test purchase failure, coupled with the Trading Standards evidence of the sale of illegal tobacco directly undermines the crime prevention objective. This with the lack of management and awareness from the DPS and Licensee Rafik Mohammed TOFIQ is a serious concern.

Environmental Health and Licensing

Jackie Fitzsimons – Shared Public Protection Manager



DISTRICT COUNCIL
NORTH OXFORDSHIRE

Rafik Mohammed Tofiq

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OX15 4AA
www.cherwell.gov.uk*

Please ask for: Licensing

Direct Dial: 01295 753744

Email: licensing@cherwell-dc.gov.uk

Our Ref: PRM0635

04 April 2018

Dear Rafik Mohammed Tofiq

Licensing Act 2003 – Premises Licence PRM0635 - International Supermarket at International Supermarket 33 - 34 High Street Banbury OX16 5ER

Breach of Premises Licence Conditions.

Following my visit to your premises with a Licensing Police Officer, on 03/04/2018, to collect CCTV images from your licensed premises, it has become apparent that your CCTV monitoring equipment does not meet the requirements of your licence.

Namely:

Prevention of Crime and Disorder

Notices will be placed in the shop reminding customers of age restrictions.
CCTV will be in operation, recordings available to police on request.

It was noted at the time that:

- members of staff did not know how to work your CCTV equipment
- The CCTV could only store 5 days of recorded images.
- There were no facilities on the CCTV equipment to download recorded images.

As a result of the above, you were, and indeed are, unable to provide recordings to the Police on request.

This is a direct breach of one of your licensing conditions, and will be recorded as such. Additionally you are required to rectify this licensing Breach within 28 days from the date of this letter, failure to do so would result in the Licensing Authority taking further action.





Laura Morris
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Alan Mohammed
33-34 High St
Banbury
OX16 5ER

25th August 2016

Dear Sir/ Madam,

International Supermarket, 33-34 High St, Banbury Premises Licence Number PRM0635

On the day of 24th August 2016, a Test Purchasing Operation was carried out by Thames Valley Police, in Banbury.

Unfortunately your premises failed the test, and alcohol was served to two females, aged sixteen years. 1 bottle of Peach flavoured white wine 75cl (7% vol) was sold by The Designated Premises Supervisor (DPS) Alan Mohammed Personal Licence number Cherwell 16/PSL01718.

It is an offence under the Licensing Act 2003, sections 146 – 147, to sell or allow the sale of alcohol to anyone under the age of eighteen years. The penalty for this can be up to £5000 fine.

The offence committed on the day of 24th August is being dealt with via prosecution of the DPS and contact will be made in order for you to attend a voluntary interview. The Licensing Authority at Cherwell District Council will be informed of the offence.

As this is the first occasion that the premises have failed a Test Purchase, it can now be seen that this is an initial warning, and that any future failures will be met with a more robust response. This will in the form of an Application to Review the License and/or a prosecution under the Licensing Act 2003 for persistently selling alcohol to those under the age of 18.

It was suggested on the day that the age policy is increased to Challenge 25 (posters for this can be found on challenge 25.org). When we attended the premise no Licence was on display which is a breach of licence. When requested to see a copy of the licence none could be provided. When asked to see a refusals book it was stated that there was one but again this could not be found. It is suggested that a refusals book is put into place for due diligence purposes and that this book is kept on site at all times. It was also requested to see any staff training this again could not be provided but staff stated that they had received training verbally; Advice was given about writing down all training for due diligence purposes.

If you have any questions or comments about the Operation, please contact the Thames Valley Police Licensing Office.

Yours sincerely

Laura Morris
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Oxfordshire BCU
Thames Valley Police

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www.thamesvalley.police.uk