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TRAFFORD COUNCIL

AGENDA PAPERS FOR LICENSING SUB-COMMITTEE MEETING

Date: Tuesday, 16 January 2024

Time: 10.00 am

Place: Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0TH

AGENDA	PART I	Pages
1.	ATTENDANCES	
	To note attendances, including Officers and any apologies for absence.	
2.	APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE - SAMI SWOI, 101 MANCHESTER ROAD, BROADHEATH, ALTRINCHAM, WA14 4RL	1 - 34
	To consider a report of the Head of Regulatory Services.	
3.	URGENT BUSINESS (IF ANY)	
	Any other item or items which by reason of special circumstances (to be specified) the Chairman of the meeting is of the opinion should be considered at this meeting as a matter of urgency.	

SARA TODD
Chief Executive

Membership of the Committee

Councillors: D. Jarman, S. Thomas and J. Holden.

Further Information

For help, advice and information about this meeting please contact:

Licensing Sub-Committee - Tuesday, 16 January 2024

Stephanie Ferraioli, Governance Officer
Email: stephanie.ferraioli@trafford.gov.uk

This agenda was issued on **Monday, 8 January 2024** by the Legal and Democratic Services Section, Trafford Council, Trafford Town Hall, Talbot Road, Stretford M32 0TH..

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Agenda Item 2

AGENDA ITEM NO.

TRAFFORD COUNCIL

Report to: Licensing Sub-Committee
Date: 16th January 2024
Report for: Decision
Report of: Head of Regulatory Services

Report Title

APPLICATION FOR REVIEW OF AN EXISTING PREMISES LICENCE – SAMI SWOI, 101 MANCHESTER ROAD, BROADHEATH, ALTRINCHAM, WA14 4RL

Summary

The Licensing Authority has received an application from Elizabeth Pritchard on behalf of the Council's Trading Standard's Team requesting a review of the Premises licence held by Mr Haream Rasoul for premises known as Sami Swoi on the grounds of prevention of crime and disorder.

Recommendation(s)

The Sub-committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.

The steps stated in Section 52(4) are:

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

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

The Sub-Committee has the power in relation to steps (a) and (b) to provide that the

modification and exclusion only has effect for a limited period not exceeding three months.

The Sub-Committee also have the option to take no further action or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

Contact person for access to background papers and further information:

Name: Joanne Boyle
Extension: joanne.boyle@trafford.gov.uk

1. BACKGROUND

- 1.1 At any stage, following the grant of a premises licence, a responsible authority, such as the police or the fire authority, or an interested party, such as a resident, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.2 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives.
- 1.3 The licensing objectives are:
 - The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm

2. APPLICATION

- 2.1 On the 16th November 2023 the Licensing Authority received an application from Elizabeth Pritchard on behalf of the Council's Trading Standard's Team for a review of the Premises Licence PL052615. The licence is held by Mr Haream Rasoul for premises known as Sami Swoi, 101 Manchester Road, Broadheath, Altrincham, WA14 4RL. The premises are described as a small corner grocery/newsagents situated in a shopping area on a main road. A copy of the Premises Licence is attached at **Appendix A** and copy of the review application is attached at **Appendix B1 and B2**.
- 2.2 Ms Pritchard has confirmed that, in accordance with the regulations, the application was also given to the premises licence holder and responsible authorities on the same date.
- 2.3 The application is made on the grounds of preventing crime and disorder. Ms Pritchard states that she believes the premises are not being operated in a manner which is consistent with promoting the licensing objectives because the premises are being

used for criminal activity through the persistent sale and supply of illegal and counterfeit tobacco products and non-compliant vapes. This activity has led to a Closure Order being imposed by the Courts – see **Appendix D**.

- 2.4 Following receipt of the application the Authority posted notice of the application outside the premises; on the Council's website; and at the Council's Offices for 28 consecutive days.

3. REPRESENTATIONS

- 3.1 On the 11th December 2023 PC John Lloyd from Greater Manchester Police submitted a representation in support of the application for review on the grounds of prevention of crime and disorder; and recommends in the representation that the premises licence be revoked. A copy of the full representation is attached at **Appendix C**.

3. KEY ISSUES

- 3.1 The grounds for review and any representations must relate to one or more of the licensing objectives and must be relevant. Representations from interested parties may not be frivolous, vexatious or a repetition.
- 3.2 The Council will consider requests for a review of an existing premises licence if representations are made from the following:
- A Responsible Authority such as the Police and Fire Authority; or
 - Any other person
- 3.3 The Council will expect anybody requesting a review to produce evidence to support allegations that one or more of these objectives are not being met.
- 3.4 The Sub-Committee should consider the relevance of the ground or grounds for review and any representations.
- 3.5 The Sub-Committee should consider whether or not any appropriate pre-review warnings have been given and/or any mediation taken place.

4. RECOMMENDATION

- 4.1 The Sub-Committee must, having regard to the application and any relevant representations, take such of the steps mentioned in Section 52(4) of the Licensing Act (if any) as it considers necessary for the promotion of the licensing objectives.
- 4.2 The steps stated in Section 52(4) are:
- to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence;

and for this purpose the conditions of the licence are modified if any of them is altered or omitted or any new condition is added.

- 4.3 The Sub-Committee has the power in relation to steps (a) and (b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.
- 4.4 The Sub-Committee also have the option to leave the licence in its existing state and/or issue an informal warning to the licence holder and/or recommend improvement within a particular period of time.

ATTACHED

Appendix A – Copy of Premises Licence PL05615

Appendix B1 and B2 – Application for Review

Appendix C – Representation - Greater Manchester Police

Appendix D – Closure Order

Licensing Act 2003

Premises Licence

PL052615



Part 1 – Premises Details

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Sami Swoi

101 Manchester Road, Broadheath, Altrincham, Cheshire, WA14 4RL

WHERE THE LICENCE IS TIME LIMITED, THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORIZES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Alcohol - On the premises	Monday to Sunday - 07:00 to 23:30
Alcohol - Off the premises	Monday to Sunday - 07:00 to 23:30

THE OPENING HOURS OF THE PREMISES

Monday to Sunday - 07:00 to 23:30

WHERE THE LICENCE AUTHORIZES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale of alcohol for consumption ON the premises.
The sale of alcohol for consumption OFF the premises.

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Mr Haream Rasoul 16 Strawberry Road, Salford, Greater Manchester, M6 6PT	
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Licensing Act 2003

Premises Licence

PL052615



TRAFFORD
COUNCIL

REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

N/A

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Haream Rasoul
16 Strawberry Road, Salford, Greater Manchester, M6 6PT

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No:

Issued by

ANNEXES

These conditions should be read in conjunction with plan referenced PL052615
Annex 1 – Mandatory Conditions

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, 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.

ADDITIONAL MANDATORY CONDITIONS (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

Premises Licence

PL052615



(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. (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.

ADDITIONAL MANDATORY CONDITIONS (1st October 2014)

5. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises
- (2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purposes of encouraging the sale or supply of alcohol for consumption on the premises:
- (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise)
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability)
6. The responsible person must ensure that free potable water is provided on request to

customers where it is reasonably available.

7. (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
8. The responsible person must ensure that:
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures
- (i) beer or cider: ½ pint
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml; and
- (b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
- (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Annex 2 – Conditions Consistent with the Operating Schedule

The licence holder shall ensure that :

1. CCTV be installed at the premises

Licensing Act 2003

Premises Licence

PL052615



- 2. A Challenge 25 scheme is in operation at the premises.
- 3. No deliveries are received early in the morning or late at night.

Annex 3 – Conditions Attached After a Hearing of the Licensing Committee

None



Signature of Authorised Officer

Licensing Act 2003

Premises Licence Summary

PL052615



TRAFFORD
COUNCIL

POSTAL ADDRESS OF PREMISES OR, IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Sami Swoi

101 Manchester Road, Broadheath, Altrincham, Cheshire, WA14 4RL

WHERE THE LICENCE IS TIME LIMITED, THE DATES

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE AND THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Alcohol - On the premises	Monday to Sunday - 07:00 to 23:30
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Alcohol - Off the premises	Monday to Sunday - 07:00 to 23:30
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THE OPENING HOURS OF THE PREMISES

Monday to Sunday - 07:00 to 23:30

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL, WHETHER THESE ARE ON AND/OR OFF SUPPLIES

The sale of alcohol for consumption ON the premises.
The sale of alcohol for consumption OFF the premises.

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE AVAILABLE) OF LICENCE HOLDER

Mr Haream Rasoul 16 Strawberry Road, Salford, Greater Manchester, M6 6PT	
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REGISTERED NUMBER OF HOLDER, WHERE APPLICABLE (E.G. COMPANY NUMBER, CHARITY NUMBER)

N/A

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Mr Haream Rasoul

Licensing Act 2003

Premises Licence Summary

PL052615



PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Licence No: 00CH10783

Issued by: Gateshead

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

No restrictions.

Signature of Authorised Officer



**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 Elizabeth Pritchard

(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

Sami Swoi
101 Manchester Road
Broadheath

Post town Altrincham

Post code (if known) WA14 4RL

Name of premises licence holder or club holding club premises certificate (if known)

Haream Rasoul, 16 Strawberry Road, Salford, M6 6PT

Number of premises licence or club premises certificate (if known)

PL052615

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) **X**

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

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

Please tick ✓ yes

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

I am 18 years old or over

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Elizabeth Pritchard Trading Standards Officer Regulatory Services Trafford Town Hall Talbot Road Stretford M32 0TH
Telephone number (if any) 07760 167474
E-mail address (optional) elizabeth.pritchard@trafford.gov.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 X
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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

See statement

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

See statement

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 16th November 2023

Capacity Trading Standards Officer

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

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

-v-

**101 Manchester Road Altrincham T/A
Sami Swoi**

Respondent

STATEMENT OF ELIZABETH PRITCHARD

1. I am Elizabeth Pritchard and I am contracted by Trafford Council as a Trading Standards Officer. I may be communicated with at Regulatory Services, Town Hall, Talbot Road Stretford M32 0TH. As part of my employment I am authorised by Trafford Council to enforce the provisions of the Consumer Rights Act 2015, the Trade Marks Act 1994, the Consumer Protection from Unfair Trading Regulations 2008, the Consumer Protection Act 1987 and associated regulations including the Standardised Packaging Of Tobacco Products Regulations 2015 and the Tobacco And Related Products Regulations 2016 and the CLP Regulation For Hazardous Substances 2008.

On 17th October 2022 I visited Sami Swoi, 101 Manchester Road, Altrincham, WA14 4RL accompanied by John Owen Trading Standards Team Leader at Trafford Council, Donna Grey Enforcement Support Officer with Trafford Council, Brad Thomas from Wagtails and officers from Greater Manchester Police (GMP). The premises were visited due to allegations alleging the sale of cheap and illicit tobacco products from the premises.

Upon entry I introduced myself to the male behind the counter who gave his name as Deshad Babaker and his position as owner. I explained the reason for the visit which was to conduct a search for illegal cigarettes and tobacco with the assistance of a tobacco dog. The dog handler began to search the premises and to the rear of the counter the dog indicated a quantity of non-compliant cigarettes and some hand rolling tobacco (HRT). These items were seized and placed in a sealed bag. I issued Mr Babaker with a notice of powers

and rights and a seizure notice. The seized goods were placed in secure storage.

On 10th November 2022 the tobacco products that had been seized were opened so the numbers could be checked, items catalogued and samples sent off for examination. 6020 sticks of tobacco and 0.5kg of hand rolling tobacco were seized in total from the premises.

All of the tobacco seized infringes the requirements of the Standardised Packaging Of Tobacco Products Regulations 2015, the Tobacco And Related Products or the Trade Marks Act 1994.

On the 21st March 2023 I revisited Sami Swoi at 101 Manchester Road Altrincham where disposable nicotine inhaling products were found on sale and seized regarding suspected breaches of the above legislation.

900 disposable nicotine inhaling products were seized in total as they all infringe the requirements of the Tobacco and Related Products and/or the CLP Regulation for Hazardous Substances.

On the 17th April we received further information that illicit tobacco was being sold from the property. The allegation was that the shop assistant who is young and middle Eastern, in his early 30s, with a beard is 5'4" and wears a coat sells foreign cigarettes.

On 31st August 2023 we received a further allegation that vulnerable customers were being given credit for alcohol and 'cheap' cigarettes but have to leave their passport with the shop keeper as security.

On the 4th October 2023 I received a statement from Richard Durham, an investigator who works with Trading Standards Services to tackle the supply of illegal tobacco products. On 25th September 2023 he entered Sami Swoi, 101 Manchester Road, Altrincham and purchased 1 packet of 20 Lambert and Butler cigarettes for £5.50. Mr Durham said the seller went out of a white

wooden sliding door at the rear of the shop marked staff only and returned a short while later (about 20 seconds) with the cigarettes.

At approximately 14:35pm on the 18th of October 2023, I again visited 101 Manchester Road, Altrincham WA14 4RL trading as Sami Swoi accompanied by Senior Fair Trading Officer Melissa Shine of Trafford Council, Graeme Dixon, an Environmental Health Officer of Trafford Council, Georgia Herbert an Environmental Health Regulatory Support Officer of Trafford Council, James Boles, a licensing enforcement officer of Trafford Council, Grace Edwards an apprentice of Trafford Council, Ian Underhill, a Community Safety Officer, Neil Courtney, a Community Safety Team leader and officers from Greater Manchester Police and officers from HMRC. Also in attendance were tobacco detection dogs from Wagtail UK Ltd and a handler.

At the business premises at the time of the visit were two males. One male identified himself as Haream Rasoul, providing a photo of a UK photocard of a provisional driving licence. He stated he was a member of staff when asked what his position in the business was. The other male identified himself as Ahmed Rasoul with a photocard residence permit. He stated that he was the business owner and company director.

Following a search of the premises, a bag was found concealed in a freezer, at the rear of the premises near the back gate. Inside the bag was a quantity of illicit cigarettes and hand rolling tobacco that do not comply with The Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

A further concealment of illicit cigarettes and hand rolling tobacco was found in an unlocked safe found on a shelf in the storeroom. The safe was covered by an empty cardboard box.

In total 3120 sticks of tobacco and 0.1kg of hand rolling tobacco were seized from the holdall and 1100 sticks of tobacco and 0.15kg of hand rolling tobacco were seized from the safe. 84 nicotine inhaling products (disposable vapes) that

do not comply with the requirements of The Tobacco and Related Products Regulations 2016 were also seized from behind the counter.

As a result of the items found on the premises, as well as the antecedent history of the premises having previously been used to sell and store illegal tobacco items, I observed Neill Courtney speak to Haream and Ahmed Rasoul and advise them that he was issuing a closure notice to the premises under the provisions of 5.76 of the Anti-Social Behaviour, Crime and Policing Act 2014. One of the gentlemen identified himself as the owner and at 1530 hours that same day Mr Courtney issued a closure notice to him. I observed as the premises were secured and a copy of the notice was placed upon the roller shutters at the front of the address.

On the 19th October 2023 a 3 month closure order was issued at Manchester Magistrates Court for the premises at 101 Manchester Road, Altrincham. The closure order prohibits access to the Premises by all persons at all times and in all circumstances except for the employees of Trafford Council and employees of the Emergency Services on official business.

On 24th October 2023 I was informed by Neill Courtney that Haream and Ahmed Rasoul had been arrested on 23rd October 2023 at the premises at 101 Manchester Road, Altrincham for being on the premises and therefore breaching the order. They were charged with an offence of Breach of a Closure Order.

I believe the premises are not being operated in a manner which is consistent with promoting the licensing objectives for the following reasons:

Prevention of Crime and Disorder

It is clear that the use of the premises is for criminal activity and is causing a nuisance with the persistent sale and supply of illegal and counterfeit tobacco products and non-compliant vapes. The illegal tobacco and e-cigarette trade doesn't only harm honest local businesses and communities, but it also

supports criminal organisations to continue to operate outside the law. The sale of illegal tobacco is not a victimless crime – the availability of illegal tobacco at cheap prices encourages children to start smoking and puts them at risk and it harms the majority of retailers who play by the rules.

I am authorised and do make an application for a review of the premises licences referred to herein.

Statement of Truth

2. I believe that the facts stated in this statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth.

16th November 2023

A large black rectangular redaction box covering the signature area.

Elizabeth Pritchard

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The Licensing Act 2003

Responsible Authority Representation Form

FAO The Licensing Service, Licensing Section, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

Section 1 - Application Details	
<p>I wish to make a representation regarding the application for the review of a premises licence for the following premises:</p> <p>Premises name: Sami Swoi</p> <p>Premises name and address: Sami Swoi , 101 Manchester Road, Altrincham.WA14 4RL</p>	
<p>Type of Application: Application for the Review of a Premises Licence</p>	
<p>Application Number (if known):</p>	<p>PL052615</p>

Section 2 – Responsible Authority’s Details																							
<p>Responsible Authority’s Details: Please tick appropriate box:</p> <table border="1"> <tr> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td>Chief Officer of Police</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Fire and Rescue Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Planning Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Health and Safety Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Environmental Health Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Bodies recognised as being responsible for protection of children from harm</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Authority Director of Public Health</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Local Weights and Measures Authority (Trading Standards)</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Licensing Authority</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Home Office Immigration Enforcement</td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td>Other</td> </tr> </table>		<input checked="" type="checkbox"/>	Chief Officer of Police	<input type="checkbox"/>	Fire and Rescue Authority	<input type="checkbox"/>	Local Planning Authority	<input type="checkbox"/>	Health and Safety Authority	<input type="checkbox"/>	Environmental Health Authority	<input type="checkbox"/>	Bodies recognised as being responsible for protection of children from harm	<input type="checkbox"/>	Local Authority Director of Public Health	<input type="checkbox"/>	Local Weights and Measures Authority (Trading Standards)	<input type="checkbox"/>	Licensing Authority	<input type="checkbox"/>	Home Office Immigration Enforcement	<input type="checkbox"/>	Other
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<p>Full name:</p>	<p>John LLOYD</p>																						
<p>Job Title:</p>	<p>Police Officer</p>																						
<p>Tele number:</p>	<p>07391860064</p>																						
<p>Email:</p>	<p>john.lloyd@gmp.police.uk</p>																						

Address:

GMP
Stretford Police Station,
Talbot Road, Stretford.
M32 0XB

Section 3 – Representations

In relation to the review of a premises licence, if the licensing committee are minded to modify the terms of the licence, either immediately or after a period of suspension, we would like to see the conditions outlined in section 3B included on the licence for the reasons outlined in section 3A.

Section 3A – The Licensing Objectives

To prevent
crime and
disorder

Please state your reasons:

This premises operates as a convenience store and currently has a premise license allowing them to engage in the sale of alcohol by retail.

Based on the evidence of Trading Standards and our joint visits this premises operating under its current Premise License and current DPS have failed to act responsibly and its clear the business is being used for criminal activity, namely the retail of illicit tobacco and non-compliant vapes which calls into question the suitability for this business and those involved to be responsible license holders.

The selling of illicit tobacco to those in the community puts them at a heightened health risks due to the unregulated manufacturing of these items. Cheaper cigarettes can make smoking more accessible to younger people plus the knock-on effect to local businesses who are complying with the law who would find themselves unable to compete on price. There are further concerns over the bigger picture that the retailing of illicit tobacco supports smuggling and other illegal businesses.

This business had been visited multiple times as evidenced in Elizabeth Pritchard statement and numerous seizures made, the operators continued to supply restricted items showing no regard for the previous enforcement or warnings given.

I believe this business has displayed numerous times that its being run and operated daily in a manner which despite previous warnings and enforcement is not consistent with the licensing objectives. Manchester Magistrates Court on the 19th October

	<p>issued a three month closure notice on the premises based on the work by Trading Standards and the Community Safety Team. I believe while the business is closed the license should be considered for revocation and DPS removed so when the business reopens it is unable to trade in the manner in which it has previously.</p>
<p>Public safety</p>	<p><i>Please state your reasons:</i></p>
<p>To prevent public nuisance</p>	<p><i>Please state your reasons:</i></p>
<p>The protection of children from harm</p>	<p><i>Please state your reasons:</i></p>

Section 3B – Suggestions/Further information

Please give any suggested conditions that could be added to the licence to remedy the cause of your representations, or other considerations you would like the Licensing Sub-Committee to take into account.

In October 2023 I did my second visit with Trading Standards and following a search of the business illicit tobacco was found concealed, this was with the assistance of a trained dog as attempts had been made to conceal and hide this activity. HRMC officers present also identified 2 x bottles of spirits (Vodka) which were not displaying any UK tax markings and as such believed these had been sourced without UK tax having been paid and were for sale on the shelf, they seized these two bottles.

Based on the previous enforcement and result of this day's findings the Community Safety Team used closure powers and closed the premises down pending a hearing at Manchester Magistrates Court the following day. The court agreed and on the 19th of October 2023 issued a closure notice for three months.

On the 23rd of October officials (Environmental Health) had cause to go to the premises during the period this business was under a Court Order upon entering found two males present. One of them being the current DPS and they were arrested for Breach of a Closure Order by Greater Manchester Police.

I believe the above shows the premise and the current DPS have been operating in an irresponsible manner continuing with the persistent sales of illicit tobacco and non-compliant vapes, a closure order has been issued and since then the DPS has been arrested at the location during the closure order period. I would fully support the revocation of the current premise license and the DPS removal.

I confirm that this representation may become a public document

Signed PC John LLOYD 18264 dated 9th December 2023

N.B if you do make a representation you will be expected to attend the Licensing Sub-Committee hearing and any subsequent appeal proceedings.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with this representation. This is punishable, on summary conviction, by a fine not exceeding level 5 on the standard scale.

Please return this form along with any additional sheets to: **The Licensing Service, Trafford Council; Trafford Town Hall, Talbot Road, Stretford, Manchester, M32 0HT** or email to licensing@trafford.gov.uk.

This form must be returned within the Statutory Period. Please check with the Licensing Section by emailing licensing@trafford.gov.uk

CLOSURE ORDER

Anti-Social Behaviour, Crime and Policing Act 2014 s.80

In the Manchester Magistrates' Court

Date: 19/10/2023

The Premises: Sami Swoi, 101 Manchester Road, Altrincham, WA14 4RL

Applicant Authority: Trafford Borough Council, Trafford Town Hall, Talbot Road, Stretford, M32 0TH

Following service of a Closure Notice at the Premises on 18/10/2023 the Applicant Authority applied for a Closure Order for a period of three months on 19/10/2023

The court is satisfied:

- (a) That a person has engaged, or if the order is not made is likely to engage, in disorderly, offensive or criminal behaviour on the Premises;
- (b) That the use of the Premises has resulted, or if the order is not made is likely to result in, serious nuisance to members of the public;
- (c) That there has been, or if the order is not made is likely to be, disorder near the premises associated with the use of the Premises;

and that a closure order in respect of the whole Premises is necessary to prevent the behaviour, nuisance or disorder from continuing, recurring or occurring.

This closure order prohibits access to the Premises by all persons at all times and in all circumstances except for the persons and classes of person specified below who may access the Premises at any time:

- Employees of Trafford Council
- Employees of the Emergency Services on official business.

This closure order will end at 2359 hours on 18/01/2024

Any person who without reasonable excuse remains on or enters the Premises in contravention of a closure order commits an offence and is liable on summary conviction to imprisonment for a period not exceeding 51 weeks or to a fine or to both.


.....
Justice of the Peace/District Judge
Manchester Magistrates Court

