

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 Nicola Biddle

(Insert name of applicant)

Apply for the review of a premises licence under section 51

(delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Phoenix Express and International Food 715 Parkfield Road	
Post town Wolverhampton	Post code (if known) WV4 6EE

Name of premises licence holder or club holding club premises certificate (if known) Idris Hamid
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Number of premises licence or club premises certificate (if known) 22/08082/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 Nicola Biddle Senior Officer - Trading Standards Trading Standards Service City of Wolverhampton Council Civic Centre St Peter's Square Wolverhampton WV1 1RP
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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 checked="" 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.

In December 2021, the local weights and measures authority (also known as the Trading Standards Service) received a complaint alleging that illegal cigarettes are being sold from Phoenix Express and International Food on Parkfield Road.

On 23rd September 2022, officers from Trading Standards, supported by officers from West Midlands Police, officers from Home Office Immigration Enforcement, and a detection dog handler, inspected the licensed premises for the presence of illicit tobacco under powers afforded by the Consumer Rights Act 2015.

Upon arrival, as asylum seeker without entitlement to work in the UK was behind the shop counter. This matter was addressed by colleagues from Home Office Immigration Enforcement. A male was also found to be living in the retail premises. Neither the Designated Premises Supervisor nor the Premises Licence Holder were present, but the owner, [REDACTED], arrived during the inspection.

Illicit tobacco products and nicotine containing vapes were discovered in the shop, concealed behind a mirror in makeshift living quarters, and in a car registered at the premises being used as a storage container.

Consequently, more than 8,000 cigarettes and a kilo of hand-rolling tobacco were seized for various reasons, including: suspicion of being counterfeit, duty evasion, and failure to bear statutory health warnings. In addition, 44 disposable vapes were

seized as the tanks held more than the permitted amount of e-liquid.

Collectively, the products seized breach various pieces of legislation including:

- Trade Marks Act 1994
- Tobacco and Related Products Regulations 2016
- Standardised Packaging of Tobacco Products Regulations 2015

Furthermore, to knowingly keep or allow to be kept on relevant premises, goods such as cigarettes and hand rolling tobacco, 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.

During the inspection it was also noted that neither the Licence Summary nor the statutory tobacco notice were displayed, contrary to Section 57(4) Licensing Act 2003 and Section 4 Children and Young Persons (Protection from Tobacco) Act 1991 respectively.

Separate consideration will be given by the Trading Standards Service as to whether legal proceedings should be instituted for the breaches identified.

By virtue of his role as Premises Licence Holder, Idris HAMID, has engaged in activities which have breached the licensing objectives namely 'the prevention of crime and disorder' and 'the protection of children from harm'.

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

The Home Office has published guidance under section 182 of the Licensing Act 2003, with the following paragraphs being particularly relevant:

11.27 "There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These [include] the use of the licensed premises for the sale or storage of smuggled tobacco and alcohol."

The guidance goes on to state that:

11.28 "...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, it is acknowledged, that 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 to pocket money prices, thereby counteracting Central Government's attempts to use price as a disincentive
- poses a safety risk to the consumer.

To clarify the latter point, legitimate cigarette brands are required to comply with British Standard EN 16156 which relates to ignition propensity. In short, legitimate brands have a band of fire-retardant chemical added to the cigarette paper during manufacture to slow down the burn rate at the point where the retardant chemical has been added. If a smoker were, for example, to fall asleep whilst holding a genuine cigarette, the reduced burn rate would increase the likelihood of the cigarette simply going out. Counterfeit and illicit cigarettes, such as those seized from Phoenix Express and International Food, would not comply with the burn rate safety requirement imposed by the British Standard.

With regards to vapes, Part 6 of the Tobacco and Related Products Regulations 2016:

- sets minimum standards for the safety and quality of all e-cigarettes and refill containers (otherwise known as e-liquids)
- ensures that information is provided to consumers so that they can make informed choices
- promotes an environment that protects children from starting to use these products.

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

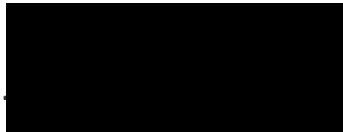
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 29/09/2022

Capacity *Trading Standards - Team Leader.*

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.