

*Doncaster Metropolitan Borough Council*

**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 Greg Bristol**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Bargain Beers, 248 Balby Road, Balby	
<b>Post town</b> Doncaster	<b>Post code (if known)</b> DN4 0QH

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Kulwinder Singh Wadhwa
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<b>Number of premises licence or club premises certificate (if known)</b> LN/201400436
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**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) | <input type="checkbox"/>            |
| 2) a responsible authority (please complete (C) below)   | <input checked="" type="checkbox"/> |
| 3) a member of the club to which this application relates (please complete (A) below)  | <input type="checkbox"/>            |

**(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

Greg Bristol  
Tobacco and Alcohol Control Officer  
Trading Standards Service  
Civic Office  
Waterdale  
Doncaster  
DN1 3BU

Telephone number (if any)

**01302 737534**

E-mail address (optional)

Greg.Bristol@Doncaster.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓



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

Illicit tobacco is being sold from Bargain Beers.

Sale of illicit tobacco is a crime:

- Illicit tobacco is often counterfeit, in breach of the Trade Marks Act 1994 s92(1)(c), which is punishable on summary conviction by up to twelve months in prison or a fine.
- Illicit tobacco is often unsafe, in that it will not self-extinguish and so can potentially cause fires. This is in breach of the General Product Safety Regulations 2005 R8(1)(c) and is punishable on summary conviction by up to three months in prison or a fine.
- The packaging of illicit tobacco often does not bear the correct health warnings in English as required by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (and the 2007 Amendment) in breach of the Consumer Protection Act s12, for which the maximum penalty on summary conviction is 6 months in prison or a fine.
- Illicit tobacco has evaded duty, in breach of the Tobacco Products Duty Act 1979 s8G. The products are commonly smuggled, in breach of the Licensing Act 2003 s144.

Sale of illicit tobacco undermines public safety:

- Cheap and illicit tobacco undermines any work to reduce smoking prevalence that the impact of taxation and other tobacco control measures put in place. Measures such as raising the age of sale to 18 and picture health warnings on packaging are rendered less effective whilst illicit tobacco exists.
- Cheap and illicit cigarettes are not made to safety standards. The cigarettes are unable to self-extinguish and have been implicated in house fires.

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

On 10 February 2017 a packet of "Amber Leaf" hand rolling tobacco was bought from Bargain Beers by a Council officer as part of a test purchase operation. The packaging did not bear the correct health warnings in English as required by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 R7 and therefore did not comply with s12 of the Consumer Protection Act 1987.

On 8 March 2017 officers from Doncaster Council executed a warrant at Bargain Beers and seized a quantity of illicit tobacco and cigarettes from a car belonging to the Premises Licence Holder Kulwinder Singh Wadhwa. In total 5620 cigarettes and 0.45kg hand rolling tobacco from 17 brands were seized. In each case the packaging did not bear the correct health warnings in English. In addition 4 of the brands seized were shown to be counterfeit, in breach of s92(1)(c) of the Trade Marks Act 1994.

Officers had observed the premises on three occasions, each time seeing a shop employee walk to a car parked on Alexandra Avenue and return to the shop. This activity was observed during the test purchase, indicating the illicit tobacco sold in the shop was stored in the vehicle. The vehicle, a Vauxhall Zafira vrm NG56 ZWN, is registered to Kulwinder Singh Wadhwa.

Kulwinder Singh Wadhwa has not admitted to the sale or supply of illicit tobacco, claiming that the seized tobacco was for personal use. He cannot account for the sale of hand rolling tobacco to a test purchaser.

The attempt to conceal the product is a key factor. Storing illicit tobacco in a vehicle is a common modus operandi and the reasoning is a) to conceal the tobacco and b) if the tobacco is discovered to provide separation of the tobacco from the shop premises.

The quantities seized are normal for a shop selling illicit tobacco.

Sale of illicit tobacco is likely to have been continuing since at least November 2016 when the first observations were undertaken.

Kulwinder Singh Wadhwa was the premises licence holder of Balby Mini Market, 282 Balby Road, Doncaster DN4 0QF in September 2015 when HMRC raided the premises and seized a large quantity of illicit tobacco. The Trading Standards Service reviewed the Premises Licence and it was revoked.

Kulwinder Singh Wadhwa is therefore aware that it is illegal to sell illicit tobacco.

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

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

Not applicable.

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 **15/05/2017** .....

Capacity **Applicant** .....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6) Greg Bristol Trading Standards Service Doncaster Council Waterdale	
<b>Post town</b> Doncaster	<b>Post Code</b> DN1 3BU
<b>Telephone number (if any)</b> 01302 737 534	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> Greg.Bristol@doncaster.gov.uk	

**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.