



## Responsible Authorities

### Licensing Application/Review response form

<b>Authority: Children's Services Safeguarding</b>	Head of Safeguarding and Quality Assurance/Principal Social Worker  Nicola Hale
<b>New Premises Licence Application</b>	Quickstop Convenience Store Ltd 25 Park Road, Quarry Bank, DY5 2DF  Ref DY/51/1663

Further to the application received for the premises, the Head of Safeguarding (Children's) is aware of the premises having found to have sold an illegal vape to a 16 year old volunteer.

This action would have placed the young person at direct risk of harm and is contrary to the licensing requirement to not sell vapes (of any kind) to children.

In April 2023, Health Minister Neil O'Brien said:

*Smoking kills, so our priority is to prevent people smoking, and support them to quit. We remain committed to our ambition to be smokefree by 2030.*

*However, while vaping is a preferable alternative to smoking for adults, we are concerned about the rise in youth vaping, particularly the increasing use of disposable vaping products.*

*The new illicit vapes enforcement squad will work across the country and clamp down on those businesses who sell vapes to children - which is illegal - and get them hooked on nicotine. Our call for evidence will also allow us to get a firm understanding of the steps we can take to reduce the number of children accessing and using vapes.*





Furthermore, the selling of an illegal vape product means that the content is not under any regulation of quality control, the substances could be extremely harmful and the product itself could pose a fire risk.

The premises, having knowingly sold an illegal product to a child, leads me to hold concerns that this would extend to the sales of alcohol products to minors.

Therefore, I am submitting a representation to prevent the granting of the license for this premises.

Nicola Hale

14.08.23



Report made to: Ed Bradford – Head of Neighbourhood Services

Date: 25/08/2023

Premises: Quickstop Convenience Store, 25 Park Road, Quarry Bank, DY5 2DF

Licence: DY/51/1663

Licensing Objectives involved:

- 1) The prevention of crime and disorder
- 2) The protection of children from harm

The Licensing Authority wish to make objections in relation to the application for a Premises Licence at Quickstop Convenience Store, 25 Park Road, Quarry Bank, DY5 2DF. The reasons for this are set out below.

### **Background:**

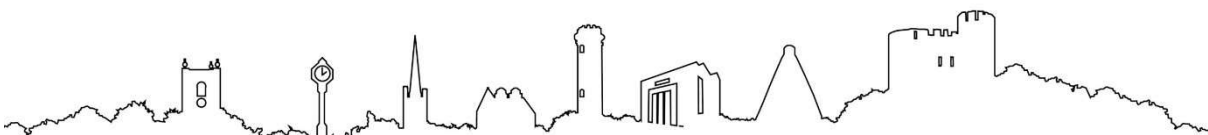
The Premises Licence was first issued on 31<sup>st</sup> August 2006 and was transferred in the name of Quickstop Enterprises LTD on 6<sup>th</sup> June 2013.

The premises last paid their £180 annual fee on 3<sup>rd</sup> March 2020, although it was due to be paid on 28<sup>th</sup> September 2019. On 7<sup>th</sup> May 2021 the premises was sent a suspension letter, informing them that the Premises Licence was suspended due to the annual fee not being paid for 2020. Due to Covid-19 restrictions at the time, this was sent by post and not hand delivered by an enforcement officer.

On 10<sup>th</sup> July 2023 officers from Trading Standards conducted a test purchase at the premises. This premises failed by selling a vaping device to a child, prompting a visit to the premises by the Licensing Authority. At the time of the test purchase, Trading Standards officers did see alcohol displayed for sale.

A check of the Companies House website showed that Quickstop Enterprises LTD dissolved on 12<sup>th</sup> October 2021. No application to transfer the licence was made to the Licensing Authority and no interim authority notice was ever submitted and therefore the Premises Licence lapsed, as per Section 27 of the Licensing Act 2003.

Enforcement Officer Andy Babbs visited the premises on 17<sup>th</sup> July and spoke to the owner and applicant, Mr Ibrar Afzal. Alcohol was also seen on display, at the time of the visit. Mr Babbs explained that there was no existing Premises Licence for the shop and that all alcohol must be removed from display.



This application was then subsequently made in order for a new Premises Licence to be issued.

### **Licensing Authority Representations:**

The Licensing Authority does not support this application due to the following reasons:

The premises has operated without a licence for some time. In selling alcohol since 9<sup>th</sup> November 2021, the premises has been committing offences almost daily. As a personal licence holder, Mr Afzal would know that a Premises Licence would be required in order to sell alcohol and that an annual fee is required to be paid. Mr Afzal made no attempt to contact the Licensing Authority to transfer the licence or pay any fees.

Mr Afzal has been involved with the premises for some time. On 8<sup>th</sup> October 2020 his behaviour towards Food Enforcement Officers was aggressive enough for them to create a marker to the premises, recommending that officers only attend the premises in pairs.

Trading Standards officers then seized 53 illegal vaping devices from the premises on 15<sup>th</sup> December 2021.

On 10<sup>th</sup> July 2023 Trading Standards officers conducted a test purchase operation at the premises. The premises did not only fail, but the seller also actively encouraged the child volunteer to purchase an illegal vaping device as an alternative to the legal one requested. This device was not on display, suggesting that the seller knew that it was not legal. Trading Standards officers then entered the store and recovered two further illegal vaping devices from behind the counter.

During the failed test purchase and subsequent seizure investigation, Trading Standards officers have experienced a lack of cooperation from the seller and Mr Afzal and therefore are considering a criminal prosecution for the identified offences.

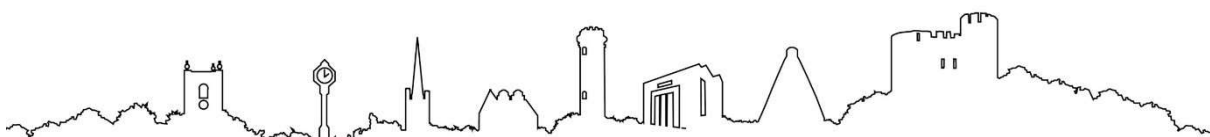
### **The Prevention of Crime & Disorder:**

The applicant has operated without a Premises Licence for some time. This in itself is a criminal offence.

Illegal vaping devices have been recovered from the premises on two separate occasions. This shows a willingness for the applicant to commit repeated criminal offences, even when informed that the devices were not legal.

### **The Protection of Children From Harm:**

Not only have illegal vaping devices been sold to the public, but they have also been sold to a child, with no identification checks being carried out. Even the sale of legal vaping devices



pose risk to children. Trading Standards officers will be able to inform the Committee of the additional dangers posed by illegal devices.

Perhaps more concerning was the fact that the illegal device was encouraged to the child, when it was not requested.

### **Summary**

With knowledge that the premises has operated illegally for some time, sold illegal vaping devices and posed a risk to children, the Licensing Authority cannot possibly support this application.

There has been an inability to protect children in relation to age restricted products and therefore the Licensing Authority believes that children and the public are at further risk of harm, should the shop seek to sell a further age restricted product in alcohol.

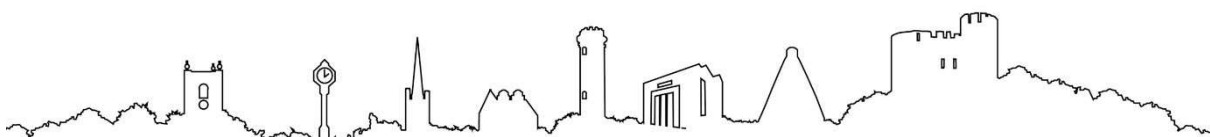
The current application does not mitigate the risks to the public, as it lacks detail. However, even with strong conditions in place, the history of the poor management of the premises and the applicants conduct has left the Licensing authority with a lack of confidence in their ability to uphold the Licensing Objectives.

The Licensing Authority requests that the Licensing Sub Committee refuse this application.



**Nick Slym**  
Assistant Team Manager

Waste, Fleet & Licensing - Licensing & Waste Enforcement





**Brierley Hill Police Station**

Bank Street  
Brierley Hill  
DY5 3DH

Direct Telephone:  
Switchboard: 101  
Internal:  
Email:  
Our Reference:

Date: 29 August 2023

Liquor Licensing  
Licensing & Waste Enforcement  
Public Realm  
Dudley Council  
Unit 1, Hurst Business Park, Narrowboat Way, Brierley Hill  
DY5 1UF

**Quickstop Convenience Store (UK) Ltd, 25 Park Road, Quarry Bank, Brierley Hill, DY5 2DF**  
**Licence No DY/51/1663**

West Midlands Police are objecting to the new premises licence application for the above premises under the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives.

Trading Standards had received a number of complaints that this premises had been selling illegal vapes. Therefore on 10 July 2023, a test purchase was carried out at the premises which resulted in an illegal vape being sold to a 16 year old male child. The seller, Sangeeta Paul, believed to be the partner of Imran Afzal, the proposed Premises Licence Holder and DPS, encouraged the test purchaser to buy a 3500 puff disposable vape, as it would last longer.

When Trading Standards entered the premises, Sangeeta Paul denied selling the illegal vape and having any in stock. Trading Standards then carried out a search under the counter, where a further two illegal vapes were found and seized. Trading Standards have advised us that these illegal vapes have recently been identified as containing traces of lead and nickel metals within the vape liquid, from a laboratory tests carried out by another Trading Standard's department.

Sangeeta Paul then became obstructive with Trading Standards Officers, refusing to show identification and assist in questions asked by Trading Standards. It could therefore not be established whether a refusals register was being used.

The proposed DPS and company director of Quickstop Convenience Stores (UK) Ltd, Imran Afzal, has been involved with this premises for some time and there is a history of illegal vapes being seized during that time.

We have also been advised by Dudley Council Licensing Dept that this premises have been operating without a premises licence since 9 November 2021, which is a criminal offence.

On the basis that this premises have sold an illegal vaping device to a child, and have actively encouraged this purchase, with no I.D. checks carried out; operated without a premises licence for a considerable period of time; and have been uncooperative with Trading Standards when enquiries were made about them undertaking a training course provided by Trading Standards regarding underage sales and illegal vapes, we strongly recommend that the Licensing Committee refuse this premises licence application.

Kind regards

Sgt 1533 Andrews  
Partnerships Sgt  
Dudley Police LPA



## **Kay Dewinski (Waste, Fleet and Licensing)**

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**From:** Kuldeep Maan (Environmental Health and Trading Standards)  
**Sent:** 22 August 2023 15:11  
**To:** Nick Slym (Waste, Fleet and Licensing)  
**Cc:** Kay Dewinski (Waste, Fleet and Licensing); Kelly Grandison (Environmental Health and Trading Standards)  
**Subject:** Dudley Trading Standards objection to licence transfer to Quickstop Convenience Store (UK) Ltd of 25 Park Road, Quarry Bank DY5 2DF  
**Importance:** High

Dear Nick and Kay,

Sorry for the delay in this. If I need to add more information at this stage, please let me know

Please see details below of the objection for the transfer from Trading Standards

Premises: Quickstop Convenience Store (UK) Ltd  
Trading from: 25 Park Road, Quarry Bank DY5 2DF

***The brief historical facts are that:***

***On 08<sup>th</sup> October 2020, Imran AFZAL began shouting at Food Enforcement Officers which resulted in a warning marker being placed on this business for 2 Officers to attend a time.***

***On 15<sup>th</sup> December 2021, 53 illegal vapes, where the tank size exceeded 2ml were seized from this business premises.***

***On 6<sup>th</sup> July 2022, a Vape warning letter was sent to this business for the vapes seized on 15<sup>th</sup> December 2021. No response to this warning was received.***

***More recently:***

***Trading Standards have been receiving a number of complaints that this business has been selling illegal vapes.***

***On 10<sup>th</sup> July 2023, a 16 year old male test purchaser entered this business to attempt to purchase a disposable vape containing nicotine. This volunteer was advised by Sangeeta PAUL, believed to be the partner of Imran AFZAL not to buy a 600 puff disposable vape but to purchase a 3,500 puff disposable vape, as it would last longer. These vapes came from under the counter and were placed back under the counter after the sale was made to this 16 year old volunteer.***

***The volunteer returned to Trading Standards and gave Trading Standards the details of what had taken place. Trading Standards then returned to the business. Trading Standards identified Sangeeta PAUL, as she had previously been prosecuted by them in 2009 for selling counterfeit alcohol (Shokar's News and Booze; 13 Whitley Avenue, Halesowen). Sangeeta PAUL was Cautioned, informed of the sale and asked where the illegal vapes were stored. Sangeeta PAUL denied selling illegal vapes and having any in stock. A search was undertaken and under the counter, 2 illegal vapes were seized. These 3 illegal vapes (in total) have recently been identified to containing traces of lead and nickel metals within the vape liquid, from a laboratory tests carried out by another Trading Standard's department.***

***Sangeeta PAUL then became obstructive, refusing to show identification and assist in questions asked by Trading Standards. It could therefore not be established whether a refusals register was being used.***



***On 09<sup>th</sup> August 2023, Trading Standards visited this business to enquire about whether Sangeeta PAUL and Imran AFZAL, director of Quickstop Convenience Store (UK) Ltd would request a training course provided by Trading Standards on underage sales and illegal vapes. Upon identifying themselves, Trading Standards received hostility and were accused of being aggressive on 10<sup>th</sup> July 2023. Sangeeta PAUL was not present. Trading Standards spoke to Imran AFZAL, who refused to tell Trading Standards where Sangeeta PAUL was and claimed that she no longer worked at the business and had no connection to it. Imran AFZAL also denied that he committed any offences for allowing the illegal vape to be sold to a child. Imran AFZAL'S request to go on the Trading Standard's courses were declined after a case review. Mr Imran AFZAL has not been informed of this.***

***All three Sangeeta PAUL, Quickstop Convenience Store (UK) Ltd and Director Imran AFZAL are subject of further investigation and will be invited to attend an interview under Caution in due course.***

This is a breach of licensing objectives in relation to the prevention of Crime and Disorder and The Protection of Children from Harm.

Regards,

**Kuldeep Maan**

Principal Trading Standards Officer

Environmental Health & Trading Standards - Trading Standards  
Health & Wellbeing  
Dudley Council  
4 Ednam Road, Dudley, DY1 1HL  
01384 814675  
[www.dudley.gov.uk](http://www.dudley.gov.uk)



## Liz Rouse (Waste, Fleet and Licensing)

**From:** Ibrahim Khan <ibrahim@allertongladstone.com>  
**Sent:** 25 September 2023 19:31  
**To:** Gale Siviter (Waste, Fleet and Licensing); Kay Dewinski (Waste, Fleet and Licensing)  
**Subject:** [EXTERNAL EMAIL] Re: Quickstop Convenience Store UK Ltd - Licensing Sub Committee Meeting 26th September 2023 Applicant: ibrar Amed Afzal Defendant: Dudley Council  
**Attachments:** Representations - Ibrar.pdf  
**Importance:** High

Some people who received this message don't often get email from ibrahim@allertongladstone.com. [Learn why this is important](#)

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Dear Sirs

Further to our previous emails, please find attached representations for the hearing scheduled for tomorrow (26.09.2023) @ 10am

Kind Regards

Ibrahim Khan

Allerton & Gladstone Solicitors



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# LICENSING COMMITTEE REPRESENTATIONS ON BEHALF OF THE APPLICANT

## **Suggested Reading:**

Application for premises licence.

Police Force representations – Objections

Children SafeGuarding - Objections

Licensing Act 2003

Licensing Act 2003 (Hearings) Regulations 2005

Interim Statement of Licensing Policy 2020 ("Policy")

Revised Guidance issued under section 182 of the Licensing Act 2003 ("Guidance")

1. These representations submitted on behalf of the applicant in connection with his application for the Premises Licence concerning Quickstop Convenience Stores (UK) Ltd.
2. It should be emphasised that this business is not a bar, Discotheque, Nightclub, Pub, or another upright drinking establishment.
3. It should be emphasised that this licensing committee hearing is 'De Novo' which means that the application is to be treated afresh. Therefore, this application ought to be considered without the initial representations of the Responsible Authorities, namely the Police and Children Services. This hearing is also 'quasi-judicial' which simply means that an appeal lies to the Magistrates Court from a decision of this Honourable Licensing Committee.
4. This application is a modest one. The premises had a premises licence for long time but oversight occurred owing to the applicant's medical conditions which includes diagnosis with progressive 'Cancer' and he has been given 12 months to live.

### **Councillor Barker's Representation**

5. In respect of the representations from the Police, we would respectfully request that the Licensing Committee consider the following observations:
  - i. The Applicant promptly applied for a Premises Licence once it was brought to his attention that the Premises Licence had not been transferred to him taking over the premises.
  - ii. The Applicant has no previous breaches of Premises Licence.
  - iii. The Applicant accepts the serious nature of his behaviour and is regretful. Whilst it is no excuse but the diagnosis of "Cancer" and 12 months to live has played heavily on his mind. However, he is remorseful for his actions and accepts that there was inadequate supervision of his employee who sold a vape to a minor.
  - iv. Measures outside of the Council's licensing functions available for addressing include:
    - Supervisory plan
    - Better training to employees
    - Police powers to close instantly, for up to 24 hours, any licensed premises, on the grounds of breaches.
    - The power of the Police, other responsible authorities or a resident or business to seek a review of the licence or certificate in question.
6. There have not been any other complaints or difficulties relating to the existing Premises Licence or the Licensing Objectives.



7. There is far more weight and local support for this application to be granted than it is for it to be refused. The representations of the Police and children services are to be weighed against residents who have raised no issue with this application.
8. Underpinning the scheme and policy of the Licensing Act 2003 is a presumption that Licensing Authorities will, except in very exceptional circumstances, grant rather than refuse a licence application. In doing this and where appropriate they will attach relevant conditions to a licence designed to fulfil their overriding purpose namely to promote the Licensing Objectives.
9. The Licensing Act 2003 provides that in making their decisions Licensing Authorities should have regard to that Act, the Guidance to Section 182 of that Act and their own Licensing Policy Statement. In addition, Licensing Authorities should have proper regard for the evidence before them and arrive at their decision based upon (the balance of) that evidence.
10. The applicant will agree with the Police and other stakeholders to volunteer the following operating conditions should the Licensing Committee be minded to grant this application:
  - a. All staff employed at the premises will receive documented training on their responsibilities under the 2003 Licensing act before their first shift commences. Staff are to receive documented refresher training a minimum of once every 6 months, signed off by the trainer nominated by the premises license holder. All training documents are to be kept at the premises and made immediately available upon request by responsible authorities.
  - b. A daily incident log shall be kept at the premises for at least 12 months from the date of last entry, which will record the following:
    - i. all crimes reported to the venue
    - ii. all ejections of patrons

- iii. any complaints received
- iv. any incidents of disorder
- v. any refusal of the sale of alcohol
- vi. at any visit by a relevant authority or emergency service.
- vii. any other relevant incidents to be recorded.

11. The premises license holder will ensure that no children under the age of 16 will be allowed on the premises after 23.00hrs unless accompanied by an adult and for seated meals only.

12. We respectfully request that this Licensing Committee grant this application in full.