

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	
Jimmy's Stores 97 Great Horton Road	
Post town Bradford	Post code (if known) BD7 1PS

Name of premises licence holder or club holding club premises certificate (if known)
Mr Taha Ali Said

Number of premises licence or club premises certificate (if known)
072660

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) X
- 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 Taha Ali Said is the Premises Licence Holder and Designated Premises Supervisor (DPS) for the business trading as Jimmy's Off Licence, 97 Great Horton Road, Bradford, BD7 1PS. Mr Said has held these positions throughout the period covered by the activities described in this application. Mr Said 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, **Jimmy's Off Licence, 97 Great Horton Road, Bradford, BD7 1PS** 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, Jimmy's Off Licence Ltd, incorporated on 07/06/2022 with a sole

director, Mr Morad Omer. Mr Omer has previously been prosecuted by West Yorkshire Trading Standards for running a business which traded in illegal tobacco for which he received a suspended prison sentence.

On 19th October 2022, 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 £4.00. The normal price for this item is over £10, over £6.00 of which is Excise Duty that had clearly not been paid.

On 2nd November 2022, Trading Standards and Police Officers conducted an inspection visit at the store. Illegal cigarettes and hand rolling tobacco were seized from a concealment built into the wall behind the counter. A substantial quantity of commercial size, Nitrous Oxide (Laughing Gas) cannisters were also seized from the concealment by the Police. Non-compliant vapes were also seized from a shelf on the shop floor. The total amount seized was 510 x 20 packets of cigarettes (10,200), 30 x 50g pouches of hand rolling tobacco(1.5kg) and 61 illegal disposable vapes.

On 8th March 2023, Trading Standards and Police Officers conducted another inspection visit at the store. A chute was identified in the wall behind the counter which connected the shop floor to the room above which is part of 97A Great Horton Road. An illegal packet of cigarettes was found at the bottom of the chute in the store. Police Officers were granted access to 97A Great Horton Road and seized another substantial quantity of illegal tobacco and Nitrous Oxide cannisters. The total amount of illegal tobacco seized was 724 x 20 packets of cigarettes (14,480) and 23 x 50g pouches of hand rolling tobacco (1.15kg).

The tobacco products recovered during the 2 visits 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. The sale of Nitrous Oxide for recreational use is also an offence under the Psychoactive Substances Act 2016. 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 non-compliant packaging, at less than half the normal retail price, Mr Omer is reducing the incentive for smokers to cut down and quit smoking.

The inhalation of Nitrous Oxide is also a problem amongst young people in our society. Inhaling too much can cause unconsciousness, suffocation and people have died as a result. Regular heavy use can also cause a lack of vitamin B12 causing nerve damage. If the spinal nerve is affected this has led to people being paralysed.

By selling these illegal, harmful products 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:

N Akhtar

B Hussain

A Field

PC 1371 Sykes

Photographs of the seized tobacco

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

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 Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B;
Criminal Procedure Rules, Rule 16.2)

NICHE Ref. No:	13230134302	URN:	
Statement of:	PC 1371 DANIELLA SYKES		
Date of birth:	Over 18	Occupation:	Police officer
This statement (consisting of: 1 page(s) 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.			
Signature:	D.SYKES	Date:	08/03/2023
Time and date statement taken: 2222 HOURS 08/03/2023			

Check box if witness evidence is visually recorded (supply witness details on rear)

This statement is being made in relation to an address I attended on WEDNESDAY 8TH MARCH 2023, At this time I was working a 1500-2300 hours shift working out of Lawcroft House Police Station as part of the Neighbourhoods Team.

At around 1645 hours myself, PS 6842 MARKS and PCSO 204 MILNER attended at 97 GREAT HORTON ROAD and assisted officers from Trading Standards with a joint visit at the address. The address is a off license which operates 24 hours per day. The store itself is slightly set back from the main road and is on one floor, with the entrance being on the left-hand side of the property, when you enter the store, the till is to the right and goes halfway down the building. Trading standards had also brought a dog handler to assist with the search.

Inside the store was a female who I recognised from a previous visit called ALEXANDRA, also present behind the counter with her was a male who provided his details as JAMIL ALHAJ ALI who said that he was training and had only been at the store for several days. Whilst in the store the dog handler located a CHUTE that was hidden behind the wall behind the till. The chute was a large plastic pipe that was being used to drop items down into the store. Inside the store I could hear movement coming from upstairs.

Whilst I was inside the store PS MARKS came into the shop and brought a male in that had answered the door to the flat above, the male said that he was a cleaner for upstairs. I then went upstairs with PS MARKS and the male, to the left of the top of the stairs was a narrow room which had soil from a previous cannabis farm and 21 boxes of SMART WHIP which can be used as a psychoactive substance. The dog handler had informed me that he had also located several bags with illegal cigarettes and tobacco inside. On the landing of the first floor was a locked door, PS MARKS located a key and unlocked the door, this led to more rooms which had stock for the shop in such as bottles of pop and crisps, cannabis growing equipment such as lights and transformers. In the front

The cigarettes and tobacco were placed into 3 bags which I exhibit as follows –
DS2 – Quantity of cigarettes and tobacco – Placed in bag BLH0146097
DS3 – Quantity of cigarettes – Placed in bag – R020147
DS4 – Quantity of cigarettes – Placed in bag R02040141

I then handed the exhibits to Babul Hussain from Trading standards and received a copy of the property receipt. I have also taken photographs of the exhibits on my hand-held device which I exhibit as DS6. This is my last involvement with the incident.

Signature: D.SYKES

Signature witnessed by:

OFFICIAL (when complete)

Continuation Sheet No. 2

NICHE Ref. No:	13230134302	URN:	
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Continuation Statement of DANIELLA SYKES

Signature: D.SYKES

Signature Witnessed by:

MG11

OFFICIAL (when complete)

(Revised 20-10-22)

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 3 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 2nd November 2022, I was in company with Police officers when I took part in an inspection visit at Jimmys Off Licence, 97 Great Horton Road, Bradford BD7 1PS. Working at the store was a female called Ms Alexandria DIORDY who was served with a notice of powers and rights. I explained to Ms DIORDY the purpose of our inspection. She did not know who the owner was but said the manager may be called Mufasa.

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

A search of the shop was conducted and illegal tobacco products and laughing gas were found in a concealment built in to the back wall behind the counter. Non-Compliant vapes were also found on a shelf on the shop floor.

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 10,200 cigarettes (510 x 20 packets of cigarettes) 30 x 50g Hand Rolling Tobacco & 61 illegal disposable vapes.

On 8th March 2023, I was in company with Police officers when I again took part in an inspection visit at Jimmys Off Licence, 97 Great Horton Road, Bradford BD71PS. Working at the store was a female called Ms Alexandria DIORDY who was served with a notice of powers and rights. I explained to Ms DIORDY the purpose of our inspection. She did not know who the owner was but said the manager may be called Mufasa. Another male was also present, Jamil Nouredin ALHAJ ALI who stated he was training for a job at the shop.

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 3
010911

WITNESS STATEMENT

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

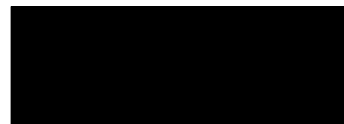
A search of the shop was conducted and 1 illegal packet of cigarettes was found at the bottom of a chute built in to the back wall behind the counter. This chute connected the shop floor to the room upstairs which is accessed via 97a Great Horton Road.

I visually examined the packet of cigarettes 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.

West Yorkshire police colleagues were granted access to 97a Great Horton Road and found illegal tobacco products upstairs and the chute going down to the shop floor. These were seized by West Yorkshire Police and then signed over to WYTSS to investigate further.

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

(Signed) ...



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 19 October 2022 I was wearing plain clothes when I attended the premises of **Jimmy's Off Licence, 97 Great Horton Road, Bradford, BD7 1PS** to carry out a test purchase for illegal tobacco. Working behind the counter was a male who was young looking with a beard and was of Middle Eastern Appearance. I approached the counter and asked to purchase a packet of Richmond cigarettes. The Male serving behind the counter disappeared to the left, out of my view which was blocked by the counter. On his way back to the counter bottles could be heard clanging together, he reappeared with the cigarettes in his hand.

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

(Signed) 

Dated 27th March 2023 Page 1 of 2



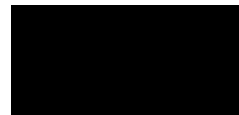
WITNESS STATEMENT

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

I paid £4.00 for the cigarettes. The money was placed in the till. I then picked the cigarettes 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 27th March 2023 Page 2 of 2