



Melton
Borough
Council

**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 Helen Donegan

(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
European Market Melton Limited , 36-42 Thorpe End

Post town Melton Mowbray

Post code (if known) LE13 1RB

Name of premises licence holder or club holding club premises certificate (if known)
European Market Melton Limited (director - Jasim Abdulla AMIN)

Number of premises licence or club premises certificate (if known)
MMA0262

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

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 ✓ yes

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 Helen Donegan Trading Standards Officer Leicestershire County Council Trading Standards Service County Hall Glenfield Leicestershire LE3 8RA |
| Telephone number (if any) 0116 305 6168 |
| E-mail address (optional) Helen.Donegan@leics.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 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 2)

There have been concerns about this business since 2016 relating to: underage sales; smuggled, non-duty paid, foreign labelled tobacco ('illegal'), and smuggled, non-duty paid, foreign labelled alcohol.

Trading Standards have seized illegal tobacco from the premises previously.

Following a Licence Review brought by Trading Standards Service, during a visit to the premises, 2 of the conditions added to the licence following the review were breached.

The previous Licence Review related to smuggled alcohol being seized from the premises, since then further smuggled alcohol has been seized by Her Majesty's Revenue and Customs (HMRC).

This new information and evidence gained from the recent visit / seizures demonstrates there is a continuing issue with this premises, a disregard for the law and the previous licence review.

Please provide as much information as possible to support the application (please read guidance note 3)

| Date | Events and actions carried out by Leicestershire County Council, Trading Standards Service and HMRC. |
|--------------------------------------|--|
| 11 th January 2016 | A packet of illegal cigarettes was sold from the premises to a test purchaser. |
| 14 th January 2016 | A visit was made to the shop, 9 packets of illegal cigarettes were seized. |
| 3 rd March 2016 | A complaint was received stating that the premises was selling illegal tobacco. Marlboro Gold for £5 and that the male got the cigarettes from his pocket. |
| 14 th June 2016 | A test purchase operation was carried out, a packet of L&M cigarettes was sold for £4.50 (manufactured for a foreign market). |
| 5 th July 2016 | A warning letter was issued to Mr Masoud RASHID who was the Premises Licence holder and the Designated Premises Supervisor, regarding the offences of sale and possession of illegal tobacco. |
| 19 th May 2017 | A further test purchase operation was carried out and a packet of NZ Gold cigarettes were sold for £3 (smuggled cigarettes). |
| 5 th July 2017 | A warrant was executed at the premises. 61 packets of illegal cigarettes were seized during Mr RASHID'S ownership. Empty boxes of illegal cigarettes were also found in Mr RASHID'S car but were not seized. |
| 17 th July 2017 | New Premises Licence Holder and Designated Premises Supervisor – Mr Mariwan ALI. |
| 13 th November 2017 | A complaint was received that a 15 year old and his friend were able to buy vodka for £8 a bottle. |
| 29 th November 2017 | Trading Standards Officers visited this premises to discuss underage sales and an advice letter was sent to Mr RASHID. A subsequent test purchase for alcohol using a 15 year old volunteer was carried out. The sale was refused. |

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| 13 th February 2018 | A test purchase for 'cheap' cigarettes was carried out, no sale was made. No illegal tobacco was found when the premises was searched. A large amount of foreign labelled alcohol was in the premises and was blocking the fire exits. |
| 9 th May 2018 | HMRC reported to Trading Standards that they had been able to purchase a bottle of foreign labelled alcohol from this premises last year. |
| 17 th May 2018 | Mr RASHID told a Trading Standards Officer that he no longer had any involvement with the premises. |
| 5 th June 2018 | <p>A joint visit by HMRC and Trading Standards was carried out at the premises. HMRC seized a large amount of alcohol, 59 cases of beer (24 x 50cl cans) and 36 bottles of vodka. These were foreign labelled alcohol and no duty had been paid.</p> <p>No illegal tobacco was found on the premises however there was suspicion this was still an activity on the premises due to the volume of customers entering the shop and leaving without purchasing anything or leaving after a conversation with the staff in Polish.</p> <p>The staff in the shop that day did not know the Premises Licence Holder and DPS, Mr Mariwan ALI.</p> <p>HMRC dealt with the VAT and alcohol seized from the premises.</p> |
| 8 th June 2018 | Mr Rashid met with Trading Standards Food Officers regarding foreign labelled food. A query arose regarding ownership and Mr Rashid informed the officer he was Mr Mariwan ALI. |
| 19 th June 2018 | Trading Standards Food Officers met Mr ALI and checked his ID. |
| 14 th June 2018 | Court hearing for the seizure of illegal tobacco on 5 th July 2017. The employee's solicitor indicated that cigarettes were only sold to people that were known to the shop and said that Mr Rashid had nothing to do with the shop. Mr RASHID failed to attend court and a warrant was issued for his arrest. |
| 19 th July 2018 | Mr RASHID pleaded guilty to four offences relating to possession with intent to supply counterfeit tobacco products, possessing, and supply, packets of cigarettes without the statutory combined health warning and cigarettes that did not comply with safety regulations. He was ordered to pay a £1000 fine and £3000 in costs. |
| 21 st August 2018 | On the 21 st August 2018, Leicestershire County Council Trading Standards Service, brought a Licence Review resulted in the following conditions imposed on the licence: |

| | |
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| | <p>a) That there be a personal licence holder present at all times when licensable activities are taking place</p> <p>(b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body</p> |
| 28 th August 2018 | DPS changed to Hazhar Omar KHUDHUR. |
| 9 th November 2018 | DPS changed to Mahmod Rasol REZGAR |
| 13 th February 2019 | Transfer of licence from European Supermarket Melton Ltd to European Market Melton Ltd (Jasim Abdulla AMIN as Director) |
| 25 th February 2019 | A complaint was received stating that the premises was selling illegal tobacco and alcohol, which had come from Poland. |
| 7 th March 2019 | A complaint was received stating that the premises was selling a variety of illegal cigarettes. |
| 29 th May 2019 | <p>Joint visit with HMRC and Leicestershire Trading Standards officers resulting in HMRC seizing a large amount of alcohol, that the person in charge of the shop could not provide invoices for.</p> <p>See attached Appendix A - the schedule of the amount of alcohol seized and produced by a HMRC officer.</p> <p>See attached Appendix B – a photograph taken by a Trading Standards officer of some of the products seized.</p> <p>A search was carried out by Trading Standards Officers for illegal Tobacco but no illegal tobacco was found.</p> <p>Individuals present in the shop: Marwan MAMGURI and Ewa Helena BARTKAWICZ.</p> <p>Designated Premises Supervisor listed on alcohol licence: Mr Mahmod Rasa REZGAR.</p> <p>No ownership details were displayed as required by law.</p> <p>Licence conditions were checked during the visit.</p> <p><u>Licence conditions</u></p> <p>That there is a personal licence holder present at all times when licensable activities are taking place.</p> <ul style="list-style-type: none"> • No personal licence holder was on the premises. <p>That there is a refusal register kept at the premises and be</p> |

| | |
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| | <p>produced on demand to licensing officers and the police and any other responsible body.</p> <ul style="list-style-type: none"> Although there was a refusals log there were no recent entries (last entry September 2018) <p>Training in responsible sales No training records were available for the 2 people in the shop.</p> <p>CCTV Neither of the staff could use the CCTV system and Ms BARTKAWICZ stated that the CCTV is live but didn't record.</p> <p>The total amount seized by HMRC was: 70 cases of 24 500ml bottles or cans of beer, 1 case of 24 beers, 5 cases of 20 500ml bottled beers and 30 bottles of mixed wine; in total 1834 items were seized.</p> |
| 12 th June 2019 | DPS changed to Jasim Abdulla AMIN (Current DPS) |
| 3 rd July 2019 | A pre-assessment notification sent to European Market Melton Ltd from HMRC, informing the tenant of the retail unit of the intended proposal to raise the assessment for the total excise duty of £1353 for the goods seized under section 139 of the Customs & Excise Management Act 1979 – see attached Appendix C . |
| 2 nd September 2019 | An Officer's Assessment/ Civil Penalty Excise letter sent to European Market Melton Ltd from HMRC, requesting the amount of £1353 is paid for the UK duty - – see attached Appendix D . |

Premises Licence

Ownership

Since 13th February 2019 the licence transferred from European Supermarket Melton Ltd to European Market Melton Ltd, of which, **Jasim Abdulla AMIN** is the Director.

On the 12th June 2019 **Jasim Abdulla AMIN** became the Premise Licence Holder and the Designated Premise Supervisor.

Licensing Objectives

The prevention of crime and disorder

Tobacco

Complaints have been received by this Service that the premises is selling illegal tobacco, however, none was found on the 29th May 2019. Retailers are increasingly using sophisticated hidden concealments operated by electromagnets. Previously the

tobacco products seized failed to meet the legal requirements regarding health warnings in English, the colour and shape of the packaging and a number were fake/counterfeit.

Alcohol

The total amount seized by HMRC was: 70 cases of 24 500ml bottles or cans of beer, 1 case of 24 beers, 5 cases of 20 500ml bottled beers and 30 bottles of mixed wine; in total 1834 items were seized.

Diversion/ duty fraud is a serious issue for the local retailers. Sellers of alcohol and tobacco that avoid paying UK duty have a significant competitive advantage. They can sell alcohol/tobacco cheaper or can operate with higher margins.

Local retailers will lose money through the loss of sales. This can result in job losses and even local shops closing down.

The loss in revenue to the Government is estimated at £1.8 billion for tobacco and £0.9 billion for alcohol (excluding wine), this severely affects our schools, hospitals and public services.

Public Safety

When alcohol and/or tobacco is smuggled into the UK there is a possibility that the goods are counterfeit and/or produced under less controlled circumstances, the exact contents of the products are unknown and untraceable. There must be statutory health warnings for tobacco and allergen warnings for alcohol must be in English.

The paper used in illegal cigarettes is not 'safety paper' meaning it will continue to burn if left unattended, thus posing a greater fire risk.

GUIDANCE

In considering this matter I have given consideration to Guidance issued by the Secretary of State under section 182 of the Licensing Act 2003.

Paragraph 11.27 specifically refers to criminality activity that may arise in connection with licensed premises which should be treated particularly seriously.

- The sale or storage of smuggled tobacco and alcohol.

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 revocation of the premises, even in the first instance should be seriously considered.

Paragraph 11.25 recognises reviews are part of the regulatory process and are not part of criminal law and procedure. There is no pending criminal prosecution.

Whilst not wishing to restrict the decision of the committee this Service is of the opinion that the premises licence should be revoked.

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

| Day | Month | Year |
|-----|-------|-----------|
| 2 | 1 | 0 8 0 1 8 |

If you have made representations before relating to the premises please state what they were and when you made them

On the 21st August 2018, Karen Retallic, on behalf of Leicestershire County Council Trading Standards Service, brought a Licence Review. The Committee decided to add the following conditions on the licence.

a) That there be a personal licence holder present at all times when licensable activities are taking place,

(b) That there be a refusal register kept at the premises and be produced on demand to Licensing Officers and the Police and any other responsible body.

Please tick ✓

yes

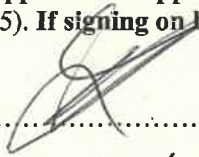
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

6/9/19

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.