

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;">Foodmaster 284 Leeds Road Shipley</p>	
Post town Bradford	Post code (if known) BD18 1DZ

Name of premises licence holder or club holding club premises certificate (if known)
Mr Azhy Othman

Number of premises licence or club premises certificate (if known)
202300

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 **Azhy Othman** is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the business trading as **Boozemaster Foodmaster, 284 Leeds Road, Shipley, Bradford, BD18 1DZ**. Mr Othman has held these positions throughout the period covered by the activities described in this application. Mr Othman 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, **Boozemaster Foodmaster, 284 Leeds Road, Shipley, Bradford, BD18 1DZ** came to the attention of West Yorkshire Trading Standards Service (WYTSS) following information received which indicated that the business was dealing in illegal tobacco. The business is a limited

company, Booze Master Shipley Ltd, incorporated on 07/02/2023 with a sole director, the licensee Mr Azhy Othman.

On 15th February 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 £6.00. The male working in the store obtained the cigarettes from his pocket. The normal price for this item is over £10, over £6.00 of which is Excise Duty.

On 20th February 2023, Trading Standards Officers conducted an inspection visit at the store. Working there was Mr Jwanro Othman who is believed to be the father of the Licensee and stated he owned the business. He had 5 unopened packets of illegal cigarettes in his pockets. More illegal tobacco was recovered from a box in the cold room at the rear of the store and from a motor vehicle parked in front of the store, the keys for which were obtained from behind the sales counter. There was a quantity of illegal, oversize disposable vapes for sale behind the counter which were also seized.

Mr Othman consented to a search of his home address which is just down the road from the store. Further substantial quantities of illegal counterfeit/illicit cigarettes and hand rolling tobacco were recovered from his car parked on the drive and the garden shed, at the address.

The total amount seized was 1,018 x 20 packets of cigarettes (20,360) and 275 x 50g pouches of hand rolling tobacco(13.75kg).

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 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 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 cigarettes in packaging which does not comply with the Regulations 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 cause 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:

N Akhtar

B Hussain

A Field

Photographs of the seized tobacco

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 **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
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

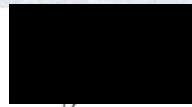
Statement of:

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

Occupation:

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:

Signature: 

I am a Trading Standards Assistant employed by West Yorkshire Trading Standards Service, Nepshaw Lane South, Morley, Leeds, LS27 7JQ. 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 15th February 2023 I was wearing plain clothes when I attended the premises of **Boozemaster Foodmaster, 284 Leeds Road, Shipley, Bradford, BD18 1DZ** to carry out a test purchase for illegal tobacco. Working behind the counter was a male who I would describe as asian appearance, middle aged, wearing glasses and his head was covered. I approached the counter and asked to purchase a packet of Richmond cigarettes. The male produced a blue packet of cigarettes from his jacket pocket and put them on the counter. He charged me £6.00 for the cigarettes, payment for which

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

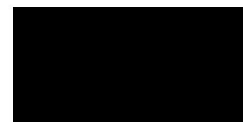
(Signed) 

Dated 13th March 2023 Page 1 of 2

was placed in the till. I then picked them up 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 13th March 2023 Page 2 of 2

WITNESS STATEMENT

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

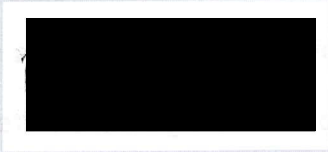
Statement of:

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

Occupation:

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:

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 20th February 2023, I was in company with Trading Standards and Police officers when I took part in an inspection visit at Boozemaster / Foodmaster, 284 Leeds Road, Shipley, BD18 1DZ. Working at the store was a male called Mr Jwanro OTHMAN who was served with a notice of powers and rights. Mr OTHMAN stated he owned the business.

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 1 of 2

WITNESS STATEMENT

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

A search of Mr OTHMAN home address - and a Black Skoda - parked on the drive resulted in illicit tobacco being found in the garden shed and the vehicle.

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 from his home, shop and 2 vehicles was 20,360 cigarettes (1,018 x 20 packets of cigarettes) 275 x 50g Hand Rolling Tobacco & 185 disposable vapes.

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


Statement of:

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

Occupation:

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:

Signature: 

I am a Regulatory Compliance 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 20th February 2023 I was involved in a joint operation with Trading Standards, West Yorkshire Police (WYP) and Wagtail UK, Specialist tobacco detection dogs. The purpose of the visit was to carry out an inspection following intelligence that illicit tobacco was being sold from the business. I entered the premises of Boozemaster Foodmaster, 284 Leeds Road, Shipley, BD18 1DZ. A Notice

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

(Signed) ... 

Dated.....21/02/2023..... Page of

To be completed if applicable:being unable to read the above statement I,of..... read it to him/her before he/she signed it. Signed Dated.....

Continuation Statement of:

Noreen AKHTAR

of Powers & Rights was handed to Mr Jwanro OTHMAN DOB: 18/02/1972, the male behind the counter who said he was the owner of the business.

Mr OTHMAN was asked if there was any illegal tobacco on the premises to which he replied 'you can check'.

Mr OTHMAN was found to have 5 x 20 sealed packs of cigarettes on his person that he claimed were for personal use although they contained different brands. An inspection of the business was carried out and more illicit tobacco was found in a box in the cold room at the rear of Foodmaster. A quantity of over sized vapes and illicit tobacco were seized from the business.

A key found in the shop allowed entry into a Peugeot 306 parked outside. This vehicle was found to contain illicit tobacco which was also seized.

WYP found some nitrous oxide that they seized and agreed a search by consent of his residential property where more illicit tobacco was found and seized.

All the items seized were listed on a Record of Property Seized and a copy of this was left with Mr OTHMAN.

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

Dated.....21/02/2023..... Page of

To be completed if applicable:being unable to read the
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