

APPENDIX 1

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Essex County Council
Place Operations
Trading Standards
CG32
County Hall
Market Road
Chelmsford
CM2 6PS



Mr Saiwan Ali



Date: 4th January 2018
Our Ref: LEW/TS
Your Ref:

Dear Sir,

Licensing Act 2003

I write to you in your capacity as Premises Licence Holder of Street Corner Shop, 11 Market House, Stone Cross Harlow CM201BL.

Please see attached paperwork that has been submitted by this Department to Harlow District Licensing Authority.

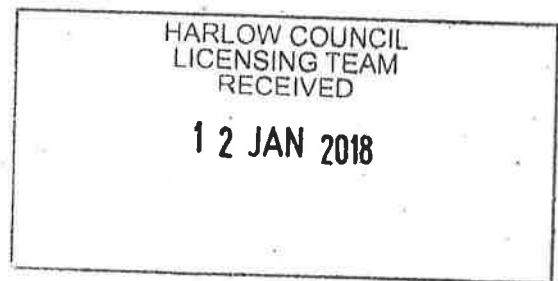
The paperwork is an application for a review of the premises Licence number HARLOW/PREM/0287/1 and contains supporting evidence in relation to the matter.

You will be contacted in due course by Harlow District Licensing Authority to confirm the necessary arrangements.

In the meantime please do not hesitate to contact me should you have any questions relating to the information that has been supplied.

Yours sincerely

Miss Liz Webb
Trading Standards Officer



Please reply to: Liz Webb

Telephone:

Email:

Internet:



cc: Essex Police; Environmental Health Services; Essex Fire and Rescue; Planning; Licensing Applications - Child Protection; Public Health; Harlow Licensing Authority; Health and Safety Exec;

Licensing Team
Harlow Council, Civic Centre
The Water Gardens
Harlow
Essex CM20 1WG

HARLOW COUNCIL
LICENSING TEAM
RECEIVED

1 2 JAN 2018

**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 Liz Webb

(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

Street Corner Shop, 11 Market House, Stone Cross Harlow CM20 1BL

Post town Harlow

Post code (if known) CM20 1BL

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

Saiwan ALI

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

HARLOW/PREM/0287/1

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
Liz Webb
Essex County Council
Trading Standards
County Hall
Market Road
Chelmsford
CM1 1QH

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
- 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 2)

Essex Trading Standards has received ongoing intelligence about the sale of illicit tobacco at the premises of Street Corner Market Shop, 11 Market House, Stone Cross Harlow CM20 1BL.

This follows a licence review and subsequent revocation of the licence at the premises during early 2017 following the concealed possession of illicit tobacco at an inspection on the 15th October 2016.

Trading Standards arranged a joint visit with Essex Police and with our partners Wagtails UK Ltd, providers of tobacco detection dogs. The visit took place on the 30th November 2017 and the dogs were able to identify concealments within the premises that revealed hidden quantities of illicit tobacco.

The tobacco was clearly UK excise duty evaded as all the packets bore foreign labels and a reasonable quantity of the tobacco was also suspected to be counterfeit.

In total 7700 cigarettes and 3.1kg of hand rolling tobacco were seized from the premises.

The sale of counterfeit tobacco is a criminal offence under S.92 of The Trade Marks Act 1994. The sale of duty evaded tobacco is also a criminal offence under The Customs and Excise Management ACT 1979 – with further potential labelling offences under The Tobacco and Related Product Regulations 2016, in terms of the products lacking the correct safety warnings in relation to health. There are further offences in relation to the sale of tobacco that does not comply with plain standardised packaging requirements under The Standardised Packaging of Tobacco Products Regulations 2015

The review is being sort to prevent further crime and disorder occurring at the premises.

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

Essex Trading Standards received intelligence from at least 4 different sources during 2017 that Street Corner Market Shop was selling illegal tobacco.

As part of a wider initiative around tobacco control officers carried out a planned operation to follow up on this intelligence and went to the premises on 30th November 2017 to carry out an inspection with the assistance of Wagtails UK Ltd.

Tobacco detection dogs form a necessary part of an inspection for illegal tobacco as in the majority of cases retail premises selling these items often have invested in sophisticated purpose built concealments within the premises which are very difficult to detect without the assistance of the trained dogs.

On that day a total amount of 7,700 cigarettes and 3.1kg of hand rolling tobacco were seized from an individual at the premises.

Officer Statements have been submitted with the detail of the matter

The tobacco was seized from an employee [REDACTED] date of birth [REDACTED] [REDACTED] was actually the employee at the premises during the previous seizure in 2016 – that led to a licence review and subsequent revocation.

The sale of duty evaded tobacco is a criminal offence under The Customs and Excise Management Act 1979, primarily this is an HMRC offence.

The sale of counterfeit tobacco is a criminal offence under S.92 of The Trade Marks Act 1994 and carries a maximum penalty of 10 years imprisonment and/or an unlimited fine; this is a Trading Standards offence. In this particular instance an officer examination confirms a reasonable proportion of both, hand rolling tobacco and cigarettes from this particular seizure are likely to be counterfeit.

In terms of the foreign labelled products that are UK excise duty evaded, they also carry offences under The Tobacco and Related Product Regulations 2016, in terms of the products lacking the correct written and pictorial safety warnings in relation to health etc. There are further offences in relation to the sale of tobacco that does not comply with plain standardised packaging requirements under The Standardised Packaging of Tobacco Products Regulations 2015. Both these sets of regulations are within the remit of Trading Standards.

The review is being sort to prevent further crime and disorder occurring at the premises – fundamentally it is the view of this department that the business must be seen to ensure that criminal activity does not take place on the premises and the sale of illicit tobacco by the business undermines the licensing objective of prevention of crime and disorder.

The sale of counterfeit and duty evaded products often contributes to other serious organised crime and it impacts upon fair competition for legitimate traders and can be detrimental to the local economy. Trading Standards is mindful that this criminal activity is visible to customers and local residents hence the consistent reports of intelligence to Essex Police and Essex Trading Standards. This undermines the licensing objective of the prevention of crime and disorder to a significant degree.

Licensing Act 2003 Code of Practice guidance part 11:27 and 11:28 – makes reference to consideration by the committee for a revocation even in the first instance in the event of particular named criminal activity on licensed premises, of which the sale or storage of smuggled tobacco and alcohol is one.

This department is concerned that continued criminal activity is being carried out from within the business premises with concealments being built within the storage room at the rear of the premises. These are new concealments since our previous operation in 2016.

Essex Trading Standards seeks an adequate level of reassurance that the business is being effectively controlled within the framework of The Licensing Act 2003.

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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

15 10 2016

If you have made representations before relating to the 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 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  M. SANCTUARY

Date **4/1/2017**

Capacity **Trading Standards Manager**

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