

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 David Mullins acting on behalf of West Yorkshire Trading Standards Service

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
<p style="text-align: center;">Abrakadabra 13 Town Gate Wyke</p>	
Post town Bradford	Post code (if known) BD12 9PA

Name of premises licence holder or club holding club premises certificate (if known)
<p>Mr Yunis Mohammad Namo Mini Market</p>

Number of premises licence or club premises certificate (if known)
215003

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
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 2) a responsible authority (please complete (C) below)
- 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 West Yorkshire Trading Standards Service PO Box 5 Nepshaw Lane South Morley Leeds LS27 7JQ (Case Officer: David Mullins)
Telephone number (if any) 0113 5350000
E-mail address (optional) david.mullins@wyjs.org.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input checked="" type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Mr Yunis Mohammed is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the business trading as Abrakadabra 13 Town Gate, Wyke Bradford, BD12 9PA. Mr Mohammed has held these positions throughout the period covered by the activities described in this application. Mr Mohammed is therefore responsible for ensuring the business operates in accordance with the terms of its premises licence and upholds the Licensing Objectives, particularly Prevention of Crime and Disorder, at all times.

The facts of the case are as follows:

The retail premises, **Abrakadabra, 13 Town Gate, Wyke, Bradford, BD12 9PA** came to the attention of West Yorkshire Trading Standards Service (WYTSS) following information received which indicated that the business was selling illegal tobacco. The business is a limited company, Anas Bradford

Ltd, incorporated on 30/05/2022 with a sole director, the licensee Mr Yunis Mohammad. The trading name has been kept from a previous Limited company registered at the address, Abrakadabra Limited. This unconnected limited company was incorporated on 19/06/2020 and then dissolved on 09/08/2022. The directors of this company did not include the current licensee Mr Mohammad and are not connected to the current business trading at this premises.

On 6th March 2023, a Trading Standards Officer in plain clothes attended the store to make a test purchase. A counterfeit packet of 20 Richmond cigarettes was purchased for £4.50. The female working in the store obtained the cigarettes from under the counter. The normal price for this item is over £10, over £6.00 of which is Excise Duty.

On 8th March 2023, Trading Standards Officers conducted an inspection visit at the store. Working there was a female who claimed she did not know who owned the business or how to work the CCTV. Illegal cigarettes and hand rolling tobacco were recovered from a hidden concealment built into the wall behind the counter as well as a shelf and bags in the back storeroom. Illegal oversized vapes were also seized from behind the counter.

The total amount seized was 263 x 20 packets of cigarettes (5,260), 68 x 50g pouches of hand rolling tobacco(3.4kg) & 199 disposable vapes.

The tobacco products recovered during the visit are not labelled with the statutory health warnings required by the Tobacco and related products regulations 2016 and did not have the plain packaging as required by the Standardised Packaging of Tobacco Products Regulations 2015. Other offences being committed include ones under the Trade Marks Act 1994, Companies Act 2006 and Customs and Excise Management Act 1979. By committing these offences, the licence holder Mr Mohammad is clearly failing to uphold the licencing objective to prevent crime and disorder.

The statutory health warnings which are absent on these tobacco products include “Smoking Kills” and “Smoking seriously harms you and others around you”. These warnings were implemented in an effort to enhance the public’s knowledge about the dangers and risks of using such tobacco products. All cigarettes pose a major health risk and contain hundreds of poisons, including dozens of cancer-causing chemicals. Over half of long-term smokers die early of smoking related diseases.

The supply of cheap and illicit tobacco significantly undermines the government’s policy of using tax to maintain the high price of tobacco and help reduce smoking.

By selling non packaging compliant cigarettes at around half the normal retail price, reducing the incentive for smokers to cut down and quit smoking, the premises licence holder is failing in its licencing objective to protect public safety.

Dealers in cheap and illicit tobacco products reap the financial benefits of supplying cheap cigarettes and tobacco at the expense of legitimate retailers by providing unfair competition to shops selling the genuine tax paid products. This may lead to honest retailers closing down and causing local economies to suffer.

The supply of illicit and counterfeit tobacco products costs the taxpayer over £2.5 billion per year in lost revenue.

The current Home Office Guidance issued under section 182 of the Licensing Act 2003 states: -

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 the licensed premises for certain stated activity and includes:

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

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

By selling smuggled and counterfeit tobacco products the owners of this business have shown a blatant disregard for the law and licencing objectives.

West Yorkshire Trading Standards, as a Responsible Authority, considers the matters outlined above to be extremely serious and therefore recommends a full revocation of the premises licence.

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

Please see attached package of papers to support this submission:

Section 9 Statements from:

G Liddicoat

B Hussain

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

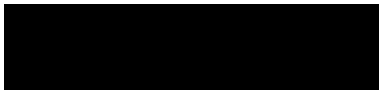
Please tick yes

- 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 **X**
- I understand that if I do not comply with the above requirements my application will be rejected **X**

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 **22/08/23**

Capacity **RESPONSIBLE AUTHORITY**

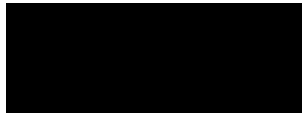
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) David Mullins: Team Manager West Yorkshire Trading Standards Nepshaw Lane South Morley	
Post town Leeds	Post Code LS27 7JQ
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) david.mullins@wyjs.org.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

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of:	Babul Hussain
Age of witness: (if over 18 enter 'over 18')	Over 18
Occupation:	Lead cheap and illicit tobacco officer
This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.	
Dated:	13/03/23
Signature:	

I am the lead cheap and illicit tobacco officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

On 8th March 2023, I was in company with Police officers when I took part in an inspection visit at Abrakadabra, 13 Town Gate, Bradford, BD12 9PA. Working at the store was a female called Ms Maria TOKAROVA who was served with a notice of powers and rights. I explained to Ms TOKAROVA the purpose of our inspection. She stated she did not know who the owner was as she had been employed by an agency.

NOTE: If statements are typed double spacing should be used.
One side only of this paper should be used.

(Signed) ...


WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

Ms TOKAROVA told me that there was illegal tobacco products hidden behind the counter and in the bathroom.

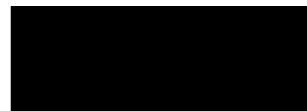
No A3 tobacco notice was on display, nor could Ms TOKAROVA locate the alcohol licence. Ms TOKAROVA also didn't know how to work the CCTV.

A search of the shop was conducted and illegal packets of cigarettes were found built in to a concealment behind the counter. More illegal tobacco products were found on a shelf in the back store room and 2 more bags of illegal tobacco products found in the bathroom/store room. Illegal/oversized vapes were also found behind the counter and seized.

I visually examined the tobacco products and could see they were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From discrepancies in the packaging on some cigarettes and from the foreign excise stamps present on others it was clear to me the cigarettes were a mix of counterfeit and smuggled items. The total amount seized was 5,260 cigarettes (263 x 20 packets of cigarettes) 68 x 50g Hand Rolling Tobacco & 199 illegal disposable vapes.

NOTE: *If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed) ...



**Dated...13/03/23..... Page 2 of 2
010911**



Statement of:

Galena-Alixia Liddicoat

Age of witness: (if over 18 enter 'over 18')

Over 18

Occupation:

Trainee Trading Standards Officer

This statement (consisting of 2 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 05/04/23

Signature: 

I am a Trainee Trading Standards Officer employed by West Yorkshire Trading Standards Service based at West Yorkshire Joint Services, Nepshaw Lane South, Morley, Leeds, LS277JQ. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016, Standardised Packaging of Tobacco Regulations 2015 and The Consumer Rights Act 2015.

On 6th March 2023, I attended the premises of **AbraKadabra, 13 Town Gate, Wyke, Bradford, BD12 9PA** to carry out a test purchase for illegal tobacco on behalf of West Yorkshire Trading standards. I was wearing plain clothes. Working behind the counter was a female of Asian descent, I describe her as being quite short, and aged around 30 to 40 years. I approached the counter and asked to purchase a packet of Richmond cigarettes. I was asked how many I wanted, and I replied that I wanted 20. She then reached under the counter and produced a packet of cigarettes in blue packaging,

NOTE : If statements are typed double spacing should be used.
One side only of this paper should be used.

(Signed) 

Dated 5th April 2023 Page 1 of 2



WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

labelled with the Richmond brand and handed them to me. I paid £4.50 for them and left the store. The cigarettes were sealed in a signed evidence bag and later placed in secure storage.

NOTE : *If statements are typed double spacing should be used.
One side only of this paper should be used.*

(Signed) 

Dated 5th April 2023 Page 2 of 2