

**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 / apply for the review of a club premises certificate under section 87 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 Baltyk Mini Market 134 Beckett Road Wheatley	
Post town Doncaster	Post code (if known) DN2 4AZ

Name of premises licence holder or club holding club premises certificate (if known) Hashem Karim Ahmed

Number of premises licence or club premises certificate (if known) PREM 1219
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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

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 Trading Standards Service Doncaster Council 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)

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

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

This review is brought on the grounds of prevention of crime and disorder.

Sale of illicit tobacco is a criminal offence, under s92 of the Trade Marks Act 1994 for counterfeit tobacco products, and under R15 of the Standardised Packaging of Tobacco Products Regulations 2015 for smuggled and illicit tobacco products.

Across the UK there is an issue with counterfeit and illicit tobacco sales. This is particularly prevalent in Doncaster town centre.

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 like the original products.

Illicit tobacco products are sold for less than legitimate tobacco products, e.g. a packet of Polish Marlboro Gold retails for around £5.50 compared with around £9 for its UK equivalent. The lower cost distorts the market and undermines legitimate and compliant businesses, reducing not only sales of legitimate tobacco at these businesses but also reducing footfall. Legitimate businesses situated near to illicit tobacco sellers frequently complain that their business is suffering as a result.

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 as they disregard the restrictions placed on legitimate traders.

The illicit trade also undermines the work done by Stop Smoking Services and health agencies to help people stop smoking.

No tax is paid on these products which means central government loses revenue. 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 fires can be linked directly to illicit tobacco causing house fires.

Baltyk Mini Market has repeatedly 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 operative acts as a normal consumer and visits the shop and asks for some cheap cigarettes.

Baltyk Mini Market has sold illicit tobacco on three occasions where a test purchase has been attempted.

Please provide as much information as possible to support the application

(please read guidance note 2)

On 13 October 2016 a packet of Marlboro White cigarettes with Polish health warnings was purchased for £5.00 from Baltyk Mini Market.

On the 6th December 2016 the premises was sent an advisory letter regarding Illegal alcohol and tobacco letter.

On 11 May 2017 a packet of Marlboro Gold cigarettes with Polish health warnings was bought for £5.00 from Baltyk Mini Market.

On 24 July 2017 a warning letter was hand delivered to Hashem Karim Ahmed, the current premises licence holder.

Despite this written warning on 1 December 2017 a packet of Marlboro Gold cigarettes was bought for £6.00 from Baltyk Mini Market as part of a test purchase program. The packaging did not comply with R3 of the Standardised Packaging of Tobacco Products Regulations 2015 and the sale of such tobacco is a criminal offence under R15 of those regulations. The packaging in fact displayed information in Polish, indicating that the tobacco has been imported without the correct duty having been paid, although similar tobacco products have been shown to be counterfeit.

The premises has a gantry stocked with genuine tobacco products. In all of these test purchases the fact that these products were all from other stock areas and not off the main tobacco gantry indicates 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 as of 20 May 2017 (www.gov.uk/government/publications/rates-and-allowances-excise-duty-tobacco-duty/excise-duty-tobacco-duty-rates).

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.

Hashem Karim Ahmed has been the licence holder for the premises since 2013 . It appears that he 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.

The licensee trades to make illegal profit for himself at a cost to the government and the local economy. His actions are detrimental to legitimate traders who lose trade as a result of his ongoing criminality.

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

□	□	□	□	□	□	□	□
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If you have made representations before relating to this 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, 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 21/12/2017

Capacity Tobacco and Alcohol Control Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Greg Bristol Trading Standards Service Doncaster Council Civic Office Waterdale	
Post town Doncaster	Post Code DN1 3BU
Telephone number (if any) 01302 737534	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) Greg.Bristol@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.