

**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 Stuart Jones

(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

Postal address of premises or, if none, ordnance survey map reference or description JUNCTION STOP 2 Broxholme Lane Wheatley	
Post town DONCASTER	Post code (if known) DN1 2LJ
Name of premises licence holder or club holding club premises certificate (if known) Mr Mustafa Halo Kaled	
Number of premises licence or club premises certificate (if known) PREM 354	

Part 2 - Applicant details

I am

- | | Please tick yes |
|---|-------------------------------------|
| 1) an interested party (please complete (A) or (B) below) | |
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <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)

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

Please tick

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 TRADING STANDARDS SERVICE Regulation and Enforcement Doncaster Council PO Box 257 Civic Office Waterdale Doncaster DN1 3BU
Telephone number (if any) (01302) 862404
E-mail address (optional) stuart.jones@doncaster.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 1)

Across the UK there is an issue with illicit tobacco sales, this is particularly prevalent in Doncaster town centre, just outside the main shopping and markets area.

The trade in illicit Tobacco can be defined as the production, import, export, possession or sale of tobacco products which fail to comply with legal requirements

There are three main sources of illicit tobacco -

1 - Smuggled products - These are legitimately manufactured products that are diverted through the supply chain in their original country of manufacture and smuggled into the UK, often by large organised crime gangs. No tax/duty is paid on these products

2 - Bootlegged products, sometimes called 'Cheap Whites' - These are again legitimate products purchased in foreign countries with low levels of taxation, generally Eastern European/Russian areas, and smuggled on a small scale by individuals or lower level organised gangs. No duty is paid on these products when they are imported this way.

3 - Counterfeit products - These are illegally manufactured products, made without the consent of the trademark owner. The products are generally made from inferior quality materials and packaged to look exactly like the original products.

The trade in illicit tobacco can be a gateway for young people to start smoking as the low cost of product makes the habit more affordable, those trading in illicit tobacco are also more likely to sell to those under 18.

The illicit trade also undermines the work done by stop smoking services and health

agenices to help people stop smoking.

No tax is paid on these products which means central government loses the duty on these products, it could also be argued that use of these products places an extra strain on Health Services and associated agencies which incurs further costs to both central and local government.

The illicit trade funds organised crime and is increasingly linked to modern slavery.

Illicit products can also contravene safety legislation as the majority of product does not comply with the 'reduced ignition propensity' requirements of the safety standard introduced in 2010.

In practice this means that an illicit cigarette will continue to burn if left unattended. Compliant products will extinguish themselves and therefore pose less fire risk. Smoking causes approximately 3,000 house fires each year, a number of deaths can be linked directly to illicit tobacco causing house fires.

The premises subject to this review have consistently traded in illicit tobacco, despite warnings and advice on what types of tobacco can legitimately be sold.

One of the many methods Trading Standards use to combat this illicit trade is test purchasing. An EU operative acts as a normal consumer and visits the shop and asks for some cheap cigarettes.

Junction has sold illicit tobacco on all three occasions where a test purchase has been attempted.

13th October 2016:

The test purchaser entered the premises and asked for some cheap cigarettes, two males were in the shop. One went to a door behind the left side of the counter, went through it and returned with a pack of 20 Marlboro cigarettes, they were put straight into the test purchaser's handbag and she paid £5.50. The cigarettes were marked with text only health warnings 'Palenie tytoniu powoduje smiertelnego raka pluc' on the front and 'Polenie powaznie szkodzi Tobie i osobom w Twoim otoczeniu' on the back. These translate from Polish as 'Smoking causes deadly lung cancer' and 'Smoking seriously harms people in your environment.'

11th May 2017:

The test purchaser entered the premises and had to wait in a queue, the customer in front of her purchased 5 packs of illicit Marlboro cigarettes and she then asked for some cheap cigarettes. One of the males behind the counter then went through a door behind the counter and came back with a pack of LM cigarettes, she paid £5.00. These were price marked at 13.20ZL (Zloty - Polish Currency) and had a health warning in Polish on them - 'Palenie zwieksza ryzyko utraty wzroku' along with a picture depicting a diseased eye. This translates as 'Smoking increases the risk of vision loss.'

29th June 2017:

The test purchaser again visited the premises, and asked for cheap cigarettes, she was sold a pack of L&M Blue Label for £5.50. These were again price marked at 13.20ZL and had warning a different Polish Warning - 'Dym szkodzi Twoim dzieciom, rodzinie i przyjaciolom' along with a picture depicting an adult blowing cigarette smoke into a crying baby's face. This translates as 'Smoke harms your children, family and friends.' The test purchaser gave a description of the man who sold the cigarettes which matches the owner of the shop.

In all of these test purchases the fact that these products were all from other stock areas and not off the main tobacco gantry implies that the staff knew that the stock was illicit and could not legally be sold.

The price is also indicative that there has been no UK duty paid on these products - the minimum excise duty on one pack of 20 cigarettes should be £5.37 from 20th May 2017 (www.gov.uk/government/publications/rates-and-allowances-excise-duty-tobacco-duty/excise-duty-tobacco-duty-rates)

Following the second test purchase the owner of the business, Mustafa Halo Kaled was interviewed and could offer no explanation for the sale, he was offered advice and guidance on sales of Tobacco and what is and isn't legal. He was also informed that any excuses such as his staff selling their own tobacco were not acceptable, as the trade was conducted in his business premises.

On 6th December 2016 Mr Kaled was sent a letter advising about illicit Tobacco and Alcohol, a further letter was sent on 12th May 2017 explaining the change in legislation in relation to plain packaging. Copies of these letters are included as part of this application.

Officers from this service working together with the Environmental Health Food Team have visited the premises on numerous occasions to provide advice and inspect the premises for illicit tobacco and alcohol.

Guidance issued under Section 182 of the Licensing Act 2003 highlights how illegal/smuggled tobacco is viewed by the licensing regime in paragraph 11.27 :-

"There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of licensed premises:

-
- for the sale and storage of smuggled tobacco and alcohol."

Paragraph 11.28 gives some direction to the licensing authorities and supports using the review procedure when such activities are undertaken.

It would appear that Mr Khaled has no regard for his legal responsibilities as both a business owner and a premises licence holder. He has had adequate education and assistance in how to comply with the law. He trades to make illegal profit for himself at a cost to the government and the local economy, taking trade away from legitimate traders.

Please provide as much information as possible to support the application
(please read guidance note 2)

APPENDIX 1

Photos of Test Purchase made on 13th October 2016 'Marlboro Gold'

Photos of Test Purchase made on 11th May 2017 'L&M Blue' (eye)

Photos of Test Purchase made on 29th June 2017 'L&M Blue' (child)

APPENDIX 2

Copy of M3 standard letter ITA - Sent to premises on 6th December 2016

APPENDIX 3

Copy of M3 standard letter SPT - Sent to premises on 12th May 2017.

Please tick yes

Have you made an application for review relating to this premises before ☐

If yes please state the date of that application

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

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

Please tick yes

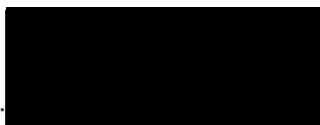
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- I understand that if I do not comply with the above requirements my application will be rejected ☒

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

7/8/2017

Capacity Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Stuart Jones Trading Standards Service Regulation and Enforcement PO Box 257 Civic Office Waterdale	
Post town Doncaster	Post Code DN1 3BU
Telephone number (if any) (01302) 862404	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) stuart.jones@doncaster.gov.uk	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.