

**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 Mini Mart Off Licence 443 Dudley Road Blakenhall	
Post town Wolverhampton	Post code (if known) WV2 3AQ

Name of premises licence holder or club holding club premises certificate (if known) Mr. Haval ALI
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Number of premises licence or club premises certificate (if known) 17/06053/PREDPS
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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 Dianne Slack Tobacco Control 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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

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 27 December 2018 and 31 January 2019, City of Wolverhampton Council Trading Standards Service received information that illicit cigarettes and tobacco were being sold from Mini Mart, 443 Dudley Road, Blakenhall Wolverhampton.

On the 15 February 2019, officers from Trading Standards accompanied by officers from West Midlands Police visited 443 Dudley Road with a Tobacco search dog. On this occasion 14140 cigarette sticks, equivalent to 707 packs of 20 cigarettes and 3.350 kg of handrolling tobacco equivalent to 67, 50 g pouches were discovered behind the counter, and in a specially constructed, concealed area in a rear store room.

In addition West Midlands Police discovered an A4 sized bag of cannabis in the loft area.

Mr Havel Ali, Director of Mini Mart Wolverhampton Limited, the proprietor of the business; premises licence holder and designated premises supervisor, was present at the time of the inspection and admitted the products were his. The tobacco products were suspected of being counterfeit or non duty paid and were subsequently seized.

A traders notice was left with Mr Ali, He was advised during the inspection that it was a criminal offence to possess, supply or sell counterfeit products or illicit tobacco

products and any goods are marked as duty free or where UK duty has not been paid on those goods.

The seized goods included a large number of cigarettes known as 'foreign cheap whites', e.g. FEST, L & M and Business Royals which are foreign brands brought into the UK illegally, specifically to be sold on the black market. Officers also found English branded tobacco products such as Mayfair, Richmond and Rothman, that were not in the required standardised packaging, colours, text formatting nor contained the required pictorial and written health and safety warnings. Investigations are ongoing as to whether some of the tobacco products such as Mayfair contravene the provisions of the Trade Marks Act 1994.

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.

Mr Ali has subsequently claimed he has sold the business on but remains as premises licence holder.

Trading Standards has "responsible authority" status under the Licensing Act 2003. Minimart 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 and distribution of controlled drugs under the Misuse of Drugs Act 1971, that may arise in connection with licensed premises and/or 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 is not a victimless crime as it:

- 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.

Further, the discovery of cannabis in the loft, a controlled Class B drug, is also a crime that is not directly connected with licensable activities and an offence under the Misuse of Drugs Act 1971 (as amended). Proof of intention to supply a controlled drug is a matter for the Courts. The Drugs Act 2005, states that if it is proved that the accused had an amount of a controlled drug in his possession which exceeds the amount that would be considered for personal use, a court or jury must assume that he had the drug in his possession with the intent to supply it.

Licensing authorities do not have the power to judge the criminality or otherwise of this issue. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

11.25 states that Reviews are part of the regulatory process introduced by the 2003

Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives.

Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. Of course certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. However, even in such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems.

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 07 June 2019

.....

Capacity Tobacco Control 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
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.

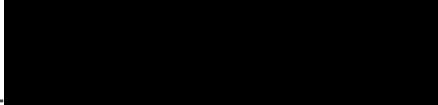
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WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

Defendant: Havel Ali Mini Mart 443 Dudley Road	Officer in Charge of Case: Dianne Slack	Type of Evidence: Cigarettes, tobacco Hand Rolling Re-counted and resealed 20 February 2019 by Dianne Slack. 4 mobile phones sent for examination
Date Seized: 15 February 2019	Date into Storage: 15 February 2019	
Case Reference: RS/18/53		
Number of Bags/Boxes: 6		

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

Original Seal	Bag Ref	Item/Description	Quantity	New Seal
0523006	DS/MM/D/2.	Mayfair Mayfair Business Royal Fest Red Richmond Marlboro Gold	600 1000 1200 800 1000 200	05231231
0523004	DS/MM/D/1	Business Royals Rothmans Demi Rothmans Demi Click L&M Richmond	4800 200 2000 1200 800 400	0523134
0523005	DS/MM/I/3	Amber Leaf x 14 Golden Virginia x 8 Marlboro Gold L&M Rothmans Blue Business Royal	4600 1.1kg 1600 400 600 400	0523133
0523035		Amber Leaf x 13 Golden Virginia x 13	3000 1.3kg	
0523018	DS/mm/F/1	Amber Leaf x 11 GV x 8	0.950kg	

WOLVERHAMPTON TRADING STANDARDS - EVIDENCE STORAGE RECORD SHEET

Original Seal	Bag Ref	Item/Description	Quantity	New Seal
		Business royal Fast Red Marlboro Gold L&M Forward L&M Blue Rothmans Demi Rothmans less smell Rothmans Blue Richmond Mayfair	180 240 120 240 120 80 160 300 200 100	
N08790787	DS/MM/G/1	Nokia TA- mobile telephone	1740	2018-101-03
N08790785	DS/MM/G/2	Samsung S9	1	2018-101-04
N08790789	DS/MM/G/3	Samsung A5	1	2018-101-05
N08790784	DS/MM/G/4	Samsung S6	1	2018-101-06
				Passed to analysis on 21 February 2019

TOTAL SEIZURES

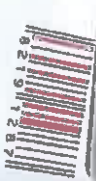
Foreign, Counterfeit, non duty cigarettes = 14140 sticks or 707 packs of 20 All old packaging!
 Foreign, Counterfeit, non duty HRT = 3,350g or 67 pouches



BUSINESS
ROYALS

200-20 KING SIZE

FILTER CIGARETTES



15 02 2019





15 02 2019

15 02 2019

Patentie zabija - rzuć teraz!

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Uym tytoniowy zawiera ponad 70 substancji pseudokarcynogennych rak.

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