

## ***LICENSING PANEL Regulatory Committee Agenda***

Date Tuesday 12 October 2021

Time 9.30 am

Venue Crompton Suite, Civic Centre, Oldham, West Street, Oldham, OL1 1NL

Notes 1. DECLARATIONS OF INTEREST- If a Member requires any advice on any item involving a possible declaration of interest which could affect his/her ability to speak and/or vote he/she is advised to contact Paul Entwistle or Constitutional Services in advance of the meeting.

2. CONTACT OFFICER for this Agenda is Constitutional Services Tel. 0161 770 5151 or email [constitutional.services@oldham.gov.uk](mailto:constitutional.services@oldham.gov.uk)

3. PUBLIC QUESTIONS – Any member of the public wishing to ask a question at the above meeting can do so only if a written copy of the question is submitted to the Contact officer by 12 Noon on Thursday, 7 October 2021.

4. FILMING - The Council, members of the public and the press may record / film / photograph or broadcast this meeting when the public and the press are not lawfully excluded. Any member of the public who attends a meeting and objects to being filmed should advise the Constitutional Services Officer who will instruct that they are not included in the filming.

Please note that anyone using recording equipment both audio and visual will not be permitted to leave the equipment in the room where a private meeting is held.

Recording and reporting the Council's meetings is subject to the law including the law of defamation, the Human Rights Act, the Data Protection Act and the law on public order offences.

MEMBERSHIP OF THE LICENSING PANEL IS AS FOLLOWS:  
Councillors Arnott, Cosgrove and F Hussain

### Item No

1 Election of Chair

The Panel is asked to elect a Chair for the duration of the meeting.

2 Apologies For Absence

3 Urgent Business

Urgent business, if any, introduced by the Chair

4 Declarations of Interest

To Receive Declarations of Interest in any Contract or matter to be discussed at the meeting.

5 Public Question Time

To receive Questions from the Public, in accordance with the Council's Constitution.

6 Order of Proceedings (Pages 1 - 4)

7 Licensing Act 2003 – Review of a Premises Licence following Review Notice (Pages 5 - 28)

Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standards.

8 Licensing Act 2003 - Application for New Premises Licence (Pages 29 - 66)

The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Timisoara, 248 Ashton Road, Oldham, OL8 1QN which, due to representations being received, has been referred to this Panel for determination.

## **OLDHAM BOROUGH COUNCIL**

### **LICENSING PANEL - ORDER OF PROCEEDINGS**

The procedure outlined below, which was enclosed with the notice of hearing sent to each party, and a copy of which is before you today, will be followed.

Documentary evidence may be relied upon and considered by the Panel if it has been served on the Licensing Authority prior to the hearing, or if all parties consent it can be produced on the day of the hearing.

Any person wishing to call a witness to speak at the hearing must have applied in writing for permission from the Licensing Authority at least 2 working days before the hearing and must also have provided the name of the witness and a brief description of the points on which that person may be able to assist the authority in relation to their application, representations or notice. Any application to call a witness where the party has not given 2 working days' notice will be considered by the Panel at the beginning of the hearing and permission will not be unreasonably withheld.

Each party will have the same amount of time in which to address the Panel, each party will have up to 60 minutes to address the authority and give any further information (which must be relevant to that party's or another party's application or representation). Where any party considers this time to be insufficient then, a request in writing may be made to the Constitutional Services Officer for an extension of time at least two working days before the hearing; however this will not automatically be granted, and will be at the discretion of the Panel.

Any person behaving in a disruptive manner will be asked to leave the hearing, however, if this occurs that person will be entitled to submit in writing any information they would have been entitled to give orally.

The Authority will provide a record of the hearing in a permanent and intelligible form and keep it for 6 years from the date of determination or disposal of any Appeal.

Members are advised that they are making decisions in a quasi-judicial manner. As such, they have a duty to view all evidence presented before them impartially. Members must disregard any information given by a party which is not relevant to the promotion of the licensing objectives. The Panel is not bound by the formal rules of evidence. Nevertheless, Members must carry out their duty placing what weight they feel is appropriate given the nature of the evidence and the manner in which it was obtained, and communicated.

## **ORDER OF PROCEEDINGS**

### **INTRODUCTION**

The Constitutional Services Officer (“the Clerk”) will welcome those present and outline the procedure to be followed (as set out below) and record those present. The Clerk will remind everyone that each party will have up to 60 minutes to address the Panel and give any further information.

### **APPLICATION**

The Licensing Officer will outline the nature of the application.

The applicant and/or their representative to address the Panel, present additional information in support of the application (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The Applicant and any witnesses may be questioned by Members of the Panel.

Any party, if given permission by the panel, may question the applicant and his witnesses, but this shall not take the form of cross examination.

### **REPRESENTATIONS**

The Party making the representation and/or their representative to address the members of the Panel, providing any additional information in support of their representation (where consent to do so has been granted) and call any witnesses (subject to having given the required prior notice or having received permission at the beginning of the hearing). The party and any witnesses may be questioned by Members of the Panel.

In the event that a number of members of the public are present at the meeting who intend to make a representation in relation to the application as interested parties then the Chair has discretion to ask that they appoint a nominated spokesperson to present their representations.

Any party, if given permission by the panel, may question the party making representations and his witnesses, but this shall not take the form of cross examination.

These representations will be taken in the following order: -

- Police Representation (unless they are the applicant)
- Licensing Authority
- Environmental Health Representation
- Other Responsible Authorities Representation
- Public Representation (Interested Parties)

### **CLOSING STATEMENTS**

The party making the representation may summarise their representation and make a closing statement.

The holder of the premises licence may summarise their representation and make a closing statement.

The Applicant may summarise the application and make a closing statement.

**SUMMARY** The Chair to summarise who has made representations.

### **DETERMINATION**

The Panel Members will leave the hearing to consider their decision in private. The panels may request the services of a legal representative and Constitutional Services Officer.

The Chair of the Panel will announce the determination of the application and the reasons for that determination, and it will then be confirmed in writing within 5 working days of the hearing.

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## **Licensing Panel**

### **Licensing Act 2003 – Review of a Premises Licence following Review Notice**

#### **Sunny News & Off Licence 4 Oxford Street Oldham, OL9 7SN**

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord  
Ext. 3472

**Date of Hearing: 12<sup>th</sup> October 2021**

#### **Reason for Hearing:**

Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standards.

#### **Recommendations**

Members are recommended to consider the application.

## **Licensing Panel – 12<sup>th</sup> October 2021**

Review of Premises Licence following Review Notice

Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN

### **1. Purpose of Report**

1.1 Pursuant to Section 53C of the Licensing Act 2003, the purpose of this report is to ask Members to review the premises licence in respect of Sunny News & Off Licence, 4 Oxford Street, Oldham, OL9 7SN following an application for review of those premises made by Oldham Council Trading Standard.

### **2. The Premises**

2.1 Sunny News & Off Licence is located at 4 Oxford Street, Oldham, OL9 7SN. The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) is Mr Riaz Ahmed.

2.2 A location map is attached at **Appendix 1**.

2.3 A copy of the existing premises licence is attached at **Appendix 2**.

### **3. The Application**

3.1 On 23<sup>rd</sup> July 2021 the applicant, Oldham Council Trading Standards, applied for a review of the premises licence for Sunny Off Licence. A copy of the application is attached at **Appendix 3**. The last date for representations in relation to this application was 20<sup>th</sup> August 2021.

3.2 The review was lodged on the following grounds:

Prevention of Crime & Disorder  
Public Safety; and,  
Protection of Children from Harm

3.3 In summary Trading Standards have found illicit tobacco and single cigarettes being sold on several occasions from this premises following complaints being received. The most recent occasion being the 20<sup>th</sup> February 2021 and dating back to the 8<sup>th</sup> April 2014. During this period illicit and counterfeit tobacco has been found on six occasions.

3.4 Following the seizure of illicit and counterfeit tobacco from the premises on the 8<sup>th</sup> April 2014 the premises were issued with a letter which was acknowledged and signed by the PLH and DPS. Since this, illicit and counterfeit tobacco has been found on a further five occasions. On the 31<sup>st</sup> October 2019 and the 16<sup>th</sup> January 2021 letters were sent to the premises notifying them of recent complaints, however, no response was received.

3.5 Full details of the complaints and visits to the premises are included in the Review Application attached at **Appendix 3**.

3.6 As part of the review, Trading Standards are seeking revocation of the premises licence.

### **4. Representations**

4.1 No representations have been received for this application





## 5. Licensing Policy

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to Section 6 – Crime & Disorder, Section 7 – Public Safety and Section 9 – Protection of Children from Harm.

5.2 A full copy of the Council's Licensing Policy Statement will be available at the hearing.

## 6. Secretary of State's Guidance

6.1 Members also need to consider statutory guidance issued by the Secretary of State under Section 182 of the Licensing Act 2003.

6.2 Chapter 11 of the guidance deals with reviews. Members' attention is drawn to paragraphs 11.17 to 11.20 which provide:

11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promoting the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.

11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.

11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:

- a. modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- b. exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- c. remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- d. suspend the licence for a period not exceeding three months;
- e. revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

6.3 Sections 11.24 to 11.28 cover reviews arising in connection with crime and members' attention is drawn to this area and specifically paragraph 11.27 and 11.28 which provide:



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

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter any such activities and crime. 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 licence – even in the first instance – should be seriously considered.

6.4 A full copy of the guidelines will be available at the hearing.

## **7. Options**

7.1 When determining the application Members may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps available to Members are:

- a. To modify the conditions of the licence
- b. To exclude a licensable activity
- c. To remove the designated premises supervisor
- d. To suspend the premises licence for a period not exceeding 3 months; or
- e. To revoke the licence

7.2 Any steps appropriate to promote the licensing objectives should be specified. If none of the steps are appropriate and proportionate, no action should be taken.

7.3 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure. The decision should be based on the individual merits of the application.

## **8. Consultation**

8.1 Consultation in accordance with the Act has taken place with all responsible bodies and notice has been given to allow for any representations from interested parties.

## **9. Legal Services Comments**

9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance referred to in paragraph 7. The chief officer of police for the police area in which the premises are situated, the holder of the premises licence or any other person who made relevant representations in relation to the application for the review have a right of appeal to the Magistrates' court within the period of 21 days beginning with the day on which the appellant was notified by the licensing authority of the decision appealed against. (S Rawat)

## **10. Environmental and Health & Safety Implications**

10.1 None

## **11. Equality, Community Cohesion & Crime Implications**

11.1 The Councils Statement of Licensing Policy considers these matters. All decisions made by the Licensing Panel must have regard to this policy and national guidance.



**Oldham**  
Council

## **12. Background Papers**

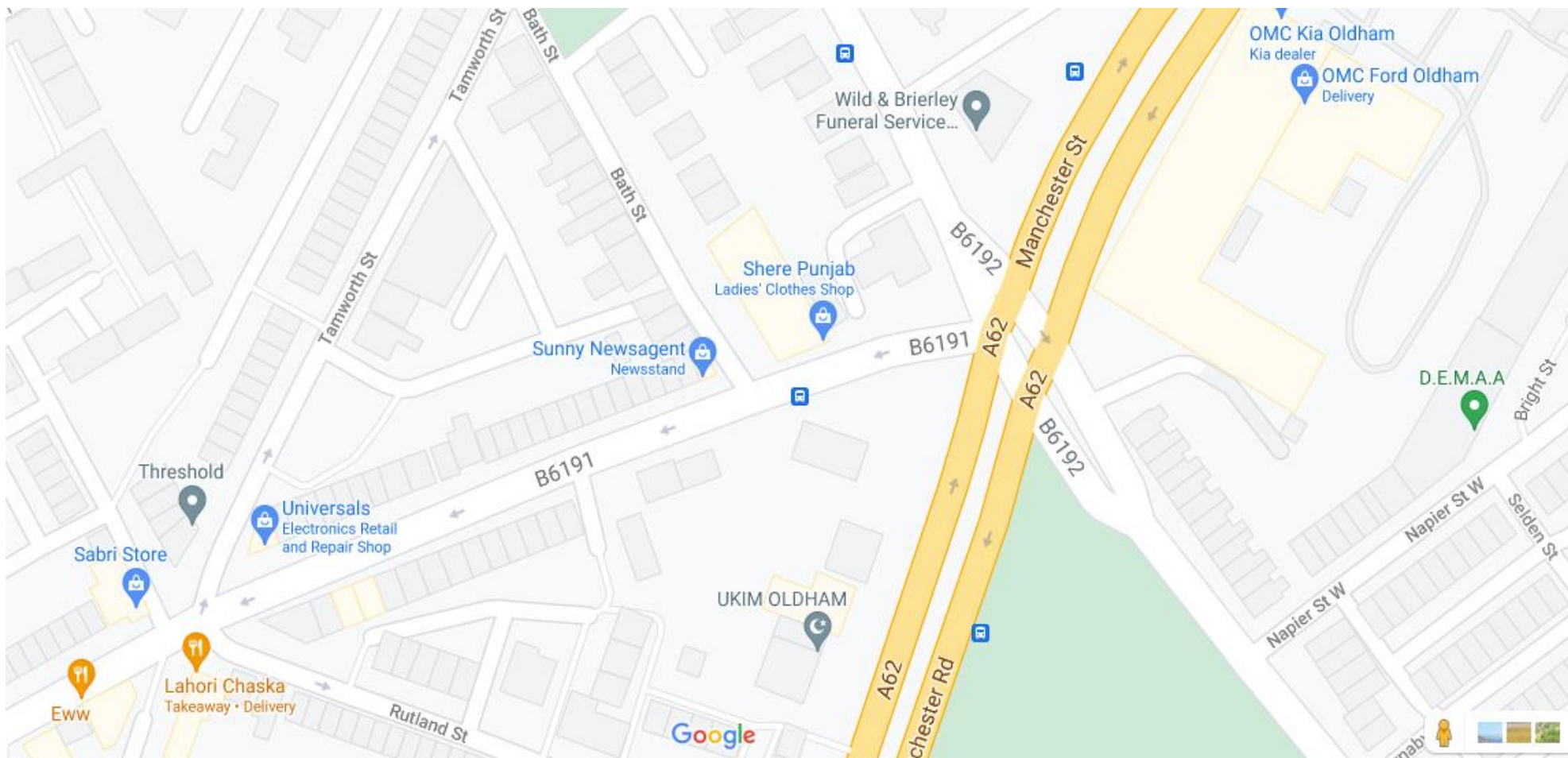
12.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Records held in Directorate  
Officer Name: Nicola Lord  
Contact No: 0161 770 3472

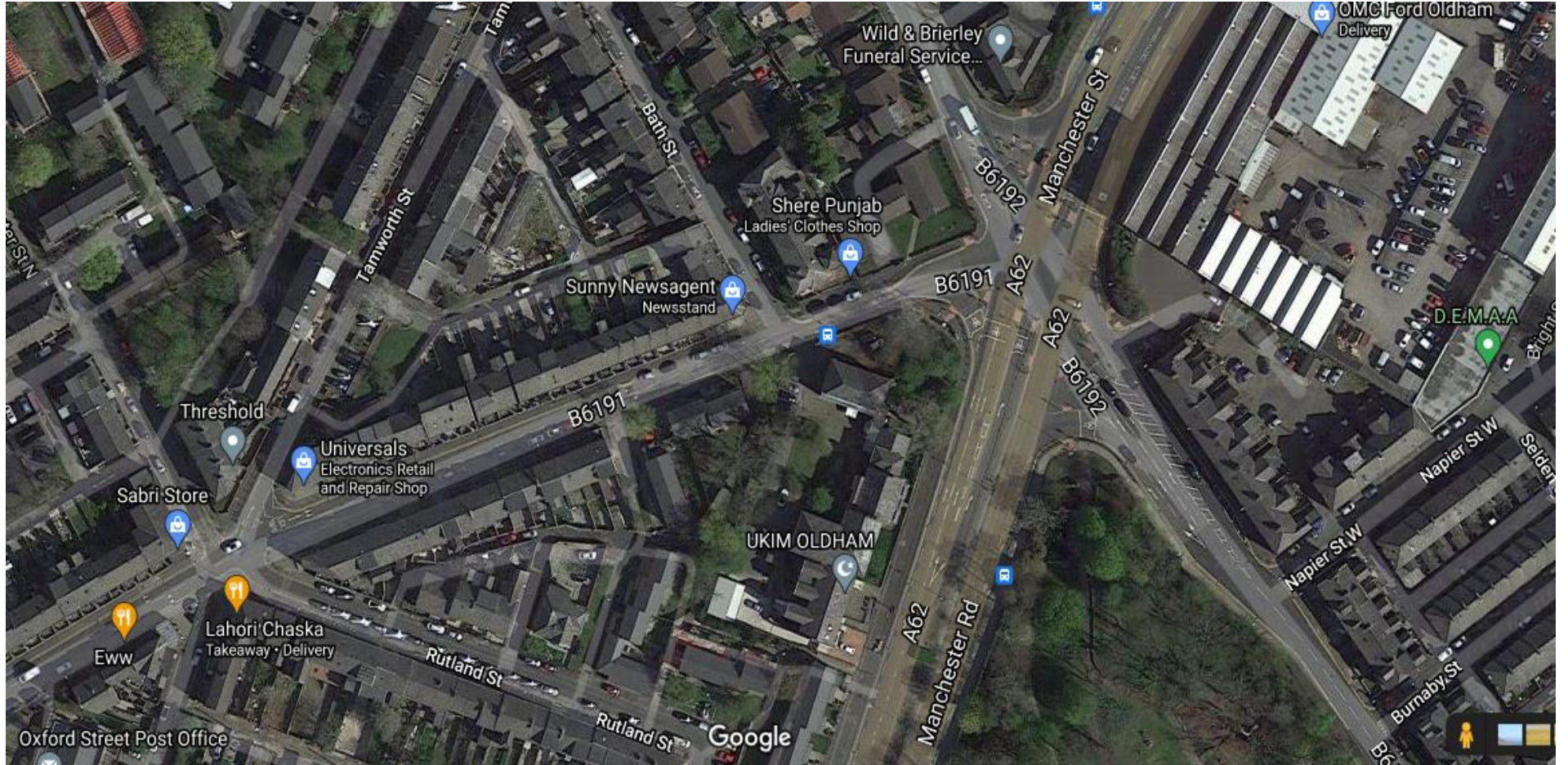
## **13. Appendices**

Appendix 1 – Location map  
Appendix 2 – Existing premises licence  
Appendix 3 – Review Application

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Licensing Act 2003  
**Premises Licence**

**PL0611**

LOCAL AUTHORITY



**Oldham Council**  
Sir Robert Peacock House  
Vulcan Street  
Oldham  
Greater Manchester  
OL1 4LA

tel: 0161 770 4730  
web: [www.oldham.gov.uk](http://www.oldham.gov.uk)

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Sunny Video**

4 - 6 Oxford Street, Werneth, Oldham, OL9 7SN.

Telephone 01616269274

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

**Licence Issued** 05/02/2021

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm	other than Christmas Day
	Sunday	10:00am	10:30pm	other than Christmas Day
	Christmas Day	Noon	3:00pm	and 19:00 to 22:30
	Good Friday	8:00am	10:30pm	

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

Licensing Act 2003  
**Premises Licence**

**PL0611**

Part 2

**NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE**

Riaz Ahmed

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.  
Telephone 01616269274

**REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)**

**NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE  
AUTHORISES THE SUPPLY OF ALCOHOL**

Riaz AHMED

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.  
Telephone 01616269274

**PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR  
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL**

Licence No. PA0151

Issued by Oldham

# Premises Licence

## ANNEXES

### Annex 1 - Mandatory conditions

19 Mandatory conditions where licence authorises supply of alcohol

(1) Where a premise licence authorises the supply of alcohol, the licence must include the following conditions.

(2) The first condition is that no supply of alcohol may be made under the premises licence -

(a) at a time when there is no designated premises supervisor in respect of the premises licence, or

(b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### ADDITIONAL MANDATORY CONDITIONS

1. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark

### Annex 4 - Embedded Conditions

#### S.164 LA 1964

#### Off-licence

Alcohol shall not be sold in an open container or be consumed in the licensed premises.

#### Off-licences and off-sales departments of on-licensed

- a. On weekdays, other than Christmas Day, 8 a.m. to 11 p.m. premises
- b. On Sundays, other than Christmas Day, 10 a.m. to 10.30 p.m.
- c. On Christmas Day, 12 noon to 3 p.m. and 7 p.m. to 10.30 p.m.
- d. On Good Friday, 8 a.m. to 10.30 p.m.

The above restrictions do not prohibit:

- (a) during the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
- (b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;
- (c) the sale of alcohol to a trader or club for the purposes of the trade or club;
- (d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces.

## ANNEXES continued ...

**S.166 LA 1964****Licensed premises**

- Alcohol shall not be sold or supplied unless it is paid for before or at the time when it is sold or supplied, except alcohol sold or supplied:
- (a) with and for consumption at a meal supplied at the same time, consumed with the meal and paid for together with the meal;
  - (b) for consumption by a person residing in the premises or his guest and paid for together with his accommodation;
  - (c) to a canteen or mess.



**John Garforth**  
**Trading Standards & Licensing Manager**

## LOCAL AUTHORITY

**Oldham Council**

Sir Robert Peacock House  
Vulcan Street  
Oldham  
Greater Manchester  
OL1 4LA

tel: 0161 770 4730

web: www.oldham.gov.uk

## Premises Details

## POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

**Sunny Video**

4 - 6 Oxford Street, Werneth, Oldham, OL9 7SN.

Telephone 01616269274

## WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

**Licence Issued** 05/02/2021

## LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the supply of alcohol

## THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To	
J. Supply of alcohol for consumption OFF the premises only	Monday to Saturday	8:00am	11:00pm	other than Christmas Day
	Sunday	10:00am	10:30pm	other than Christmas Day
	Christmas Day	Noon	3:00pm	and 19:00 to 22:30
	Good Friday	8:00am	10:30pm	

## THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
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## WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- J. Supply of alcohol for consumption OFF the premises only

## NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Riaz Ahmed

4 Oxford Street, Oldham, Greater Manchester, OL9 7SN.

## REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Riaz AHMED

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED

Any Restrictions or Prohibitions imposed by the Licensing Act 2003



**John Garforth**

**Trading Standards & Licensing Manager**

*[Insert name and address of relevant licensing authority and its reference number (optional)]*

**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 Antony Perkins on behalf of Oldham Trading Standards**

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Sunny Newsagents and Off-Licence, 4 Oxford Street, Oldham, OL9 7SN	
<b>Post town</b> Oldham	<b>Post code (if known)</b> OL9 7SN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Riaz Ahmed
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<b>Number of premises licence or club premises certificate (if known)</b> PL0611
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**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

Oldham Trading Standards, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA

Telephone number (if any)

**0161 770 4100**

E-mail address (optional)

tradingstandards@oldham.gov.uk

**This application to review relates to the following licensing objective(s)**

1) the prevention of crime and disorder

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

Please tick one or more boxes ✓

☒☒☐☒

**Please state the ground(s) for review** (please read guidance note 2)

- In response to complaints received about illegal and single cigarettes being sold from these licensed premises trading standards have found and seized counterfeit and illicit tobacco on four occasions since 2014.
- This illegal tobacco was found on the premises despite Mr Riaz AHMED (premises licence holder and designated premises supervisor) previously being issued with warning letters by trading standards in 2014 and also again 2019.
- A warning had also been issued to Mr Mohammed ALAM (a purported owner of the business) in 2019.
- The illegal tobacco was found under the counter as opposed to being within the shop's visible tobacco gantry which stocks genuine cigarettes. On one occasion illegal tobacco was observed being hidden at the rear of Mr ALAM's residential address located on the same street as the shop. This occurred while searches were being executed simultaneously at both locations and the tobacco was subsequently seized.
- On several occasions opened cigarettes packets were found under the shop counter which indicates that cigarettes were being sold as singles from the premises as alleged in some of the complaint received by this department.

**PLEASE SEE THE SUPPORTING INFORMATION SECTION OF THIS APPLICATION FOR FURTHER DETAILS OF THESE INCIDENTS AND COMPLAINTS**

#### **PREVENTION OF CRIME AND DISORDER**

We believe that this review application relates to the licensing objective of **prevention of crime and disorder** because it is a criminal offence to sell or offer for sale cigarettes which are counterfeit or illicit. It is also a criminal offence to split cigarette packs and sell cigarettes as 'singles'

s.92 **Trade Marks Act 1994** makes it a criminal offence to expose for sale or possess for supply counterfeit cigarettes and tobacco products which bear a sign identical to or likely to be mistaken for a registered trade mark. For illicit (smuggled) tobacco it is a criminal offence under **The Standardised Packaging of Tobacco Products Regulations 2015** to offer or possess for supply sale tobacco products which do not bear the standardised packaging and graphic health warnings in English. Illicit tobacco does not comply with these labelling or health warning requirements. It is also a criminal offence under these same Regulations to split and sell cigarette packets or to sell cigarettes as 'singles'. Finally it is also a criminal offence under s.144 **Licensing Act 2003** for the premises licence holder or DPS to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. Such goods would include illicit cigarettes as these products are not intended for sale in the UK and duty has not been paid.

The illegal cigarettes found at the premises were seized under this criminal trade marks and standardised packaging legislation on all four occasions. Given the recurring pattern of complaints from members of the public against the premises and the subsequent seizures by trading standards officers of illicit and counterfeit tobacco we have concerns that the illegal sales of these products are a core activity of this business.

The warnings and advice issued to both Mr AHMED and Mr ALAM does not appear to have stopped these repeated occurrences. Moreover, the fact that these products were found under the counter and in one instance were observed being deposited outside from the back of an associated residential address while searches were being conducted suggests that attempts are being made to avoid this criminal activity being detected.

#### **PUBLIC SAFETY AND THE PROTECTION OF CHILDREN FROM HARM**

We believe that this review also relates to the licensing objective of **public safety and the protection of children from harm**.

The World Health Organisation has identified the illicit trade in tobacco products to be a serious threat to public health. In its *Protocol to Eliminate Illicit Trade in Tobacco Products* (ratified by the UK Government in June 2018) it states that the illicit trade in tobacco products, '*poses a serious threat to public health. Illicit trade increases the accessibility and affordability of tobacco products, thus fuelling the tobacco epidemic and undermining tobacco control policies.*'<sup>1</sup>

Oldham trading standards have received complaints of underage tobacco sales and cigarettes being sold singly from the premises as outlined in the supporting information. Searches at the premises have identified opened packets of illegal tobacco underneath the shop counter on several occasions. Illegal tobacco products are sold at a cheaper price than legitimate tobacco making them more affordable to children. They are even more affordable when packets of cigarettes are split and sold as singles. A survey of 14-17 year olds commission by Trading Standards North West found that 14% of the 14-17 years surveyed in the North West said that they had purchased illegal cigarettes within the last 12 months. 66% of these illegal cigarettes were purchased from shops.

Since 2017 all cigarettes and hand rolling tobacco sold in the UK must be contained within standardised packaging with graphic warnings and images. Some of the objectives of these standardised packaging being brought in as law were;

- discouraging people from starting to use tobacco products
- encouraging people to give up using tobacco products

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<sup>1</sup> WHO Protocol to Eliminate Illicit Trade in Tobacco Products  
[https://www.who.int/fctc/protocol/illicit\\_trade/protocol-publication/en/](https://www.who.int/fctc/protocol/illicit_trade/protocol-publication/en/)

- reducing potential for packaging to detract from the effectiveness of health warnings.<sup>2</sup>

However, illicit and counterfeit cigarettes such as those found at Sunny Newsagents do not comply with these requirements and have branded packaging meaning that any health warnings are less prominent and serve to undermine these objectives.

Based on the grounds outlined above and the repeated criminal offences detected at the shop we are seeking a review of its premises licence. We would respectfully ask the panel to consider revocation of the premises licence on the following grounds;

- we have concerns that removal of the DPS would not address the issues given that our enforcement activities have identified that the other operators associated with the business (including the owner, Mr Alam and his wife) are also both involved in this illegal activity. As a result it is unclear whether there is anyone with sufficient control of the business, who could take on this role with sufficient assurance that this criminal activity would cease
- we are also not confident that a temporary suspension would address the issues given that despite both Mr Riaz as DPS/PLH and Mr Alam having opportunity over a number of years to act on the comprehensive advice and warnings provided to them, illegal tobacco has continued to be seized throughout this period.
- Finally, the repeated discovery of illegal tobacco under the shop counter despite our seizures and warnings suggests that it is the intention of the business operators to habitually engage in this illegal activity which brings into doubt their suitability to adhere to the licensing objectives

Details of the complaints, seizure and actions taken against the premises to date can be found in the following supporting information section.

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

According to departmental records 10 complaints have been received since 2014 which relate to the sale of illicit illegal tobacco from the premises and/or underage sales. The nature of the allegations are as follows

January 2021 Illegal tobacco being sold and underage sales of tobacco to children  
 August 2019 Underage sales of cheap tobacco  
 August 2019 Counterfeit cigarettes being sold  
 July 2019 Counterfeit cigarettes being sold from under the counter  
 April 2019 Counterfeit cigarettes sales  
 March 2019 Counterfeit and single cigarette sales  
 March 2019 Sales of counterfeit cigarettes  
 January 2019 Counterfeit cigarettes being sold  
 August 2015 Sales of foreign imported cigarettes – customers asked to hide them before leaving the shop.  
 February 2014 Illicit tobacco being sold from the premises

On **8<sup>th</sup> April 2014** Mr AHMED (Premises Licence Holder and Designated Premises Supervisor). was issued with a warning in relation to a seizure illicit and counterfeit tobacco from his premises. That seizure comprised of 60 x cigarettes & 100g of hand rolling tobacco which were all counterfeit. On 17<sup>th</sup> April Mr Ahmed signed an acknowledgement in the presence of a trading standards officer to confirm that he had received the letter and agreed to comply with the requirements and advice it

<sup>2</sup> EXPLANATORY MEMORANDUM TO THE STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015 No. 829  
[https://www.legislation.gov.uk/uksi/2015/829/pdfs/ukxiem\\_20150829\\_en.pdf](https://www.legislation.gov.uk/uksi/2015/829/pdfs/ukxiem_20150829_en.pdf)

provided. Mr Ahmed at the time also signed a voluntary forfeiture for the seized illicit and counterfeit cigarettes so that Oldham trading standards could securely destroy them.

**However, since Mr Ahmed received this warning illegal tobacco products have been recovered from the trading standards on the following occasions;**

1. On **24<sup>th</sup> June 2019** in response to allegations of counterfeit and illicit tobacco the premises were searched and 180 Richmond cigarettes (counterfeit) were found under the counter along with two opened packets. Mr Mohammed ALAM was present.
2. On **9<sup>th</sup> October 2019** in response to allegations of sales of illicit tobacco, single cigarettes and sales to persons under the age of 18 the premises was searched and an opened packet containing 3 x illicit 'Heritage Premium' cigarettes was found under the shop counter. Mr AHMED the licence holder was present at the time. While a search of the shop was taking place an entry warrant was simultaneously executed at a nearby residential address on the same street used by both Mr ALAM and Mr AHMED. A police officer stationed at the rear of the property observed an Asian female remove a box and place it outside an external toilet at the rear before she opened the front door so that the search could commence. The box was recovered and found to contain 400 x illicit cigarettes of the same brand as found within the shop premises and the Asian female was identified to be Ms Nasreen AKHTAR, Mr ALAM's wife. Mr AHMED also subsequently attended the residential premises. Warning letters in relation to these seizures were issued to Mr AHMED, Mr ALAM and Ms AKHTAR.
3. On **31<sup>st</sup> October 2019** a letter was sent to Mr ALAM at the premises notifying him that trading standards had received allegations of underage sales taking place at the premises. We have no record of any response being received.
4. On **15<sup>th</sup> January 2020** 40 x assorted cigarettes comprising of 4 x opened packets of various brands were found under the shop counter and a further 140 x Richmond cigarettes were found concealed within a coat pocket behind the same counter. The sole employee present at the premises claimed that it was his first day and he had not been trained because he was just covering for the owner. The employee did not know whether there was an underage sales refusals book on the premises. MR RIAZ was (and still is) the licence holder for the shop. However, Mr ALAM attended a recorded interview and stated that he had been involved with the shop since 2014 and was now the sole director of the business. Mr ALAM signed to confirm that he had received written advice about the criminal offences relating to the sale of illegal tobacco. Mr ALAM attempted to claim that the tobacco found under the shop counter was for 'personal use' by his staff. Following interview he was given comprehensive written advice during a meeting with a trading standards officer recommending that he provide lockers for staff personal property so that no illegal tobacco would be found within the shop floor or counter area in the future.
5. On **16<sup>th</sup> January 2021** a letter was sent to the premises raising allegations of underage sales taking place and notifying the business that trading standards will be conducting test purchases. We have no record of any response being received.
6. On **11<sup>th</sup> February 2021** 200 x counterfeit Richmond Cigarettes were purchased from the premises during an undercover test purchasing operation arranged by trading standards. In that instance the cigarettes were obtained from the back room of the premises by the staff member.
7. Nine days later on **20<sup>th</sup> February 2021** Mr ALAM himself was in attendance at the premises when 180 Richmond Cigarettes were found in a bag under the shop counter and seized from the premises. This recurrence suggests that the advice given to Mr ALAM the previous year to provide staff with lockers for their tobacco for 'personal' use' had not been followed.

Given the repeated recurrences at the premises despite prolonged enforcement action and warnings being issued to the licence holder and purported owner there appears to be a wilful intention to undertake this illegal activity. We believe that this criminal activity breaches the licensing objectives outlined in the previous section.

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

**NO**

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

**Please tick ✓**

- 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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**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 **23/07/2021**  
.....

Capacity **Trading Standards Officer on behalf of Oldham Trading Standards**  
.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

## **Licensing Panel**

### **Licensing Act 2003 – Application for New Premises Licence**

#### **Timisoara, 248 Ashton Road, Oldham, OL8 1QN**

Report of: Executive Member – Neighbourhoods

Officer Contact: Nicola Lord  
Ext. 3472

**Date of Hearing: 12<sup>th</sup> October 2021**

#### **Reason for Hearing:**

The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Timisoara, 248 Ashton Road, Oldham, OL8 1QN which, due to representations being received, has been referred to this Panel for determination.

#### **Recommendations:**

Members are recommended to consider the application taking into account the representations received.

## **Licensing Panel – 12<sup>th</sup> October 2021**

Application for a New Premises Licence

Timisoara, 248 Ashton Road, Oldham, OL8 1QN

### **1. Purpose of Report**

1.1 The purpose of this report is to inform members of an application for the grant of a premises licence in respect of Timisoara, 248 Ashton Road, Oldham, OL8 1QN which, due to representations being received, has been referred to this Panel for determination.

### **2. Recommendations**

2.1 Members are recommended to consider the application taking into account the representations received.

### **3. The Application**

3.1 On 18<sup>th</sup> August 2021 the applicant, Mr Sardar Ahmad Mohammed, applied for the grant of a premises licence for Timisoara. The last date for representations in relation to this application was 15<sup>th</sup> September 2021.

3.2 Details of the licensable activities and the times applied for are as follows:

<b>Activity</b>	<b>Indoors / Outdoors</b>	<b>Hours</b>
Supply of Alcohol	For consumption OFF the premises	Monday to Sunday – 24 hours

3.5 A copy of the application and proposed plan is attached at **Appendix 1**.

3.6 A location map is attached at **Appendix 2**.

### **4. Representations**

4.1 Following submission and advertisement of the application responsible authority representations were received from Greater Manchester Police and Trading Standards, objecting to the licence being granted at all. These can be found at **Appendix 3** to the report.

### **5. Licensing Policy**

5.1 Members considering this application should take note of the Authority's Licensing Policy Statement. Attention should be drawn to Section 6 – Crime & Disorder.

5.2 A full copy of the Council's Licensing Policy Statement will be available at the hearing.

### **6. Secretary of State's Guidance**

6.1 Members also need to consider statutory guidance issued, by the Secretary of State, under Section 182 of the Licensing Act 2003.

6.2 Members attention should be drawn to section 2 in respect of Crime & Disorder and in particular paragraph 2.5 which provides the following in respect of duties of the DPS in preventing crime & disorder:



“Conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained. The designated premises supervisor is the key person who will usually be responsible for the day-to-day management of the premises by the premises licence holder, including the prevention of crime & disorder. A condition of this kind may only be justified as appropriate in rare circumstances where it can be demonstrated that, in the circumstances associated with particular premises, poor management competency could give rise to issues of crime & disorder and public safety.

6.4 A full copy of the guidelines will be available at the hearing.

## **7. Options**

7.1 When determining the application Members, having had regard to the representations, may take such steps as they consider appropriate for the promotion of the licensing objectives. The steps available to Members are:

- a. Grant the application as applied for with or without the amendments agreed with Environmental Health
- b. Grant the application but modify the operating schedule in relation to hours, days, conditions, or activities
- c. Reject the application

7.2 Any steps appropriate to promote the licensing objectives should be specified. If none of the steps are appropriate and proportionate, no action should be taken.

7.3 In arriving at a decision Members must have regard to the relevant provisions of national guidance and the licensing policy statement and reasons must be given for any departure.

7.4 The decision should be based on the individual merits of the application.

## **8. Consultation**

8.1 Consultation in accordance with the Act has taken place with all responsible bodies and notice has been given to allow for any representations from interested parties.

## **9. Legal Services Comments**

9.1 In determining the application Members should have regard to the Authority's licensing policy statement and the Secretary of State's Guidance. The applicant for the premises licence or any other person who made relevant representations in relation to the application have a right of appeal to the Magistrates' court. (A Evans)

## **10. Environmental and Health & Safety Implications**

10.1 Contained within the body of the report.

## **11. Equality, Community Cohesion & Crime Implications**

11.1 The Councils Statement of Licensing Policy considers these matters. All decisions made by the Licensing Panel must have regard to this policy and national guidance.

## **12. Equality Impact Assessment Completed?**

12.1 No



**Oldham**  
Council

### **13. Background Papers**

13.1 The following is a list of background papers on which this report is based in accordance with the requirements of Section 100(1) of the Local Government Act 1972. It does not include documents which would disclose exempt or confidential information as defined by the Act:

File Ref: Records held in Directorate  
Officer Name: Nicola Lord  
Contact No: 0161 770 3472

### **14. Appendices**

Appendix 1 – Application & Proposed Plan  
Appendix 2 – Location Map  
Appendix 3 – Representations

# Oldham Borough Council

Application for a premises licence to be granted 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/We Mr Sardar Ahmad Mohammed

*(Insert name(s) of applicant)*

**apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003**

### Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description Timisoara 248 Ashton Road			
Post town	Oldham	Postcode	OL8 1QN
Telephone number at premises (if any)		07921405 128	
Non-domestic rateable value of premises		£ 6.800	

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- |  |                                     |                             |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals *                    | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual *               |                                     |                             |
| i as a limited company/limited liability partnership | <input type="checkbox"/>            | please complete section (B) |
| ii as a partnership (other than limited liability)   | <input type="checkbox"/>            | please complete section (B) |
| iii as an unincorporated association or              | <input type="checkbox"/>            | please complete section (B) |
| iv other (for example a statutory corporation)       | <input type="checkbox"/>            | please complete section (B) |
| c) a recognised club                                 | <input type="checkbox"/>            | please complete section (B) |
| d) a charity   | <input type="checkbox"/>            | please complete section (B) |
| e) the proprietor of an educational establishment    | <input type="checkbox"/>            | please complete section (B) |
| f) a health service body                             | <input type="checkbox"/>            | please complete section (B) |

- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England ☐ please complete section (B)
- h) the chief officer of police of a police force in England and Wales ☐ please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or ☒

I am making the application pursuant to a  
 statutory function or ☐  
 a function discharged by virtue of Her Majesty's prerogative ☐

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Mohammed			First names Sardar Ahmad		
Date of birth: [REDACTED]		I am 18 years old or over		<input checked="" type="checkbox"/>	Please tick yes
Nationality: [REDACTED]					
Current residential address if different from premises address		[REDACTED]			
Post town	[REDACTED]	Postcode	[REDACTED]		
Daytime contact telephone number		[REDACTED]			
E-mail address (optional)	[REDACTED]				

**SECOND INDIVIDUAL APPLICANT** (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over		<input type="checkbox"/>	Please tick yes
Nationality					
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					

<b>E-mail address (optional)</b>	
----------------------------------	--

**(B) OTHER APPLICANTS**

**Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.**

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	M	YYY
1	5	0
9	2	0
2	1	

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	M	YYYY

Please give a general description of the premises (please read guidance note 1)

Small continental grocery shop consisting of one main retail area on the ground floor, situated on a main road.  
The premises also has a cellar that has an open staircase at the back of the shop that is used for storage

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

--

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- |  |                          |
|--|--------------------------|
| a) plays (if ticking yes, fill in box A)   | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B)   | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C)  | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D)   | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E)  | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F)  | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G)   | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g)<br>(if ticking yes, fill in box H) | <input type="checkbox"/> |

**Provision of late night refreshment** (if ticking yes, fill in box I)

☐

**Supply of alcohol** (if ticking yes, fill in box J)

X

**In all cases complete boxes K, L and M**

# A

<b>Plays</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of a play take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue						
			<b>State any seasonal variations for performing plays</b> (please read guidance note 5)			
Wed						
Thur						
			<b>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Fri						
Sat						
Sun						

# B

<b>Films</b> Standard days and timings (please read guidance note 7)			<b><u>Will the exhibition of films take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)			
Mon						
Tue						
			<b><u>State any seasonal variations for the exhibition of films</u></b> (please read guidance note 5)			
Wed						
Thur						
			<b><u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Fri						
Sat						
Sun						



C

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 7)			<b><u>Please give further details</u></b> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<b><u>State any seasonal variations for indoor sporting events</u></b> (please read guidance note 5)
Wed			
Thur			
Fri			<b><u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)
Sat			
Sun			

# D

<b>Boxing or wrestling entertainments</b> Standard days and timings (please read guidance note 7)			<b><u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish				
Mon			<b><u>Please give further details here</u></b> (please read guidance note 4)			
Tue						
Wed			<b><u>State any seasonal variations for boxing or wrestling entertainment</u></b> (please read guidance note 5)			
Thur						
Fri			<b><u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)			
Sat						
Sun						

# E

<b>Live music</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of live music take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors <input type="checkbox"/>
					Outdoors <input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<b>Please give further details here</b> (please read guidance note 4)		
Tue					
Wed			<b>State any seasonal variations for the performance of live music</b> (please read guidance note 5)		
Thur					
Fri			<b>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
Sat					
Sun					

# F

<b>Recorded music</b> Standard days and timings (please read guidance note 7)			<b><u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue					
			<b><u>State any seasonal variations for the playing of recorded music</u></b> (please read guidance note 5)		
Wed					
Thur					
			<b><u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Fri					
Sat					
Sun					

# G

<b>Performances of dance</b> Standard days and timings (please read guidance note 7)			<b>Will the performance of dance take place indoors or outdoors or both – please tick</b> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 4)			
Mon						
Tue			<b>State any seasonal variations for the performance of dance</b> (please read guidance note 5)			
Wed			<b>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</b> (please read guidance note 6)			
Thur						
Fri						
Sat						
Sun						

## H

<b>Anything of a similar description to that falling within (e), (f) or (g)</b> Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<b><u>Please give further details here</u></b> (please read guidance note 4)		
Wed					
Thur			<b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 5)		
Fri					
Sat			<b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Sun					

# I

<b>Late night refreshment</b> Standard days and timings (please read guidance note 7)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b><u>Please give further details here</u></b> (please read guidance note 4)		
Mon					
Tue			<b><u>State any seasonal variations for the provision of late night refreshment</u></b> (please read guidance note 5)		
Wed			<b><u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u></b> (please read guidance note 6)		
Thur					
Fri					
Sat					
Sun					

**J**

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 7)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 8)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 5)		
Mon	06.00				
		06.00			
Tue	06.00				
		06.00			
Wed	06.00				
		06.00			
Thur	06.00				
		06.00			
Fri	06.00				
		06.00			
Sat	06.00		<b>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 6)		
		06.00			
Sun	06.00				
		06.00			

**State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):**

Name Mr Sardar Ahmad Mohammed	
Date of birth: [REDACTED]	Place of birth: [REDACTED] Nationality: [REDACTED]
Address [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) PL3111	
Issuing licensing authority (if known) Oldham Borough Council	



K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

None

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<b><u>State any seasonal variations</u></b> (please read guidance note 5)
Day	Start	Finish	
Mon	06.00		<b><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u></b> (please read guidance note 6)
		06.00	
Tue	06.00		
		06.00	
Wed	06.00		
		06.00	
Thur	06.00		
		06.00	
Fri	06.00		
		06.00	
Sat	06.00		
		06.00	
Sun	06.00		
		06.00	

**M** Describe the steps you intend to take to promote the four licensing objectives:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 10)**

**1. CCTV**

- 1.1 The premises shall install and maintain a digital CCTV system
- 1.2 The CCTV system shall have sufficient hard drive storage capacity to store a minimum of 31 days.
- 1.3 The CCTV system shall be capable of obtaining clear facial recognition images and a clear head and shoulders image of every person entering or leaving the premises at the entrance.
- 1.4 A CCTV log will be completed on a weekly basis to record all elements of the CCTV System is maintained in good working order and recordings date and time stamped.
- 1.5 Only nominated staff shall be trained in the operation of the CCTV system to ensure rapid data retrieval & downloads of footage can be provided to the Police & the Local Authority Officer upon reasonable request in accordance with the Data Protection Act.
- 1.6 CCTV shall be continually recording during licensable hours.
- 1.7 In the event of a failure of the CCTV system for any reason, a record of the failure will be recorded in the premises log and immediate steps will be made to rectify the problem.
- 1.8 Proxy signs will be sited on the premises to deter proxy sales on behalf of under 18's.
- 1.9 The DPS will provide training to staff in relation to alcohol sales and to authorise the employees the DPS considers competent to sell alcohol on their behalf in writing. A written sale of Alcohol register will be maintained at the premises.

**b) The prevention of crime and disorder**

**2. Incident / Refusals Register**

- 2.1 An incident log must be kept at the premises. Log records will be retained for a period of 12 months from the date it occurred. It will be made immediately available on request to an 'authorised person' (as defined by section 13 of the Licensing Act 2003), an authorised trading standards officer or the police, and must record the following;
  - (a) All crimes reported to the premises (where relevant to the licensing objectives)
  - (c) Any incidents of disorder
3. When the designated premises supervisor is not on duty, a contact telephone number will be available at all times.
4. All spirits will be stored and sold behind the counter.
5. Roller shutters have been installed at the front and a steel security door at the rear of the premises.

**c) Public safety**

No risk has been assessed under the Licensing Act 2003

**d) The prevention of public nuisance**

6. Prominent, clear and legible signage shall be displayed at all exits to the premises requesting the public to respect the needs of local residents and to leave the premises and the area quickly and quietly. (Quiet Notice).
7. All deliveries of good will be received at the rear of the premise.
8. All waste products will be stored in a suitable receptacle at the rear of the premise.
9. No exterior lights apart from the rear security light fixed to the premises, will cause annoyance to any residential property.

**e) The protection of children from harm**

9. A written register of refusals will be kept including a description of the people who have been unable to provide required identification to prove their age. Such records shall be kept for a period of 12 months and will be collected by the designated premises supervisor and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer the local authority/council on demand.

10. All staff engaged in the sale of alcohol to be trained in Challenge 21. Training records shall be kept on the premises and produced to the police or an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised trading standards officer of the local authority/council on demand

**11. Challenge 25**

11.1 The premises shall operate a Challenge 25 policy. Such policy shall be written down and kept at the premises. The policy shall be produced on demand by the police, an 'authorised person' (as defined by section 13 of the licensing act 2003) or an authorised Trading Standards Officer.

11.2 Prominent, clear and legible Challenge 25 signage shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme operated.

**Checklist:**

**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. X
- I have enclosed the plan of the premises. X
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☐  
*Electronic application*
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. X
- I understand that I must now advertise my application. X

- I understand that if I do not comply with the above requirements my application will be rejected. X
- [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). X

*It is an offence, under section 158 of the licensing act 2003, to make a false statement in or in connection with this application. Those who make a false statement may be liable on summary conviction to a fine of any amount. It is an offence under section 24b of the immigration act 1971 for a person to work when they know, or have reasonable cause to believe, that they are disqualified from doing so by reason of their immigration status. Those who employ an adult without leave or who is subject to conditions as to employment will be liable to a civil penalty under section 15 of the immigration, asylum and nationality act 2006 and pursuant to section 21 of the same act, will be committing an offence where they do so in the knowledge, or with reasonable cause to believe, that the employee is disqualified*

**Part 4 – Signatures** (please read guidance note 11)

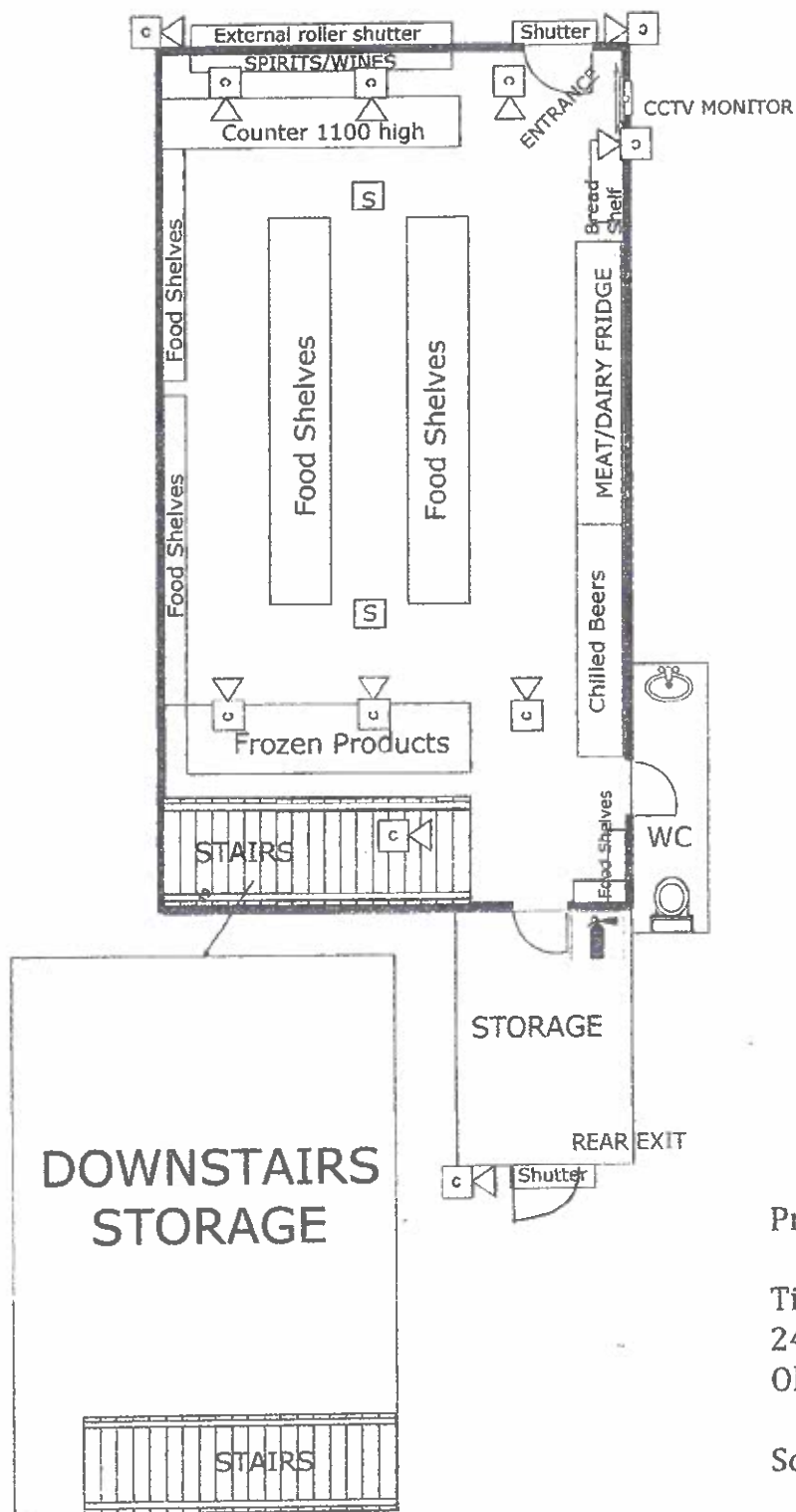
**Signature of applicant or applicant's solicitor or other duly authorised agent** (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

<b>Declaration</b>	<ul style="list-style-type: none"> <li>• [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15).</li> <li>• The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work relating to a licensable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)</li> </ul>
Signature	<i>J. Clarke</i>
Date	17 <sup>th</sup> August 2021
Capacity	Agent on behalf of the applicant

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14) June Clarke JMC Licensing Consultants, Warrington Business Park, Long Lane			
Post town	Warrington	Postcode	WA2 8TX
Telephone number (if any)	07388 441 720		



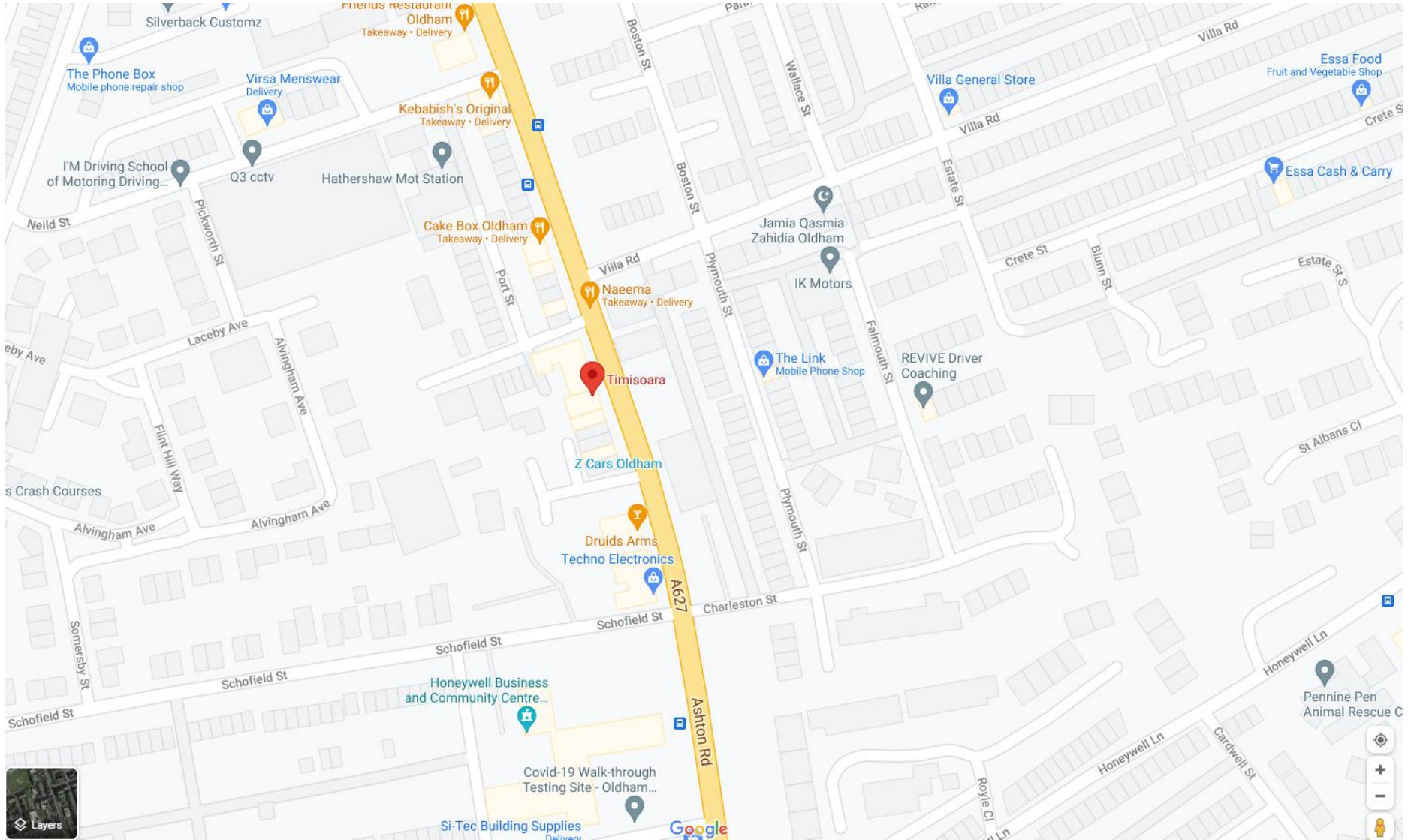
Premises Name:

Timisoara  
248 Ashton Road  
Oldham, OL8 1QN

Scale: 1:100

CCTV: 











# The Licensing Act 2003

## Responsible Authority Representation Form



The Section 182 Guidance is a valuable source of information that responsible authorities may wish to consult when considering making a representation and can be found online on this link: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Section 1 - Application Details	
Applicants Name	Sardar Ahmad MOHAMMED
Premises Name	TIMISOARA
Premises Address	248 ASHTON ROAD, OLDHAM
Type of Application	PREMISES LICENCE - Sale of alcohol

Section 2 – Responsible Authority Details		
Please tick the appropriate box	<input checked="checked" type="checkbox"/> X <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	Greater Manchester Police Greater Manchester Fire & Rescue Environmental Health Trading Standards Public Health Safeguarding Planning Service Home Office Immigration Licensing Service
Full Name	PC JULIAN ADDISON	
Telephone	0161 856 9069	
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	01095@gmp.police.uk	
Full Address <i>(Including postcode)</i>	Sir Robert Peacock House, Vulcan Street Oldham OL1 4LA	

### Section 3 – Representation Details

<input checked="checked" type="checkbox"/>
<input type="checkbox"/>

I object to the application being granted at all

I object to the application being granted in its current form\*

\*if you choose this option remember to tell us in Section 4 what changes you would like to see

### Licensing Objectives

#### The Prevention of Crime & Disorder

*Please state the reasons you believe granting the application will undermine this objective*

The applicant has been involved in sales of counterfeit & illicit tobacco whereby Trading Standards have seized a large quantity whilst in MOHAMMED'S possession twice.

MOHAMMED has received a warning from trading standards once and has since carried on selling illicit tobacco. With this information, I feel that MOHAMMED will continue to be reckless and given the opportunity he will commit further crime by selling illicit tobacco illegally by ignoring trading standards advice.

Having regard to the above it is likely, in my opinion, that the applicant will have disregard for the licensing objectives in relation to the sale of alcohol and the regulatory regime that supports it and further offences may be committed.

Given the crimes Mohammed has been involved in and to PREVENT any further crime, the police support the concerns raised by Trading Standards and recommend this application be refused.

#### Public Safety

*Please state the reasons you believe granting the application will undermine this objective*

N/A

#### The Prevention of Public Nuisance

*Please state the reasons you believe granting the application will undermine this objective*

N/A

#### Protection of Children from Harm

*Please state the reasons you believe granting the application will undermine this objective*

N/A

### Section 4 – Suggestions

*(please provide any suggested conditions that could be added to the licence if granted which would remedy the cause of your representation, or other suggestions you would like the licensing panel to consider)*

<b>Section 6 – Signature</b>
<b>Sign: J. Addison</b>  <b>Date: 01/09/2021</b>

Please return the completed representation form, and any additional evidence, to the Licensing Service, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA or email to [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

### **TIME LIMITS**

All representations must be returned within the statutory period, generally 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper.

If you are unsure of the time limit to lodge a representation for a particular application, please check with the Licensing Service by emailing [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

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# The Licensing Act 2003

## Responsible Authority Representation Form



The Section 182 Guidance is a valuable source of information that responsible authorities may wish to consult when considering making a representation and can be found online on this link: <https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Section 1 - Application Details	
Applicants Name	Mr Sardar Ahmed Mohammed
Premises Name	Timisoara
Premises Address	248 Ashton Road, Oldham, OL8 1QN
Type of Application	Premises licence – supply of alcohol

Section 2 – Responsible Authority Details																			
Please tick the appropriate box	<table border="1"> <tbody> <tr> <td><input type="checkbox"/></td> <td>Greater Manchester Police</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Greater Manchester Fire &amp; Rescue</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Environmental Health</td> </tr> <tr> <td><input checked="" type="checkbox"/></td> <td>Trading Standards</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Public Health</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Safeguarding</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Planning Service</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Home Office Immigration</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Licensing Service</td> </tr> </tbody> </table>	<input type="checkbox"/>	Greater Manchester Police	<input type="checkbox"/>	Greater Manchester Fire & Rescue	<input type="checkbox"/>	Environmental Health	<input checked="" type="checkbox"/>	Trading Standards	<input type="checkbox"/>	Public Health	<input type="checkbox"/>	Safeguarding	<input type="checkbox"/>	Planning Service	<input type="checkbox"/>	Home Office Immigration	<input type="checkbox"/>	Licensing Service
<input type="checkbox"/>	Greater Manchester Police																		
<input type="checkbox"/>	Greater Manchester Fire & Rescue																		
<input type="checkbox"/>	Environmental Health																		
<input checked="" type="checkbox"/>	Trading Standards																		
<input type="checkbox"/>	Public Health																		
<input type="checkbox"/>	Safeguarding																		
<input type="checkbox"/>	Planning Service																		
<input type="checkbox"/>	Home Office Immigration																		
<input type="checkbox"/>	Licensing Service																		
Full Name	Antony Perkins																		
Telephone	0161 770 4100																		
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	<a href="mailto:Antony.perkins@oldham.gov.uk">Antony.perkins@oldham.gov.uk</a>																		
Full Address <i>(Including postcode)</i>	Trading Standards Oldham Council, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA																		

### Section 3 – Representation Details

- |  |  |
|--|--|
| <input checked="checked" type="checkbox"/> | I object to the application being granted at all               |
| <input type="checkbox"/>                   | I object to the application being granted in its current form* |

\*if you choose this option remember to tell us in Section 4 what changes you would like to see

### Licensing Objectives

#### The Prevention of Crime & Disorder

*Please state the reasons you believe granting the application will undermine this objective*

Trading standards have had previous recent dealings with this premises and Mr MOHAMMED in relation to the supply and possession of illicit and counterfeit tobacco products.

- In response to complaints received about illegal and single cigarettes being sold from these premises, trading standards conducted a search on 19<sup>th</sup> September 2020 and seized a substantial quantity of counterfeit and illicit tobacco.
- This illegal tobacco seizure comprised 22,557 cigarettes, which were found within the shop's cellar, a holdall behind the counter as well as also being concealed behind the counter within 2 jackets which had sleeves that had been especially modified for this purpose.
- 99x packets of prescription only and foreign labelled medicines (antibiotics and painkillers) were also found during the search. Details were referred to the Medicines and Healthcare Products Regulatory Agency (MHRA) as such products fall within their remit and cannot legally be sold within the UK.
- During interviews under caution in November 2020 (with an interpreter present) Mr MOHAMMED admitted that the cigarettes were his and he had purchased them to sell.
- Mr MOHAMMED has previously been interviewed regarding similar criminal offences in July 2017, involving a lockup storage unit, which he was at the time renting that was found to contain over half a million (561,892) illegal illicit cigarettes and 19.75kg of illicit hand rolling tobacco. Antibiotic and painkiller medicines of types similar to those recovered from Timisoara were also found on that occasion at this storage unit. In that instance Mr MOHAMMED had been given a written warning and detailed advice concerning the illegal tobacco and potential criminal offences for which he had signed to confirm receipt.
- Although that warning and advice had been issued to MR MOHAMMED before he took over ownership of Timisoara, it does not appear to have stopped this occurrence within the licensed premises. Moreover, the fact that these products were found under the shop counter and concealed within modified jackets suggest that attempts are being made to avoid this criminal activity being detected.

At that time of the seizure from the Timisoara the premises was operating under another alcohol premises licence (PL0956) held by Mr Haval AMIN. Comments made by Mr MOHAMMED under caution (with an interpreter present) in several recorded interviews in November 2020 indicated that Mr AMIN, despite still being the premises licence holder at that time, was no longer involved with the business following its sale to Mr MOHAMMED earlier last year several months prior to our seizure from the premises. **EXTRACTS FROM THE INTERVIEW TRANSCRIPT ARE CONTAINED AT THE BOTTOM OF THIS SECTION.**

Trading Standards then proceeded with an application to review the premises licence for Timisoara which was in place at the time. However, since that application was submitted the previous licence has been surrendered prior to the hearing and Mr MOHAMMED has

now elected to make a new application. Given that our investigations and actions in relation to the illegal cigarettes have identified Mr MOHAMMED as the owner of the premises and, by his own admission, the owner of the cigarettes for the purposes of the selling of them, the grounds for our objection remain unchanged.

We therefore believe that this granting this application undermines the licensing objective of **prevention of crime and disorder** because it is a criminal offence to sell or offer for sale cigarettes which are counterfeit or illicit. It is also a criminal offence to split cigarette packs and sell cigarettes as 'singles'.

s.92 **Trade Marks Act 1994** makes it a criminal offence to expose for sale or possess for supply counterfeit cigarettes and tobacco products which bear a sign identical to or likely to be mistaken for a registered trade mark. For illicit (smuggled) tobacco it is a criminal offence under **The Standardised Packaging of Tobacco Products Regulations 2015** to offer or possess for supply sale tobacco products which do not bear the standardised packaging and graphic health warnings in English. Illicit tobacco does not comply with these labelling or health warning requirements. It is also a criminal offence under these same Regulations to split and sell cigarette packets or to sell cigarettes as 'singles'. Further, it is also a criminal offence under s.144 **Licensing Act 2003** for the premises licence holder or DPS to knowingly keep or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported. Such goods would include illicit cigarettes as these products are not intended for sale in the UK and duty has not been paid.

The illegal cigarettes found at the premises were seized under this criminal trade marks and standardised packaging legislation.

A substantial quantity of illegal tobacco was found within these premises and some of it had been concealed which suggests an attempt to avoid detection. Mr MOHAMMED admitted in interview that he intended to sell these products without checking their legality despite being interviewed by trading standards and receiving a warning the previous year in relation to these same illicit products and potential criminal offences at another premises. This recurrence at Timisoara suggests a propensity to engage in this illegal activity which brings into doubt the suitability of the business to adhere to the licensing objectives. Our department has concerns regarding the issuing of a licence to the applicant given that his apparent disregard for the legislation relating to tobacco products might equally apply to alcohol sales.

Trading standards are currently proceeding with a prosecution against Mr MOHAMMED in relation to the illegal tobacco seizure made from Timisoara. If that prosecution is successful we will be requesting that the court revokes his personal licence given that he would then have been found guilty of committing relevant offences under the Licensing Act.

**A timeline summary of our dealings with Mr MOHAMMED and the premises by the trading standards department is summarised below;**

According to departmental records 5 complaints have been received against Timisoara since 2019 which relate to the sale of illicit/illegal tobacco/single cigarettes from the premises and/or underage sales. The nature of the allegations are as follows:

November 2020	Allegation of underage sales and single cigarettes being sold from the premises
July 2020	Allegation of sale of duty-free cigs from the premises

August 2019	Successful test purchase of illicit cigarettes by brand holder
July 2019	Allegation of illicit tobacco being sold from the premises
April 2019	Allegation of illicit tobacco being sold from the premises

On **16<sup>th</sup> July 2019** Mr MOHAMMED had been issued with a warning letter in relation to the seizure of over half a million (561,892) illicit cigarettes on 15<sup>th</sup> July 2018 from premises that he was leasing at that time. Painkiller and antibiotic medicines were also found at the unit. The warning was issued following Mr MOHAMMED'S interview under caution in relation to this illicit tobacco and the potential criminal offences. The warning letter also contained information on the standardised packaging requirements for all cigarettes placed on sale in the UK. This included advising him of the requirement for all packaging to be in a standard drab green/brown colour. **On 1<sup>st</sup> August 2019** trading standards received an acknowledgement slip from Mr MOHAMMED signed and dated 27/07/2019 to confirm that he had received this warning letter and agreed to comply with the requirements and advice it provided.

**On 20<sup>th</sup> August 2019** Timisoara was visited in response to complaints being received alleging sales of illicit tobacco and notification from a brand-holder that had successfully obtained illicit cigarettes from the premises when making a test purchase. Although no illicit tobacco was found on the premises the person present in the shop at the time gave his details as Haval AMIN, the same name as the holder of the previous Premises licence at this shop.

**On 19<sup>th</sup> September 2020**, in response to a further complaint the premises was again visited and illegal tobacco was seized comprising 22,557 cigarettes, which were found within the shop's cellar, a holdall behind the counter as well as also being concealed behind the counter within 2 jackets which had sleeves that had been especially modified for this purpose. Please see **APPENDIX ONE** for a photo of the seized cigarettes. Mr Sardar MOHAMMED was behind the counter at the time of the search and in subsequent interviews under caution in November 2020 he admitted that he was the owner of the business and was intending to sell these cigarettes. He also admitted placing them inside the jackets behind his counter. He claimed not to know that the cigarettes were illegal despite them being foreign labelled and despite his previous warning and advice the previous year. During these same interviews he also made the following comments stating Mr AMIN, although at that time the licence holder and DPS for the licensed premises, was no longer involved in the business.

Extract from transcript -recorded interview ref 2549 - Sardar MOHAMMED occurring on 04/11/20

LF	So can you just tell me a bit, we'll start with the business then, you just tell me a bit about it – so the trading name is Timisoara?
SM	Yeah, Timisoara
LF	And how long have you been trading from there?
SM	About two month, three month.
LF	So we're at the beginning of November now, so?
SM	August



LF	You took over in August?
SM	Yeah
LF	How much did you pay for the business?
SM	I paid from back home, it's twenty thousand pound.
LF	And that included the stock at the business?
SM	Yeah
LF	And who did you pay that to?
SM	I pay from back home, my family pay, my brother.
LF	And who did they pay the twenty thousand to?
SM	Havel family, Havel is owner.
<p>.....(further questioning before returning to Havel Amin as per below)</p>	
LF	With this previous owner, with Havel, was there any kind of handover, did you do any changeover, like did he show you things?
SM	No
LF	Is he still working there?
SM	He's coming sometime help me, now not coming - before this every week, two days working with me, because I don't understand what do I do, own this shop, he had this for a long time.
LF	He had the shop a long time and he showed you what to do?
SM	Yeah
LF	And does he still work there now?
SM	No
LF	He doesn't come in at all?
SM	No, at beginning he's come in helping me.
LF	What are the trading hours of the shop, when does it open and close?
END OF INTERVIEW EXTRACT	

### **Public Safety**

*Please state the reasons you believe granting the application will undermine this objective*

The World Health Organisation has identified the illicit trade in tobacco products to be a serious threat to public health. In its *Protocol to Eliminate Illicit Trade in Tobacco Products* (ratified by the UK Government in June 2018) it states that the illicit trade in tobacco products, 'poses a serious threat to public health. Illicit trade increases the accessibility and affordability of tobacco products, thus fuelling the tobacco epidemic and undermining tobacco control policies.'<sup>1</sup>

Since 2017 all cigarettes and hand rolling tobacco sold in the UK must be contained within standardised packaging with graphic warnings and images. Some of the objectives of these standardised packaging being brought in as law were:

- discouraging people from starting to use tobacco products
- encouraging people to give up using tobacco products
- reducing potential for packaging to detract from the effectiveness of health warnings.<sup>2</sup>

However, illicit and counterfeit cigarettes such as those found at Timisoara do not comply with these requirements and have branded packaging meaning that any health warnings are less prominent and serve to undermine these objectives.

### **The Prevention of Public Nuisance**

*Please state the reasons you believe granting the application will undermine this objective*

**N/A**

### **Protection of Children from Harm**

*Please state the reasons you believe granting the application will undermine this objective*

Oldham trading standards have received a complaint of underage tobacco sales and cigarettes being sold singly from the premises as outlined in the details within the previous sections. Illegal tobacco products are sold at a cheaper price than legitimate tobacco making them more affordable to children. They are even more affordable when packets of cigarettes are split and sold as singles. A survey of 14-17 year olds commissioned by Trading Standards North West found that 14% of the 14-17 years surveyed in the North West said that they had purchased illegal cigarettes within the last 12 months. 66% of these illegal cigarettes were purchased from shops.

### **Section 4 – Suggestions**

*(please provide any suggested conditions that could be added to the licence if granted which would remedy the cause of your representation, or other suggestions you would like the licensing panel to consider)*


**N/A**

<sup>1</sup> WHO Protocol to Eliminate Illicit Trade in Tobacco Products

[https://www.who.int/fctc/protocol/illicit\\_trade/protocol-publication/en/](https://www.who.int/fctc/protocol/illicit_trade/protocol-publication/en/)

<sup>2</sup> EXPLANATORY MEMORANDUM TO THE STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015 2015 No. 829

[https://www.legislation.gov.uk/uksi/2015/829/pdfs/uksem\\_20150829\\_en.pdf](https://www.legislation.gov.uk/uksi/2015/829/pdfs/uksem_20150829_en.pdf)

<b>Section 6 – Signature</b>
<b>Sign:</b>  <b>Date:</b> 31/08/2021

Please return the completed representation form, and any additional evidence, to the Licensing Service, Sir Robert Peacock House, Vulcan Street, Oldham, OL1 4LA or email to [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

### **TIME LIMITS**

All representations must be returned within the statutory period, generally 28 days from the date the notice was displayed on the premises or the date specified in the public notice in the newspaper.

If you are unsure of the time limit to lodge a representation for a particular application, please check with the Licensing Service by emailing [licensing@oldham.gov.uk](mailto:licensing@oldham.gov.uk)

## APPENDIX ONE

Photo of cigarettes seized from Timisoara on 19<sup>th</sup> September 2020

