



Doncaster Council

Licensing Act 2003

Responsible Authority Representation Form

Responsible Authority	Trading Standards
Location	Civic Office, Waterdale, Doncaster, DN1 3BU
Officer Details	Name: Greg Bristol Job title: Tobacco and Alcohol Control Officer Tel: 01302 737534 Email: Greg.Bristol@doncaster.gov.uk

Application Details	
Our Reference	WK/218002697 / PI/000204585
Address of Premises	Intake Booze, 71 Sandringham Road, Intake, Doncaster, DN2 5HY
Type of Application	New Application: Premises Licence

Details of Representation
<p>Sale of illicit tobacco is a criminal offence, under s92 of the Trade Marks Act 1994 for counterfeit tobacco products, and under Reg.15 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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</p>

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Business Safety & Licensing, Civic Office, Waterdale, Doncaster, DN1 3BU

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, resulting in lost revenue for central government. It could also be argued that use of these products places an extra strain on Health Services and associated agencies incurring 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 a reduced 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.

- The premises which are the subject of this application, Intake Mini Market, have a history of selling and storing illicit tobacco products. In June 2016 tobacco products were seized and the trader, Edris Mohammed, was prosecuted.
- In August 2016 the premises were sold to Freyad Mohammed and he was granted a premises licence in December 2016. In May 2017 the premises failed a test purchase and illicit tobacco products were subsequently seized. Freyad Mohammed was prosecuted.
- In June 2017 the premises were sold to Shuan Sofi. In December 2017 the premises failed a test purchase and illicit tobacco products were subsequently seized. Shuan Sofi was the licence holder at the time and the licence was revoked in February 2018.

Since it opened, these premises have been used to sell illicit tobacco products. Officers from Doncaster Council Environmental Health and South Yorkshire Police Licensing have spoken with the applicant, Ismayil Ali, and explained the history of the premises relating to illicit tobacco products. Mr Ali is therefore aware of Mr Sofi's involvement but Mr Sofi remains the liable party for business rates and the registered Food Business Operator and was working in the premises as recently as 10 May 2018. In addition nothing in s18 of the application addresses the issues around CIT sales from the premises.

The Licensing Policy notes that in hearings arising in connection with crime, issues relating to the sale or storage of smuggled tobacco and alcohol will be treated particularly seriously. The licensing objective of Preventing Crime and Disorder is not promoted by Mr Sofi's continued involvement in the business.

Please note that representations should be confined to matters which are about the likely effect of the grant of the licence on the promotion of the licensing objectives. You are advised to indicate which objective(s) are relevant to your representation.

Prevention of crime and disorder	YES/NO
Prevention of public nuisance	YES/NO
Public Safety	YES/NO
Protection of Children from Harm	YES/NO

In the case of a variation they must be confined only to the matters being varied.

This representation will be disclosed to the applicant and will form part of public documents should the matter proceed to a hearing. You are respectfully requested to consider the requirements of the Data Protection Act and ensure you have obtained the permission, where required, of any person whose personal details are included in your representation.

Date Submitted	24/05/18
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