

**DY/51/1678 - New Premises Licence Application for Sedgley Mini
Market, Unit 1-3 High Street, Sedgley, Dudley, DY3 1RP**

Dudley MBC Trading Standards are classified as a designated Responsible Authority under the Licencing Act 2003. In relation to 'new' Premises Licence Application DY/51/168 relating to Sedgley Mini Market we raise objections based on breaches of the following two Licensing Objectives.

- Prevention of Crime and Disorder
- Protection of Children from Harm

Objections are based upon the following incidents, all of which occurred whilst the applicant was in charge of the business.

1. **24/07/2022** – Consumer Rights Act inspection by Trading Standards at the premises whereby illegal disposable vapes, illegal cigarettes and illegal hand-rolling tobacco were seized.
2. **01/02/2023** – a child volunteer was sold a vape with 2% nicotine and on further inspection of the premises under the Consumer Rights Act a further 119 illegally oversized vapes were seized.
3. **21/08/2023** – Intelligence received that young school children are regularly being sold vapes from the premises.
4. **02/10/2023** – During a Trading Standards operation a child volunteer was sold a vape.
5. **12/10/2023** – Trading Standards Officer carrying out a test purchase and was sold an illegal vape along with counterfeit cigarettes. An inspection was carried out under the Consumer Rights Act 2015 and a quantity of illegal vapes and cigarettes were seized. During that inspection a member of Trading Standards was physically assaulted by the applicant's daughter.
6. **10/11/2023** – Concerned local resident reporting big vapes being sold to their 14-year-old daughter.
7. **13/11/2023** - Further complaint received from a local resident stating that their 11-year-old daughter and her school friends have been buying vapes from the premises.
8. **05/12/2023** – A Concerned parent reporting that their 11-year-old child was seen smoking a vape outside the shop. The parents questioned their daughter who said that her and her friends buy the vapes from the lady in the shop.

9. **12/12/2023** – Trading Standards in partnership with West Midlands Police executed a warrant to search the applicants home address. There in the attic space was found approximately 100,000 illegal cigarettes, 500 vapes and 10kg of illegal hand rolling tobacco. These were destined to be sold at the applicant's shop.

The applicant is under investigation for :-

- 1) Attempting to pervert the course of Justice – providing false information to Trading Standards in attempt to frustrate a criminal investigation.
- 2) Obstructing officers when warrants were executed at his home address.
- 3) Conspiracy to defraud (common law)
- 4) Trade Mark Act 1994 – selling counterfeit goods
- 5) Various tobacco related offences



Responsible Authorities

Licensing Application/Review response form

Authority: Children's Services Safeguarding	Head of Safeguarding and Quality Assurance/Principal Social Worker Nicola Hale
New Premises Licence Application	Sedgley Mini Market Ref DY/51/168

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 child volunteer on two occasions.

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.

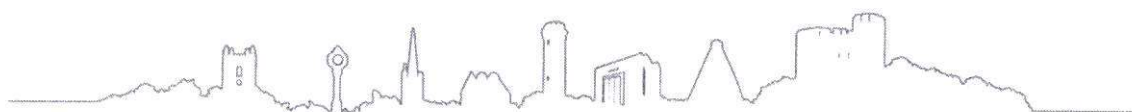
In addition, local residents and parents have raised concerns on 3 occasions that the premises are selling vapes to children as young as aged 11.

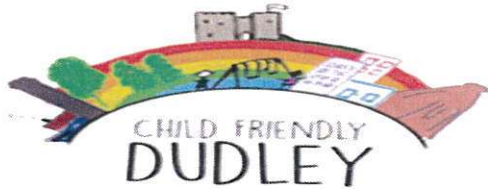
In April 2023, Health Minister Neil O'Brien said:

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.





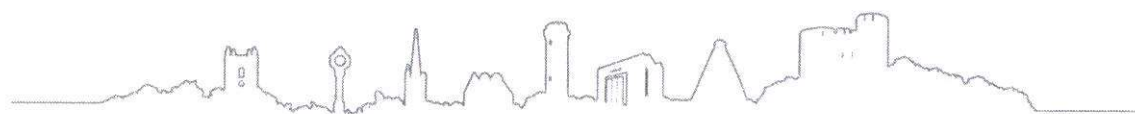
Furthermore, the selling of an illegal vape product means that the content is not under any regulation of quality control, the substances could be extremely harmful and the product itself could pose a fire risk.

The premises, having knowingly sold a vape product to a child on more than one occasion, 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

24.01.24



Licensing Enforcement
Memorandum



To: Nick McGurk

From: Andrew Humphrey, Licensing Enforcement Officer

Date: 25th January 2024

Licensing representations

New licence application

Licence application number: DY/51/1678

Premises: Sedgley Mini Market
1-3 High Street
Sedgley
Dudley
DY3 1RP

Applicant: Mr Mansoor Lutfi Hejrandoost

[REDACTED]
[REDACTED]
[REDACTED]

Licensing objectives concerned:

1. Prevention of crime and disorder
2. The protection of children from harm

Licensing background

The premises in question has not previously held a licence and presently operates as a general store.

An application for premises licence, dated 3rd January 2024, was received by DMBC Licensing, signed by Mr Hejrandoost, who is the intended Designated Premises Supervisor. The application has been completed purely for the sale of alcohol.

The proposed opening hours for the supply of alcohol were listed as 0900 to 2200 Monday to Saturday and 1000 to 2200 on Sunday, with the general opening hours being from 0800 to 2200 Monday to Saturday and 1000 to 2200 on Sunday.

It is further stated in the application that there will be CCTV both inside and outside the premises and that a Challenge 25 policy would be in place.

The application fee was paid on 9th January 2024

The premises was visited on 22nd January 2024 where the required licence application 'blue notice' was seen to be correctly displayed.

Premises background

The premises has been visited by officers from Dudley MBC Trading Standards on several occasions over the last eighteen months, that can be summarised as follows:-

1. **24/07/22** Illegal disposable vapes, illegal cigarettes and illegal hand rolling tobacco were seized
2. **01/02/23** A child volunteer was sold a vape with 2% nicotine and on further inspection, a further 119 illegally oversized vapes were seized
3. **21/08/23** Intelligence received that children were being sold vapes from the premises
4. **02/12/23** A child volunteer was sold a vape
5. **12/10/23** Illegal vape and counterfeit cigarettes were sold to a Trading Standards Officer conducting an operation. Upon further inspection of the premises, a quantity of illegal vapes and cigarettes were seized. It was also during this inspection that a member of the Trading Standards team was assaulted by the daughter of the licence applicant.
6. **10/11/23** A local resident reported that their 14 year old daughter was being sold vapes at the premises
7. **13/11/23** A different local resident reported that their 11 year old daughter and school friends had been sold vapes at the premises
8. **05/12/23** A further resident reported that their 11 year old daughter and her friends had been sold vapes at the premises
9. **12/12/23** A warrant was executed at the premises by Trading Standards and West Midlands Police whereupon approximately 100,000 illegal cigarettes, 500 illegal vapes and 10kg of illegal hand rolling tobacco was found in the attic.
10. The applicant is currently under investigation for several criminal offences:-
 - Attempting to pervert the course of justice
 - Obstructing officers during execution of warrant

Conspiracy to defraud
Selling counterfeit goods
Other tobacco related offences

Licensing representations

The prevention of Crime and Disorder

Illegal vapes and tobacco have been seized from the premises on three separate occasions between 24/07/2022 and 12/12/2023. This shows a willingness, or disregard to the law, by the applicant and employees to commit repeated criminal offences, even after having been informed that the devices were not legal.

It has been stated by Trading Standards Officers that one of their members was assaulted by the daughter of the applicant during the execution of a search on 12/10/2023. This raises some concerns regarding the attitude and demeanour of the family members working at the premises, not only towards persons in a position of authority but to the general public.

The Protection of Children from Harm

On three occasions DMBC Trading Standards have conducted operations at the premises whereby illegal vapes were sold to children with no ID checks being made.

It is to be noted that even the sale of legal vapes to a child poses a risk of harm.

In addition to these, there are a further four recorded occasions when local residents have raised concerns regarding the premises selling vapes to children as young as 11 years old.

The evidence available tends to suggest that there is a propensity to ignore the law and any legal requirements or safeguarding issues with the continual sale of vapes to children, without any form of ID check being made.

Licensing representations summary

The above listed representations relate to the concerned licensing objectives. In view of the evidenced activity and continual criminal activity in relation to the sale of illegal vapes and tobacco, there are serious concerns that the disregard shown towards the legal requirements for tobacco and associated products, and the continued criminal activities relating to the sale of tobacco related products, will also be demonstrated in relation to alcohol.

There is no evidenced improvement in behaviour, or knowledge and learning in relation to the illegal criminal activities discovered as a result of the operations and actions initiated by DMBC Trading Standards.

It is our view that this inherent characteristic will be transferred, and be evident, in the sale of alcohol and that the licence applied for should not be granted.

Andrew Humphrey

Licensing Enforcement Officer



Brierley Hill Police Station

Bank Street
Brierley Hill
DY5 3DH

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

Date: 31 January 2024

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

Sedgley Mini Market, Unit 1-3, High Street, Sedgley, Dudley, DY3 1RP
(Licence No DY/51/1678) – New Premises Licence Application

West Midlands Police are objecting to the new premises licence application for Sedgley Mini Market, Unit 1-3, High St, Sedgley, under the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives.

We have been advised by Trading Standards that over a period of time dating from July 2022 until December 2023, illegal disposable vapes, illegal cigarettes and illegal hand-rolling tobacco have been seized from the premises.

At a test purchase operation on 02/10/23, a vape was sold to a child volunteer and on 12/10/23, a further test purchase operation was carried out whereby an illegal vape was sold along with counterfeit cigarettes. During an inspection of the premises on 12/10/23 a member of Trading Standards was physically assaulted by the applicant's daughter. This matter is currently under investigation.

West Midlands Police and Trading Standards executed a warrant to search the applicants home address on 12/12/23. Approximately 100,000 illegal cigarettes, 500 vapes and 10kg of illegal hand rolling tobacco was found in attic space.

All of the above has occurred whilst the applicant has been managing this business.

The applicant is also currently under investigation for a number of offences.

We have been advised by a local school that a parent has reported that the premises are selling vapes to students (see attached).

On the basis of the above, we strongly object to this premises licence application as it is clear that the applicant will not uphold the Prevention of Crime & Disorder and Protection of Children From Harm licensing objectives.

Kind regards

Sgt 1533 Andrews
Partnerships Sgt
Dudley Police LPA

Katie Turley

From: [REDACTED]
Sent: 30 January 2024 16:33
To: Andy Peters; [REDACTED]
Cc: [REDACTED] dy licensing
Subject: [External]: Re: Sedgley Mini Mart

CAUTION: This email originated from outside of West Midlands Police. Do not click links or open attachments unless you are sure the content is safe.

Hi yes a parent has reported they sell vapes to our students.

Regards

[REDACTED]

Sent from Outlook for iOS

From: Andy Peters <andy.peters@westmidlands.police.uk>
Sent: Tuesday, January 30, 2024 3:32:45 PM
To: [REDACTED]
Cc: [REDACTED]; dy licensing <dy_licensing@westmidlands.police.uk>
Subject: Sedgley Mini Mart

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi both,

Sedgley Mini Mart, opposite the Bilston Street turning is applying for an alcohol 'off licence'.

Please could you let me know if you have heard of any reports from students, parents or staff that is a cause for concern. This could include the selling of vapes, cigarettes, knives or students hanging around outside leading to ASB. Please could I ask you to share this message with staff and collate any responses for me as this will assist with the decision making process for a licence.

Kind regards,

Andy



PC 7359 Andy PETERS
Secondary Schools Intervention and Prevention Officer
Dudley LPA Partnerships
West Midlands Police

M: [REDACTED] T: 101

W: west-midlands.police.uk

Working in partnership, making communities safer



Gale Siviter (Neighbourhood Services)

From: Neil Aston-Baugh <Neil.Aston-Baugh@wmfs.net>
Sent: 02 February 2024 13:41
To:
Cc: Liquor Licensing
Subject: [EXTERNAL EMAIL] Fire Authority representation to a premises licence application.

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

OFFICIAL

LICENSING ACT 2003

NAME OF PREMISES: Sedgley Mini Market

ADDRESS: Unit 1-3 High Street Sedgley, Dudley, DY3 1RP

I refer to the application for the Grant of a Premises licence made in respect of the above premises.

I have visited the premises and there are some fire safety issues which may affect the Licensing Objective of Public Safety.

- A smoke detector was found to be covered over and I could not find the fire alarm panel and could not confirm if the system is working.
- The crate at the front door, which is a makeshift steep, is a slip/tip/fall hazard. A permanent step appears to be required.
- There did not appear to be a fire risk assessment in place.

Consequently, The Fire Authority hereby makes representation to the application.

The Fire Authority will not remove its representation until it has been provided with evidence of the following .

- **A copy of the fire alarm certificate (dated within the last 12 months) demonstrating that the system has been suitably serviced in accordance with BS5839-1 should be forwarded to me.**
- **Details of your proposed solution for the step at the front door should be forwarded to me. If you need a Planning application or building regulations application for approval to resolve this, then evidence that a suitable application has been submitted to the local Authority should be forwarded to me.**

Should you require any further information or clarification, please do not hesitate to contact me.

Regards

Neil Aston-Baugh

Fire Safety Officer -LEEPS Team

Tipton Fire Station

Alexandra Road

Tipton

West Midlands

DY4 7NZ

Tel: 07973 810 042 or,

Liz Rouse (Neighbourhood Services)

From: Neil Aston-Baugh <Neil.Aston-Baugh@wmfs.net>
Sent: 09 February 2024 08:24
To: Building Control
Cc: Gale Siviter (Neighbourhood Services); Liquor Licensing; Nick Slym (Neighbourhood Services); Richard Timmins (Environmental Health and Trading Standards); dy licensing; Andrew Humphrey (Neighbourhood Services); Craig Worgan (Planning)
Subject: [EXTERNAL EMAIL] 1-3 high street sedgley. Sedgley Mini Market.

CAUTION: This email originated from outside of the council. Do not click links or open attachments unless you are sure the content is safe.

OFFICIAL

Good Morning

I attended the above premises a few days ago as they are applying for a premises licence. It appears that the frontage and possibly some internal works has changed the stepped access into the shop. To overcome this, they have placed a moveable plastic crate at the entrance door which is not suitable. I am guessing from this, they may have carried out some unauthorized works that should have gone through building regulations as this would not meet approved Doc K of the building regulations.

There is a licensing hearing on 27th February 2024, at approximately 10.00am in the Council Chamber at the Council House, Priory Road, Dudley, West Midlands, DY1 1HF, **to determine if the licence can be granted.**

Are you able to look into the possible unauthorized works before that date please, to advise.

It would also be beneficial to the subcommittee if a BCO is able to attend the hearing on the 27th to advise them.

Thank you.

Regards

Neil Aston-Baugh

Fire Safety Officer -LEEPS Team
Tipton Fire Station
Alexandra Road
Tipton
West Midlands
DY4 7NZ

Tel: 07973 810 042 or,
0121 380 7500

Email : neil.aston-baugh@wmfs.net

Team Email: LEEPsTeams.Enquiries@wmfs.net

Fire Safety Admin Email firesafety.admin@wmfs.net