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Your ref: New Application  
Our ref: 46 hs

15<sup>th</sup> February 2019

Licensing Team  
City of Bradford Metropolitan District Council  
Britannia House  
Bradford

**Grant of Premises Licence, Licensing Act 2003**  
**46 High Street, Keighley, BD21 2LJ**

I refer to the application made by Mr Marhwan NAJAT in respect of the above premises, dated 24<sup>TH</sup> January 2019 and received by the police on the same date.

**Notice is hereby given on behalf of the Chief Officer of Police for Bradford District that the exceptional circumstances of this case are such that they consider that the granting of this application would undermine the Crime Prevention Licensing Objective.**

The basis of this objection is:

On 24<sup>th</sup> November 2017 H M Revenue and Customs completed a visit to a Premises, Nico`s Mini Market, at **18 High Street, Keighley** in relation to the sale of illicit tobacco and seized a quantity of illicit cigarettes and hand rolling tobacco. At the time, the applicant, Mr Marhwan NAJAT was the Designated Premises Supervisor for the store. The following month, Mr NAJAT applied for a transfer of the Premises Licence into his name and applied to be the DPS.

On 11<sup>th</sup> April 2018, Mr NAJAT was arrested from the premises when he was seen by an Officer to sell illicit cigarettes to a customer. Several thousand more illicit cigarettes were seized following a search of the premises, along with hand rolling tobacco. This seizure was once again passed to HMRC for investigation.

***On the 16<sup>th</sup> July 2018 Mr NAJAT surrendered his premises licence but the shop continued to sell grocery goods, and alcohol was removed from the store.***

On 11<sup>th</sup> October 2018, Officers were present in the store when further illicit cigarettes were offered for sale and a quantity were found located behind the counter. The only person working in the store was a male called Mr MOHAMMADI. Checks with Immigration showed that this male was seeking asylum and had no permission to work in the UK. Details were passed to Immigration for investigation.

On 13<sup>th</sup> October 2018, an Officer attended the shop and once again witnessed Mr MOHAMMADI serving customers. Details were passed to Immigration once more.

On 17<sup>th</sup> October 2018, Officers were passing **46 High Street, Keighley** when they saw a vehicle parked outside the empty shop and witnessed a male carrying a bin liner from the car into the building. Officers followed the male into the empty shop and discovered the bin liner contained 115 packets of hand rolling tobacco. Further boxes of illicit tobacco was found in **46 High Street, Keighley**. The male, Mr MOHAMMADI informed Officers that he was unloading the tobacco for Nico`s Mini Market and the premises was used to store the tobacco. Mr MOHAMMADI was in possession of keys for both premises. A consensual search of Nico`s Mini Market found more illicit tobacco in the shop. The seized goods were passed to Trading Standards for investigation.

**Mr Marhwan NAJAT was subsequently convicted at Bradford Crown Court on 22<sup>nd</sup> January 2019 of two offences of fraudulent evasion of duty prohibition or provision on 24<sup>th</sup> November 2017 and 11<sup>th</sup> April 2018 contrary to the Customs and Excise Management Act 1979 s.1701 (2). He is due to reappear at Court on 22<sup>nd</sup> February 2019 for sentencing.**

These offences are under Schedule 4, section 9 of the Relevant Offences for Personal Licences, and as such, a person convicted of these offences should disclose the fact to the Court that he is a Personal Licence Holder and the Court has the power to decide whether to suspend or revoke the Personal Licence. At this stage, it is believed that Mr NAJAT has not disclosed his licence to Bradford Crown Court which in itself is an offence. He should have also disclosed the conviction to the Licensing Authority that granted his licence of the conviction, which in this case is Leicester Council. Checks made have shown that Mr NAJAT has failed to do so.

If his personal licence is suspended or revoked, then Mr NAJAT cannot be a Designated Premises Supervisor as requested in this application, as a DPS must hold a personal licence. If the Personal Licence is not suspended or revoked, I would still doubt his suitability to be a DPS.

**On two occasions, whilst Mr NAJAT has been the Designated Premises Supervisor and/or Premises Licence holder for a shop, serious offences have been committed.**

It is noted that Mr NAJAT did surrender his Premises Licence prior to other seizures been made at **18 High Street** after July 2018, and that he wasn't in control of Licensed Premises at these times. However, illicit tobacco was seized from **46 High Street** which is the address for this application, and there was still a clear link to **18 High Street** and a person who was working illegally.

Section 11.27 of the S182 Guidance for the Licensing Act clearly states that *“There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:*

**For the sale or storage of smuggled tobacco and alcohol**

**For employing a person who is disqualified from that work by reason of their immigration status in the UK.**

*The application itself does not address in its schedule how the applicant intends to promote the four licensing objectives. This section of the application has been left completely blank which in itself leaves us to wonder about the suitability and professionalism of the applicant to run a licensed premises.*

Based upon the evidence presented, I would ask the Panel to reject the application for a premises licence to be granted at 46 High Street and reject Mr Mahrwan NAJAT as the proposed Designated Premises Supervisor.

PC2730 Lord  
Bradford District Licensing Officer  
West Yorkshire Police