

**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 Paul Maylunn on behalf of Northamptonshire County Council Trading Standards  
Service

apply for the review of a premises licence under section 51

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Euro Foods 28a Rockingham Road	
<b>Post town</b> Kettering	<b>Post code (if known)</b> NN16 8JS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Arasi AHMADI
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<b>Number of premises licence or club premises certificate (if known )</b> K/12/24420
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**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

**Please tick**

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick yes**

**Current postal  
address if  
different from  
premises  
address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address  
(optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Paul Maylunn, Section Manager Trading Standards Service Northamptonshire County Council Wootton Hall Park NORTHAMPTON NN4 0GB
Telephone number (if any)  01604 362433
E-mail address (optional)  Paul.Maylunn@northamptonshire.gcsx.gov.uk

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

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input checked="" type="checkbox"/> |

**Please state the ground(s) for review** (please read guidance note 1)

Northamptonshire County Council Trading Standards Service calls for a review of the premises licence for Euro Foods retail shop, 28a Rockingham Road, Kettering.

The grounds for the review are the prevention of crime and disorder due to repeated sales and seizures of illicit cigarettes and the protection of children from harm following the sale of cigarettes to an under age test purchaser.

Illicit is the term used to describe those cigarettes which may be counterfeit and/or smuggled, and so not duty paid, and which do not bear the required picture warnings and written warnings in English. They are sold cheaply 'under the counter' harming legitimate businesses selling legal cigarettes and undermine the Government strategy on reducing smoking.

It is required under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 that tobacco products are marked with pictures and warnings in English. It is absolutely clear and unmistakable that tobacco in packs not correctly marked with the warnings has not had the customs and excise duty paid. In addition the warnings are there intentionally to discourage smoking and alert users to the dangers of tobacco. Smuggled tobacco is marked with warnings in a foreign language or is unmarked, and that is an offence, contrary to the above regulations.

Counterfeit products are packaged to appear to be legitimate brands and illegally use registered trade marks of known brands. This practice is an offence under the Trade Marks Act 1994.

Summary of history:-

On the 23<sup>rd</sup> August 2012 18 bottles of illicit spirits were seized.

On the 28<sup>th</sup> January 2013 sold a packet of illicit cigarettes.

On the 16<sup>th</sup> July 2013 183 packets of illicit cigarettes and 37 pouches of illicit hand rolling tobacco were seized.

On the 24<sup>th</sup> July 2013 69 packets of illicit cigarettes and 3 pouches of illicit rolling tobacco were seized

On the 2<sup>nd</sup> Sept 2013 sold a packet of 10 Mayfair cigarettes to a person under the age of 18.

On 3<sup>rd</sup> September 2013 a representative from Trading Standards made a covert test purchase of a packet of foreign labelled cigarettes.

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

**Prevention of Crime and Disorder;  
Protection of Children from Harm**

On 2<sup>nd</sup> March 2011 a representative from Trading Standards made a covert test purchase of 20 Marlboro Gold cigarettes from the premises. The cigarettes were illicit bearing only foreign language warning information.

On 31<sup>st</sup> March 2011 a representative from Trading Standards made a covert test purchase of a packet of 20 L&M cigarettes from the premises. The cigarettes were illicit bearing only foreign language warning information.

On 7<sup>th</sup> April 2011 an officer from Northamptonshire Trading Standards inspected the premises and found 300 packets of foreign labelled cigarettes along with 10 packets of foreign labelled hand rolling tobacco. The products were seized.

On 14<sup>th</sup> October 2011 Northamptonshire Trading Standards Service received an allegation that premises were selling illicit alcohol & tobacco.

On 9<sup>th</sup> December 2011 an officer from Northamptonshire Trading Standards inspected the premises. No infringing products were found.

On 7<sup>th</sup> February 2012 Northamptonshire Trading Standards Service received an allegation that premises were selling illicit tobacco.

On 1<sup>th</sup> July 2012 Northamptonshire Trading Standards Service received an

allegation that premises were selling alcohol to persons under the age of eighteen.

On 23<sup>rd</sup> August 2012 an officer from Northamptonshire Trading Standards inspected the premises and found 18 bottles of spirits in possession on which duty had not been paid. The products were seized.

On 28<sup>th</sup> January 2013 a representative from Trading Standards made a covert test purchase of a packet of foreign labelled cigarettes.

On 16<sup>th</sup> July 2013 an officer from Northamptonshire Trading Standards inspected the premises and found 183 packets of foreign labelled cigarettes and 37 pouches of foreign labelled hand rolling tobacco. The products were seized.

On 24<sup>th</sup> July 2013 an officer from Northamptonshire Trading Standards inspected the premises and found 69 packets of foreign labelled cigarettes and 3 pouches of foreign labelled hand rolling tobacco. The products were seized.

On 1<sup>st</sup> August 2013 an officer from Northamptonshire Trading Standards inspected the premises. No infringing products were found.

On 2<sup>nd</sup> September 2013 as part of an underage sale of cigarettes test purchasing exercise the premises was visited and sold a packet of 10 Mayfair cigarettes to a 16 year old volunteer without any checks to ascertain her age. These cigarettes were not foreign labelled.

On 3<sup>rd</sup> September 2013 a representative from Trading Standards made a covert test purchase of a packet of foreign labelled cigarettes. The purchaser asked for cheap cigarettes and was offered two brands - Marlboro for £4.50 or L&M for £4.20 both bore written warning in a foreign language. The purchaser bought a pack of Marlboro branded cigarettes.

The persistent nature of the sale of illicit tobacco indicates a general disregard for the law and it is clear that Mr AHMADI has persistently disregarded the law and endeavoured to hide the contraband from enforcement officers. The receipt of intelligence that the business sold age restricted goods to children was substantiated by the recent sale to an underage volunteer.

It is therefore our representation that this Authority has serious concerns that the licensing objectives of the prevention of crime and disorder and protection of children from harm are not being met. In making this representation I refer you to Official Guidance:

In the Amended Guidance Issued Under Section 182 Of The Licensing Act 2003 issued by the Home Secretary it states:

11.26 There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. These are the use of the licensed premises:

- [...]

- for the purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- [...] and
- for the sale of smuggled tobacco and alcohol.

11.27 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter 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.

As a result of the incidents and the subsequent investigations Northamptonshire County Council Trading Standards Service considers that there are serious concerns about the proper operation of the business. It is for the licensing committee to decide whether the licence should be revoked or suspended, but having regard to the business history and above guidance we ask for revocation.

**Please tick yes**

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

If yes please state the date of that application

Day Month Year

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

None

**Please tick yes**

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

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant or applicant's solicitor or other duly authorised agent**  
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature *Paul Maylunn*



Date 12.9.2013

Capacity Section Manager,  
Northamptonshire County Council Trading Standards Service

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Paul Maylunn  
Northamptonshire County Council Trading Standards Service  
See (C) above

**Post town**

**Post Code**

**Telephone number (if any)**

**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)**

#### **Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.