

[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 Christopher King - Head of Environmental Health & Trading Standards

(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	
Broadway Service Station, 154 South Road, Norton, Stourbridge.	
Post town Dudley	Post code (if known) DY8 3HW

Name of premises licence holder or club holding club premises certificate (if known)
Mr Piara Singh Virdee

Number of premises licence or club premises certificate (if known)
DY/51/1261

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)

☐

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

**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 Christopher King Head of Environmental Health & Trading Standards Health & Wellbeing Dudley Council Council House, 1 Priory Road, Dudley, DY1 1HF
Telephone number (if any) 01384 814669
E-mail address (optional) Christopher.king@dudley.gov.uk

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

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input 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 checked="" type="checkbox"/> |
- Please tick one or more boxes ✓

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

The grounds for this review relate to breaches of the '***Prevention of Crime & Disorder***' and the '***Protection of Children from Harm***' licensing objectives as detailed in the Licensing Act 2003. The Premises Licence holder has failed to uphold both objectives due to numerous incidents amounting to criminal behaviour at the premises following the sale of the business in November 2022 to Mr Saman Mehmud and Mr Rebar Salar.

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

Trading Standards are designated as a "Responsible Authority" for the purposes of the Licensing Act 2003.

- The current Premises Licence Holder (PLH) is Mr Piara Singh Virdee
- At this present time there is no Designated Premises Supervisor (DPS) operating

On 4th July 2023, West Midlands Police objected to a transfer application from Mr Saman Mehmud to take over as PLH and for Mr Rebar Salar to become DPS. The Committee found in favour of the police objections and rejected both applications. No appeal was forthcoming in relation to this decision and during the same period the previous DPS, Jaspreet Singh, submitted an application under section 41 Licensing Act 2003 to cease operating.

On 11th July 2023, Walsall Magistrates Court considered an application from Dudley Trading Standards under Section 80 Anti-social Behaviour, Crime & Policing Act 2014 to close the premises for 3 months due to the fact that it had caused nuisance, crime, and disorder to the local community. The application was granted and the premises remains closed to the public until 11th October 2023. A provisional court date has been scheduled at Dudley Magistrates Court for this date to consider extending the Closure Order for a further 3-month period. There now follows a summary of the nuisance, crime, and disorder at Broadway Service Station that was submitted to the Magistrates Court to support the closure order application.

EVENT 1 -Tuesday 11th April 2023 – at 1840 hours, Trading Standards visited the premises to conduct a test purchase following several complaints received from members of the public that staff were supplying children with disposable vapes and also that the store stocked and sold illegal over-sized vapes. Two 16-year-old child volunteers were sold an Elf Bar, cherry flavour disposable vape for £5. The product contained 2% nicotine. The seller failed to ask either child for either identification or age. Following the sale, Trading Standards officers Kuldeep Maan and Mark Beesley entered the premises and identified themselves to the seller. They pointed out the earlier offence and explained that they were going to commence an inspection using powers under the Consumer Rights Act, 2015. It was at this point

that Mr Rebar Salah entered the shop, and he became immediately aggressive and obstructive, filming the officers on his mobile phone. At the same time, he phoned Mr Saman Mehmud who made the following threat to the officers **"I'M GOING TO KICK YOUR F****N HEADS IN"**. Mr Salah then assaulted officer Mark Beesley by grabbing his arm and attempting to pull him away from where he was searching behind the counter. As a result, West Midlands Police were called, and officers quickly arrived at the scene where details of the offending parties were recorded. In total, approximately 2000 illegal over-sized vapes were seized by Trading Standards during their inspection that evening. Prior to leaving, officers advised the owner/s on the legislation relating to disposable vapes and specifically the fact that any vape over 600 puffs was illegal to supply to the public.

Note... all the vapes seized were found to be illegal as their tank size exceeded the 2ml legal limit and by so doing breached Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016. The identity of the seller of the vape to the child volunteer/s remains unknown as he left the scene prior to police arrival and Trading Standards were unable to establish his details due to the high level of aggression being directed towards them.

EVENT 2 - Tuesday 18th April 2023 – at 1210 hours, Trading Standards officer, Kelly Grandison conducted a test purchase at the premises whereby an unknown Kurdish male sold her an illegal 'R AND M Tornado' disposable vape, 2% nicotine, 7000 puffs for £12 and a packet of Polish Malboro Gold cigarettes for £7. Officers were then prevented from re-entering the shop in order to carry out an inspection as the staff lowered the security shutters locking themselves inside. However, bags of illegal tobacco were recovered from the empty flat directly above the shop that is rented by Mehmud & Salar.

Note...a subsequent examination of the bags found that they contained mixed brands of both cigarettes and hand rolling tobacco, all of which were either counterfeit or illicit in nature and therefore breached Trade Marks Act 1994 and/or Tobacco & Related Products Regulations 2016

EVENT 3 - Tuesday 25th April 2023 - at approximately 1712 hours, a surveillance operative, entered the premises and requested a 'big vape' from a member of staff. He was sold an Elux Legend, 3500 puff, 2% nicotine disposable vape for £10.

Note...the tank size of the device sold exceeded the legal 2ml limit and therefore breached Regulations 36, 48(d) and 51 of the Tobacco and Related Products Regulations 2016

EVENT 4 - Monday 1st May 2023 - at approximately 1348 hours, a surveillance operative entered the premises and was sold a packet of Lambert & Butler cigarettes for £7.

Note...this packet of cigarettes was subsequently sent to Imperial Tobacco for examination – It was found to be counterfeit and therefore breaching Trade Marks Act 1994.

EVENT 5 - Tuesday 16th May 2023 – following the experience of being locked out of the shop premises on 18th April 2023, Dudley Trading Standards applied to the courts for a search warrant, which was duly granted. A small amount of illegal tobacco and vapes were found under the counter. A staff member was found to be in possession of a set of keys to a Toyota motor vehicle, YF60 GHA, and when questioned informed police that it was parked outside an address in London. The vehicle was in fact found on the driveway of [REDACTED], the home address of [REDACTED] the brother of the PLH. Inside the boot were 400 illegal vapes. Mr Virdee then consented to officers searching his home address and reluctantly showed officers eight boxes that were full of illegal tobacco and vapes. Several boxes contained Chinese made air purifying units which when opened contained hidden sleeves of counterfeit Benson & Hedges and Lambert & Butler cigarettes all wrapped up in decorative herbal leaf tea wrapping paper. Documentation on the boxes suggested that they had arrived from China a few weeks previously via air freight. The occupier stated that Mr Rebar Salar had brought the boxes to his house a few days before and asked him to store them.

Event 6 - Monday 19th June 2023 – at 1700 hours, Trading Standards deployed a 15-year-old child volunteer into the premises in order to attempt to purchase alcohol. Saman Mehmud was the staff member on duty at the time and he failed to challenge the child when he presented a can of 4% ABV Strongbow cider. He neither asked for identification or age and sold the product for £1.50.

Recommendation to Committee

Effectively, the premises is currently in the grips of an organised crime gang that are using the shop simply as a front to sell illegal tobacco and vapes to the general public. The PLH appears powerless and unable to take any positive action to prevent the current business owners, Mr Mehmud and Mr Salar, from operating in this manner. In fact, the PLH's own brother appears complicit in the unlawful activity by even storing counterfeit and smuggled goods in his house a few feet away from the shop premises. Criminal offences that are being committed on a daily basis include Trade Marks Act 1994 (maximum 10 years imprisonment on indictment), Tobacco & Related Products Regulations 2016 (maximum 2 years imprisonment on indictment), Standardised Packaging of Tobacco Regulations 2015 (maximum 2 years imprisonment on indictment), Fraud Act 2006 (maximum 10 years imprisonment on indictment) and Proceeds of Crime Act 2002 (maximum 14 years imprisonment on indictment).

It is strongly recommended that the committee consider a revocation of the Premises Licence.

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

Please tick ✓ yes
Yes

If yes please state the date of that application

Day	Month	Year
04	07	2023

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

Dudley Trading Standards supported the West Midlands Police with their objections to the transfer application at Licensing Committee on 4th July 2023.

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 **Yes**
- I understand that if I do not comply with the above requirements my application will be rejected **Yes**

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



Capacity of Responsible Authority Applicant - Head of Environmental Health & Trading Standards

.....
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.

