

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 Russell Fielding

(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 Europa Mini Market, 9-10 Holmes Market, Doncaster	
Post town Doncaster	Post code (if known) DN12NE
Name of premises licence holder or club holding club premises certificate (if known) Rizgar Ismail Aziz	
Number of premises licence or club premises certificate (if known) LN/201501269	

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 Russell Fielding Doncaster MBC Trading Standards Service Civic Office Waterdale Doncaster DN1 3BU
Telephone number (if any) 01302 737524
E-mail address (optional) Russell.fielding@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 | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

<p>Please state the ground(s) for review (please read guidance note 2)</p> <p>Illicit tobacco is being sold from Europa Mini Market.</p> <p>Sale of illicit tobacco is a crime:</p> <p>There is an issue with the sale of illicit tobacco across the UK and particularly prevalent in Doncaster.</p> <p>The trade in illicit tobacco can be defined as the production, import, export, possession or sale of tobacco products which do not comply with legal requirements.</p> <p>Three main sources exist :</p> <p>SMUGGLED TOBACCO – 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 has been paid on these items.</p> <p>BOOTLEGGED (Cheap whites) are products that are legitimate within foreign countries with lower taxation levels than the UK (generally Eastern European/Russian countries). These are usually smuggled on small scale by individuals or lower level organised crime gangs. Again – no duty is paid into the UK when “imported” this way.</p> <p>COUNTERFEIT PRODUCTS. These products are made without the consent of the trade mark owner and manufactured illegally. They are generally made from inferior materials and then packaged to look as close to the originals as possible.</p> <p>There are a number of serious consequences that stem from illicit tobacco being readily available.</p>

The low cost of these cigarettes makes the smoking habit more affordable and serves as an introductory gateway for those under 18. Those willing to trade in illicit tobacco are more likely to sell to those under 18. It also serves to undermine the work Public Health undertakes to promote the “Stop Smoking” services.

As no tax is paid on these products, central government loses this stream of duty /revenue, placing a further burden on the health service, central and local government.

Illicit trade funds organised crime and has been increasingly linked to modern slavery.

Illicit products can contravene **safety legislation** as the majority of these products do not comply with the “reduced ignition propensity” requirements of the safety standard introduced in the UK in 2010.

In practice this means that an illicit cigarette will continue to burn if left unattended, whereas compliant products will extinguish themselves and therefore pose much less of a 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.

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 a certain criminal activity that may arise in connection with licenced premises which should be treated particularly seriously; these are the use of licenced 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.

Illicit sales provide illegal profit for any shopkeeper. For a person entrusted with a licence, this serves to undermine the public trust placed in that position by the local authority .It not only costs local and central government but also (damages)takes away from those local traders in Doncaster running legitimate businesses.

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

Doncaster Trading Standards Service received information alleging that "Europa Mini Market" were engaging in the supply of illicit tobacco products. In order to investigate the allegation, the Local Authority Trading Standards Service employed a test purchaser to attempt to buy illicit cigarettes.

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

Test purchase :

On **Thursday 11th May 2017**. The Trading Standards Service employed a test purchaser to attempt to purchase illicit tobacco from the premises.

At approximately 15.40am, the test purchaser attended a "Europa", 9-10 Holmes Market, Wheatley, DN12NE. The test purchaser asked for cheap cigarettes and was sold a packet of "L&M Blue" priced £5.00.

Please refer to Appendix 1 and 2 as the details are subject to an ongoing Criminal Prosecution.

Thursday 15th June 2017

Following the granting of authorisation to conduct covert surveillance under the Regulation of Investigatory Powers Act 2000. On Thursday 15th June 2017, surveillance was conducted at Europa Mini Market.

Surveillance confirms that the licensee was present and that a vehicle was parked outside the premise. Between 09:46 hrs and 11:10 hrs observations were made of the licensee attending the vehicle and taking something small from the boot of the vehicle on a number of occasions and that on returning to the premise he handed customers a small packet directly to their hands or in a small black bag.

Please refer to Appendix 3 as the details are subject to an ongoing Criminal Prosecution.

Tuesday 4th July 2017

On Tuesday 4th July 2017 an inspection and search of the premises was conducted by Doncaster Trading Standards officials and South Yorkshire Police along with the aid of a tobacco detection dog.

Officers noted on approaching the business premise at approximately 09.30hrs that on the hard standing outside the premise the same vehicle that had been parked previously was again parked there.

The licensee of the business was present.

The tobacco detection dog was directed to the vehicle and the dog indicated that tobacco products were present inside the vehicle.

In the boot of the vehicle was a large quantity of tobacco products that outwardly appeared to be illegal products. The goods in question were removed from the vehicle and taken into the shop.

All the products were placed in transparent polythene bags and sealed with security seals, before being seized by Officers.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

Thursday 6th July 2017

On Thursday 6th July 2017, the tobacco products were counted and amounted to 10.500 cigarettes and 250g of hand rolling tobacco.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

Friday 20th October 2017

On Friday 20th October 2017, the licensee was interviewed under caution and in accordance with The Police and Criminal Evidence Act 1984 at the Civic Offices, Doncaster. The licensee chose to “no comment” to all questions put to him.

Please refer to Appendix 4 as the details are subject to an ongoing Criminal Prosecution.

List of Appendices (withheld due to criminal proceedings)

Appendix 1 – Statement of witness relating to test purchase of cigarettes on 11/05/2017 and associated exhibits.

Appendix 2 - Statement of witness relating to test purchase of cigarettes on 11/05/2017 and associated exhibits.

Appendix 3 – Statement of witness relating to surveillance observations

Appendix 4 – Statement of witness relating to the inspection, seizure and interview of licensee

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

Please tick ✓ yes

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

N/A

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 **21st November 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 6) Russell Fielding Doncaster Council Trading Standards Service Civic Office Waterdale	
Post town Doncaster	Post Code DN1 3BU
Telephone number (if any) 01302 737524	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Russell.fielding@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.