

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 Shako Kawa Mohammed
Premises Name	Eurocity Mini Market
Premises Address	93-95 Yorkshire Street, Oldham, OL1 3ST
Type of Application	Premises licence – supply of alcohol

Section 2 – Responsible Authority Details																			
Please tick the appropriate box	<table border="1"> <tr><td><input type="checkbox"/></td><td>Greater Manchester Police</td></tr> <tr><td><input type="checkbox"/></td><td>Greater Manchester Fire & 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> </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
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<input type="checkbox"/>	Licensing Service																		
Full Name	Laura Clarke																		
Telephone	0161 770 1344																		
Email Address <i>(we will use this to correspond with you unless you notify us otherwise)</i>	Laura.clarke@oldham.gov.uk																		
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="" 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

The current owner of this business and individual who is liable for business rates, since 1st June 2017 to date, is Mr Saukaut Raza. Although Mr Raza isn't listed on the application, Trading Standards have had previous dealings with Mr Raza and the premise in relation to the supply and possession of illicit and counterfeit tobacco products (illegal tobacco).

- In response to complaints received about illegal cigarettes being sold from the premise, Trading Standards authorised a test purchase of illegal cigarettes on the 11th February 2021. It was successful as a packet of illegal cigarettes was retrieved from the back room and sold for £5.
- Subsequently, a visit was carried out at the premise on the 20th February 2021 with a trained sniffer dog and Officers seized a substantial quantity of counterfeit and illicit tobacco.
- The seizure comprised of 12600 mixed brand cigarette sticks and 450g hand rolling tobacco.
- The cigarettes and hand rolling tobacco were concealed within a wall in the back stock room which was accessed by turning a screw on a fake light switch. The method of concealment shows the sophistication and expense that went into attempting to have these illegal products on the premise without being detected.
- Following the seizure of illegal cigarettes on the 20th February, to assist in determining whether the illegal activity was continuing, a further test purchase was authorised to take place on the 13th September 2021. It was successful as a packet of illegal cigarettes was retrieved from the back stock room and sold for £5.
- The Service continued to receive intelligence reports that the illegal activities regarding illicit and counterfeit tobacco products was continuing and therefore another test purchase exercise was conducted on the 24th February 2022. It was successful as a packet of illegal cigarettes was retrieved from underneath the till and sold for £5.
- More reports of illegal tobacco sales taking place were received and a joint operation was carried out between Oldham Trading Standards and West Yorkshire Trading Standards on the 21st June 2022, due to links with this premise in Oldham and residential addresses in West Yorkshire. Although no illegal tobacco products were found in the premise on this date, a chute was identified that was concealed within a wall behind the counter and likely accessed from a flat above. Access to the flat above can only be gained with a warrant issued by the court.
- Whilst no illegal tobacco products were found in Oldham on this date, West Yorkshire Trading Standards executed warrants at addresses on this day also, that had been linked to the storage of illegal tobacco products. Checks on the electoral register showed that Mr Raza is named as living at one of the address and in total, 72180 cigarettes sticks and 8.4kg hand rolling tobacco were seized from this address.

We therefore believe that 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.

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. 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 tobacco products found were seized under this criminal Trade Marks and Standardised Packaging legislation.

It was a substantial quantity of illegal tobacco found within the premise on the 20th February 2021 and its concealment suggests an attempt to avoid detection. Together with the 3 successful test purchases, seizure from a residential address linked to the owner of this business and continued complaints about the sale of illegal tobacco products from the premise, suggests a propensity to engage in this illegal activity which brings into doubt the suitability of the business to adhere to the licensing objectives regardless of who is listed on the application form as the applicant.

Trading Standards are looking to pursue Mr Raza for the offences that have taken place to date.

A timeline summary of our dealings with the premises by the Trading Standards department is summarised below;

January 2021	Allegation of illegal tobacco products being sold from the premises
February 2021	Successful test purchase of illegal cigarettes
February 2021	Seizure of 12600 illegal cigarettes and 450g hand rolling tobacco from the premise
September 2021	Successful test purchase of illegal cigarettes
November 2021	Search was carried out, no illegal tobacco products were found but Mr Raza was present.
November 2021	Allegation of illegal tobacco products being sold from the premises
December 2021	Allegation of illegal tobacco products being sold from the premises
January 2022	Allegation of illegal tobacco products being sold from the premises
January 2022	Allegation of illegal tobacco products being sold from the premises

February 2022	Successful test purchase of illegal cigarettes
April 2022	Allegation of illegal tobacco products being sold from the premises
May 2022	Allegation of illegal tobacco products being sold from the premises
June 2022	Search carried out at the premise and chute concealment discovered.
June 2022	Search carried out at an address linked to Mr Raza and 72180 illegal cigarettes and 8.4kg hand rolling tobacco seized.

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.'*¹

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.²

However, illicit and counterfeit cigarettes such as those found at Eurocity Mini Market 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

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

¹ WHO Protocol to Eliminate Illicit Trade in Tobacco Products

https://www.who.int/fctc/protocol/illicit_trade/protocol-publication/en/

² EXPLANATORY MEMORANDUM TO THE STANDARDISED PACKAGING OF TOBACCO PRODUCTS REGULATIONS 2015 2015 No. 829

https://www.legislation.gov.uk/uksi/2015/829/pdfs/uksiem_20150829_en.pdf

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

Section 6 – Signature

Sign: 

Date: 4th August 2022

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

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