

21 August 2018

Tangarasa Yogarasa
Burleigh Mini Market t/a LESS GO
70 Burleigh Road
Penn Fields
Wolverhampton
WV3 0HN

Dear Tangarasa Yogarasa

Licensing Act 2003

Review Notice: Burleigh Mini Market t/a LESS GO; 70 Burleigh Road, Penn Fields, Wolverhampton. WV3 0HN

I am writing to you as a Responsible Authority to inform you that the Trading Standards Service is requesting the City of Wolverhampton Council to review the Premises Licence for Burleigh Mini Market t/a LESS GO

This follows: -

- The seizure on the 21 May 2018, of 2111 illegal cigarettes sticks and 150g of illicit hand rolling tobacco for which UK duty had not been paid and were not in the correct packaging and 380 g of foreign labelled and prohibited oral tobacco from inside the shop and a bedroom upstairs.

I have attached a copy of the Review Notice and appendices 1 – 15. This notice outlines the reasons why this Service is asking for a review. The Review Notice will also be served on the Licensing Authority, as well as the other responsible authorities.

The review of the Premises Licence will be referred to a hearing of the Licensing Sub-Committee for their consideration following a 28-day representation period. The purpose of the review is to ask the Sub-Committee to either attach certain conditions to the Premise Licence or consider the suspension or revocation of the said licence. You will be contacted in due course regarding the date and time of any such hearing and your attendance.

In the meantime, should you require any further advice or information regarding the Review Notice Application please do not hesitate to contact me or Paul Dosanjh. Should you require any further information regarding the Licensing Sub-Committee hearing where the review of the Premises Licence will be determined please do not hesitate to contact the Licensing Section on 01902 550106.

Yours sincerely



Dianne Slack
District Officer – Trading Standards
Direct: 01902 556063
Email: Dianne.Slack@wolverhampton.gov.uk

Enc:
Review Notice Application
Appendices 1 – 15 = seizure log and 15 photographs.

c.c. Responsible Authorities Forum.

**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 DIANNE SLACK

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description BURLEIGH MINI MARKET, trading as LESS GO, 70 Burleigh Road Penn Fields	
Post town Wolverhampton	Post code (if known) WV3 0HN

Name of premises licence holder or club holding club premises certificate (if known) TANGARASA YOGARASA

Number of premises licence or club premises certificate (if known) 16/04010/PRE

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Dianne Slack District Officer Trading Standards Service City of Wolverhampton Council Civic Centre St Peters Square Wolverhampton WV1 1RP
Telephone number (if any) 01902 556063
E-mail address (optional) dianne.slack@wolverhampton.gov.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 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)

The local weights and measures authority has "responsible authority" status under the Licensing Act 2003 by virtue of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005.

On the 07 February 2018, City of Wolverhampton Council Trading Standards received information that illicit cigarettes and tobacco were being sold from Burleigh Mini Market, 70 Burleigh Road, Penn Fields, Wolverhampton.

On the 21 May 2018, officers from Trading Standards visited 70 Burleigh Road with a Tobacco search dog and a trade mark representative from Imperial Tobacco. On this occasion 2111 cigarette sticks, 150g of hand rolling tobacco and 19 x 20g packets of foreign labelled spit tobacco (prohibited oral tobacco) were discovered behind the counter and in upstairs accomodation above the shop. The tobacco products were suspected of being counterfeit or non duty paid and were subsequently seized.

A traders notice was left with the manger of the store Mr Mohammad Reza Khodaei who was present during the inspection. He was advised during the inspection that it was a criminal offence to possess, supply or sell counterfeit products or illicit tobacco products where those goods are marked as duty free or where UK duty has not been paid on those goods.

The seized goods included a number of cigarettes known as ' foreign cheap whites', e.g.Minsk, and FEST which are foreign brands brought into the UK illegally specifically to be sold on the black market. English branded tobacco products that bore foreign warnings and labelling were also seized as well as known English brands.

It was subsequently confirmed that amongst the seized products from Burleigh Mini Market t/a LESS GO, cigarettes branded as Richmond, and pouch tobacco labelled Amber Leaf were counterfeit. Their possession custody or control give rise to criminal offences under section 92 of the Trade Marks Act 1994.

It was also confirmed cigarettes bearing the brands Benson & Hedges Option, Kent Dunhill and Rothmans were only intended for other European Domestic Markets not the United Kingdom. The value of the goods if legitimate and purchased in the UK would have a value of approximately £952.

To knowingly keep or allow to be kept on relevant premises, goods such as cigarettes, which have been imported without payment of duty or which had otherwise been unlawfully imported is a criminal offence as per section 144 (1) and (3) of the Licensing Act 2003.

Trading Standards has "responsible authority" status under the Licensing Act 2003. Burleigh Mini Market aka Less Go of 70 Burleigh Road, Wolverhampton has engaged in activities which have breached a licensing objective namely the prevention of crime and disorder. The Home Office publishes guidance under section 182 of the 2003 Act and at 11.27 that guidance advises that the sale of contraband or counterfeit tobacco is activity that should be considered "particularly seriously." The guidance goes on to state that:

"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 suspension or revocation of the licence – even in the first instance should be seriously considered."

Additionally the sale of illicit tobacco:

- contributes to the shadow economy
- undermines the City's public health activity which aims to deter residents from smoking especially young people
- drives down the cost of tobacco thereby counteracting Central Government's attempts to use price as a disincentive.

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

N/A

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

N/A

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 21 August 2018

Capacity District Officer: Trading Standards

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
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Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

Appendix ①

WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

Defendant: Less Go 70 Burleigh Road Penn Fields Wolverhampton WV3 0HN Mohammad Reza Khodaei – Manager, lives on premises. Hamid Khodaei – owner and brother PLH is Tangarasa Yogarasa	Officer in Charge of Case: Dianne Slack	Type of Evidence: Cigarettes, hand rolling tobacco, Oral tobacco
Date Seized: 21 May 2018	Date into Storage: 21 May 2018	
Case Reference: RS/18/08	Number of Bags/Boxes: 5	

Columns to be completed when items logged into storage and initially examined

Original Seal	Bag Ref	Item/Description	Location Found	Quantity	Duty not paid	Markings	New Seal	Date Out	Destination	Date In	New Seal	Other
0018354	DSL/1	Fest Red Dunhill Richmond x2 Marlbro Gold x2	Box in Bedroom	260 280 40 40 620		Foreign F BAT, 1 pkt taken for sample Eng, 1 pkt taken for sample, Eng, new package. 1 pkt taken for sample						
	DSL/L2	Amber Leaf 3 x 50g Original Panchhi Tobacco – Spit tobacco with lime – 19 x 20g 1 10 p piece Open pack of RAW Classic papers. Fest Red 20 x 7 Mrlboro Gold x 3 Benson & Hedges Option 2 x20 +11 in open box.	Under counter	150g 380g 140 60 51	UK Duty paid	F. 1 pkt taken for sample Eng. Incorrect warnings Foreign Eng. New packaging, all with same code0EF AJC 4RC JCC PC94701918 Foreign						

WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

Original Seal	Bag Ref	Item/Description	Location Found	Quantity	Duty not paid	Markings	New Seal	Date Out	Destination	Date In	New Seal	Other
		Dunhill 3 x 20, Rothmans 20 x 13 Richmond 20 x 8 Kent Core 20 x 9 Kent 8, 20 x 12		60 260 160 180 240 1151		Foreign - 63238B86. Foreign UK Foreign - 20 12 17 34.50rpm 72237M740047 x 4, 72237M740046 x 3 72237M521217 x 3 72237M521216 x 2 1 sample of each taken						
0018394	DS/L/3	Milboro Gold x 4 Black notebook	Gantry Under counter	80 1	UK Duty paid	Eng. New packaging, all with same code 0EF AJC 4RC JCC PC94701918						
	DS/L/4	Fest	Under counter	200		Foreign						
0018398	DS/L/5	Kent Navy Blue 20 x 3	Under counter	60		Eng writing, foreign writing. 13.12.17 34.00rpm 72237M521217 x 1 72237M521216 x 2						

TOTAL SEIZURES

Foreign, Counterfeit, non duty cigarettes = 2111 sticks or 105.55 packets.

Retail value at £9 per packet = £952.20

Street value a £4 per packet = £438.70

Foreign, Counterfeit, non duty HRT = 150g.

Spit tobacco 380g

Duty evaded = £677.98.



STELLA ARTOIS

4 cans for £5.79

Smoking seriously harms you and others around you.

Куріння вбиває

21.05.2018



RRP
£3.49

Ac 7.55 and 6x150cl

21.05.2018

¡Fuerza para todos los días!
 El tabaco es muy adictivo.
 ¡No fumes!

SANTITAS GOLD
 CIGARETTES
 10 CIGARETTES
 HEAVY TAR & NICOTINE
 1.1 mg nicotine av. per cigarette by FTC method.
 0.1 mg nicotine av. per cigarette by FTC method.

RAW
 RAW
 RAW

90



12 cans for \$7.99

STELLA



ARTOIS



Тютюнопаленето
увеличава риска
от импотентност

Smoking seriously harms you and others around you.

Smoking seriously harms you and others around you.

**Куріння
вбиває**

**Куріння
вбиває**

Smoking seriously harms you and others around you.

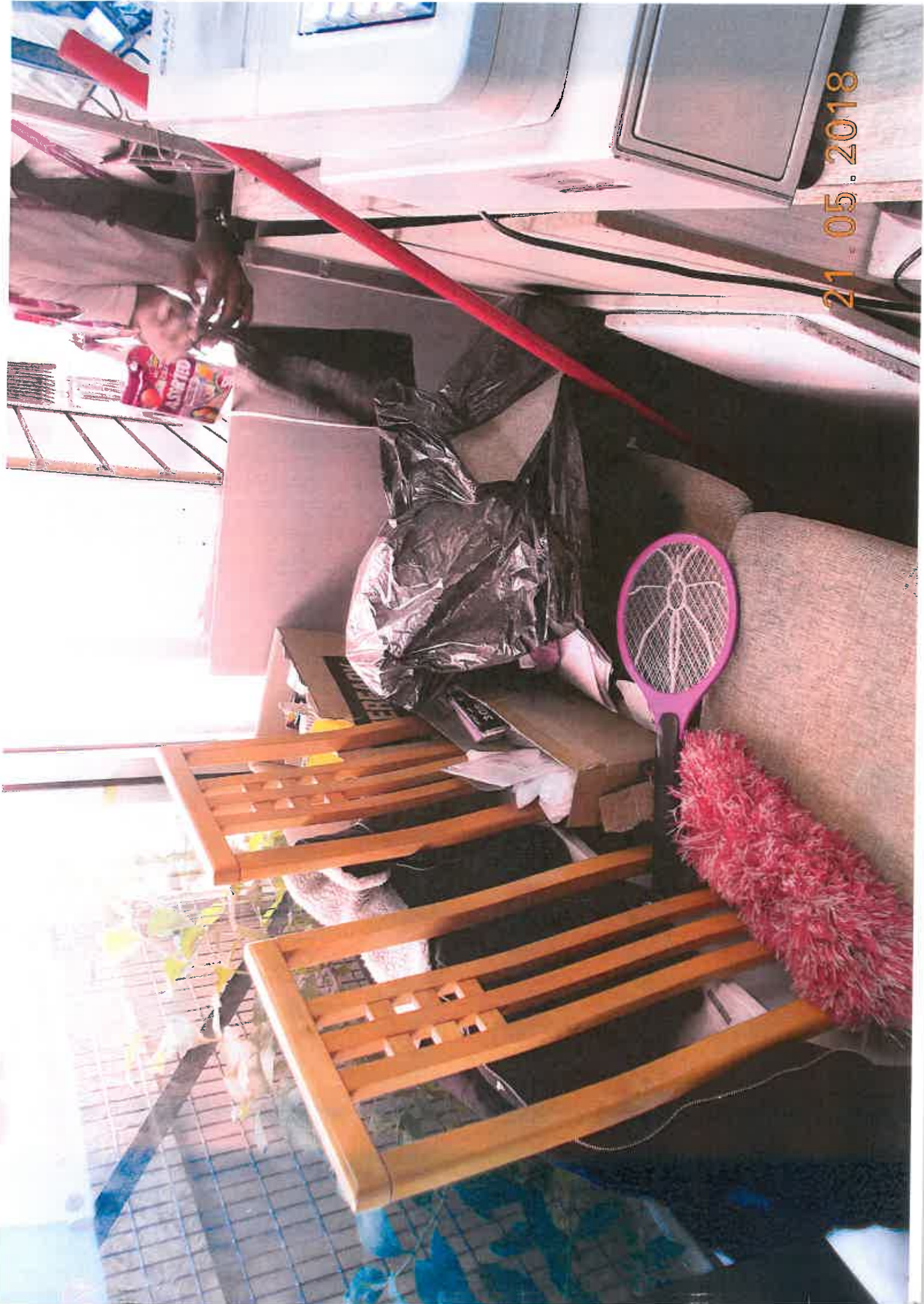


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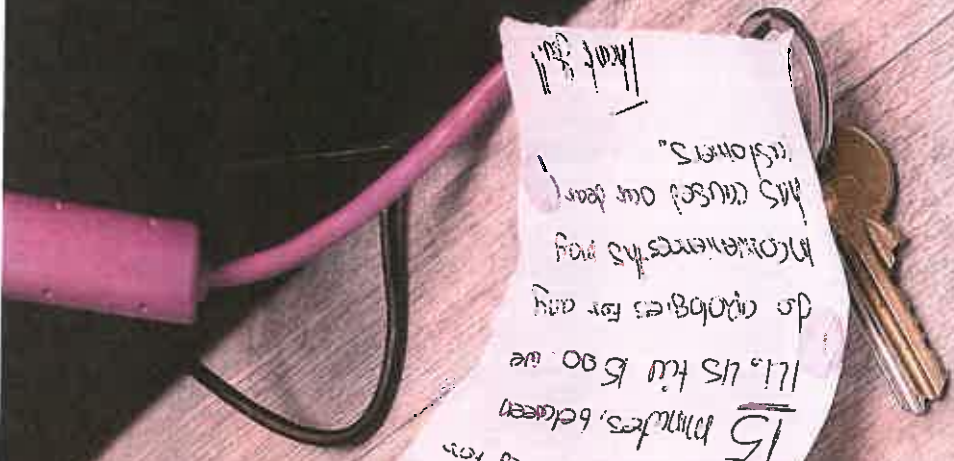


21.05.2018

21.05.2018

Hi, Dear customers
shop will be closed for
15 minutes, between
11.15 to 15.00 we
do apologies for any
inconveniences that may
have caused our dear
customers.
Thank you

OPERADIA EDUC
BENSON HEDGES
OPTION



21 05 2018



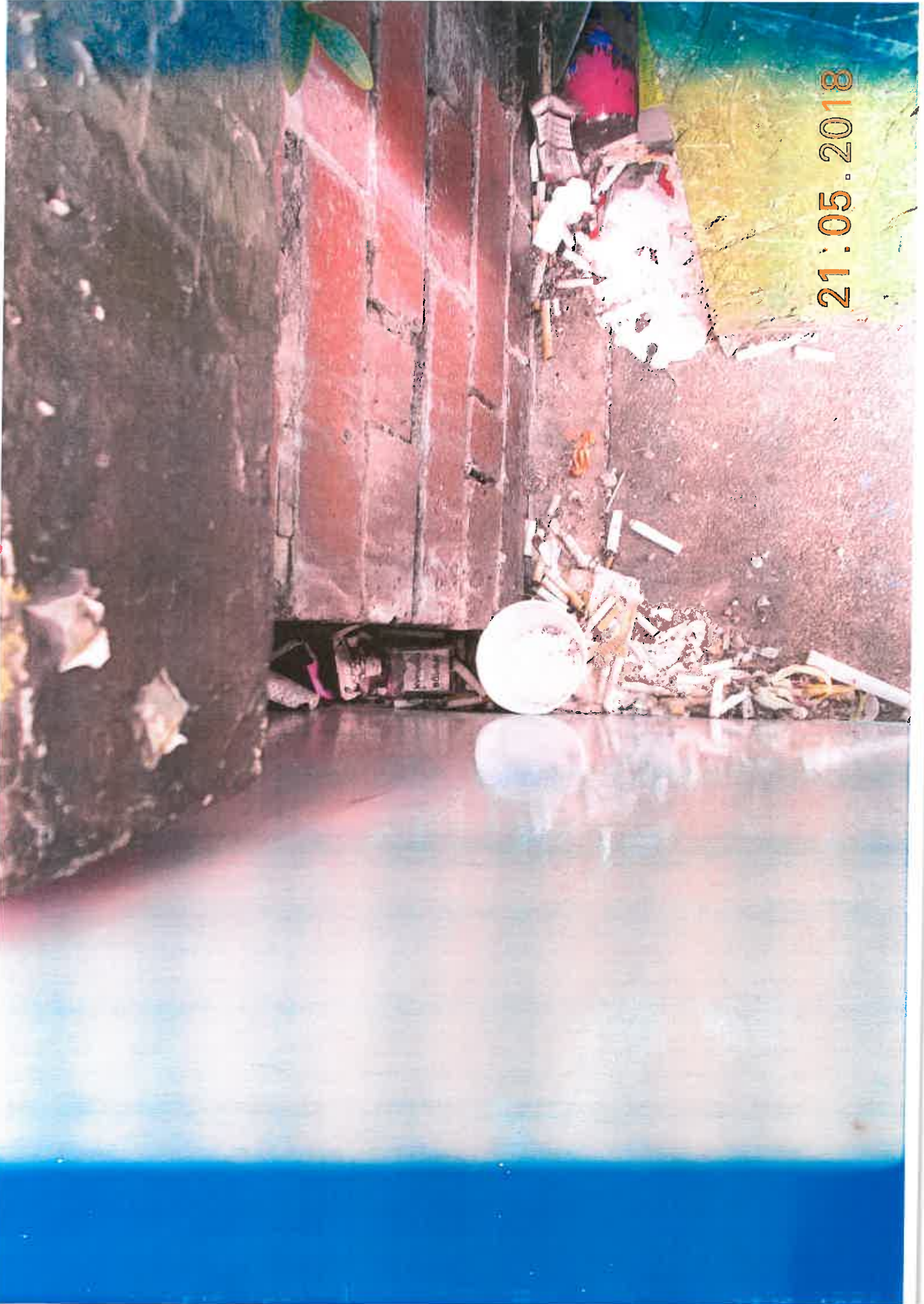
Imperial Leather Handwash/
Shower/Bath Pm£1.00
£3.6

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EST. 21.05.2018
KAPPE



21:05.2018



BAMFORD

LESSGO

WESTERN UNION
GROCERIES
NEWSPAPER
WESTERN UNION

21.05.2018