



Northamptonshire County Council

Mr Russ Howell
Health Services Manager
Kettering Borough Council
Municipal Offices
Bowling Green Road
Kettering
NN15 7QX

Please ask for: Mr Paul Maylunn
Tel: 01604 362433
Our ref: C/311921
Your ref: 15/03020/LAPNEW
Date: 26th August 2015

Dear Sirs

Licensing Act 2003 New Grant Application - Representations
Othman Kadir Hassan, 6-10 Montagu Street, Kettering, NN16 8XG
Mr Farman Omar Mustafah

Responsible Authority Representation

Northamptonshire County Council Trading Standards Service is a Responsible Authority for the purposes of the above Act. I wish to lodge a representation against above applicant in their application for a new licence.

The representation relates to the following licensing objectives;

The prevention of crime and disorder

The protection of children from harm

Mr Farman Omar Mustafah has been specified on the application as the designated premises supervisor for the above premises.

Although Mr Mustafah had given this Service a different home address which is based in Northamptonshire, Thrapston Licensing unit have be able to confirm the following; Farman Omar Mustafah is the licence holder for Euro Express 10 New Post Office Square Corby and the Peterborough home address and personal licence number is the same as that quoted on this new application.

– Section 4(2)(a) The prevention of crime and disorder

Mr Farman Omar Mustafah was the owner of International Supermarket, 194 – 196 Wellingborough Road, Northampton, NN1 4EB in 2014. In June 2014 an undercover test purchase of a pack of cigarettes was made. On the 13th July 2014 International

Northamptonshire Trading Standards
Wootton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
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Supermarket was subject to an inspection by this Service during which a significant quantity of illicit cigarettes and a quantity of tobacco were found and seized. The items seized consisted of 1108 packets of illicit cigarettes and 15 pouches of illicit tobacco. Mr Mustafah was present at the premises at the time of the search and seizure. Mr Mustafah signed a traders notice as acknowledgment of the seizure.

Following intelligence received from Corby Borough Council in July 2014 an undercover test purchase of a pack of cigarettes was made at Euro Express, 10 New Post Office Square, Corby. On the 25th July 2014 Euro Express was subject to an inspection by this Service during which 2 packets of illicit cigarettes were found and seized. Mr Farman Omar Mustafah was identified as the owner of the business.

On the 22nd August 2014 as owner of the business Mr Farman Omar Mustafah signed a formal Enterprise Act 2002 Undertaking regarding the possession and supply of tobacco products contrary to The Tobacco Products (Manufacture, Presentation, and Sale) (Safety) Regulations 2002.

On the 12th March 2015 this Service sent a caution letter to Mr Farman Omar Mustafah regarding the seizures that had taken place at his premises. A further copy of the letter was sent on 2nd April 2015. No acknowledgement was returned.

On the 16th July 2015 Euro Express, 10 New Post Office Square, Corby was subject to an inspection by this Service during which 154 packets of illicit cigarettes and 11 pouches of illicit tobacco were found and seized. Mr Farman Omar Mustafah was identified as the owner of the business and has been confirmed as the lease holder on a land registry search.

The nature of these incidents indicates that Mr Farman Omar Mustafah as owner of the above businesses disregarded the legal requirements in selling tobacco products contrary to the licensing objective of prevention of crime and disorder and we object to the appointment of such a person as a Designated Premises Supervisor at 6-10 Montagu Street Kettering. It is therefore our representation that this Authority has concerns that the licensing objective of the prevention of crime and disorder will not be met at these premises with Mr Mustafah being the Designated Premises Supervisor.

– Section 4(2)(d) The protection of children from harm

With regard to the above licensing objective we consider the detail in the application insufficient and would expect reference to be made to the following matters:

- Asking for proof of age and valid types of proof of age cards (PASS Cards)
- Staff training and keeping a record of the training
- Use of refusals register
- Display of relevant posters
- Till prompts where appropriate

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.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'Paul Maylunn', with a long horizontal stroke extending to the right.

Paul Maylunn
Section Manager, Food & Health

Enc. Copy of signed undertaking & caution letters
cc Thrapston Licensing Unit



Npton

Trading Standards Service
Wootton Hall Park, Northampton NN4 0GB
Tel: (01604) 707904
Fax: (01604) 707901
email: TRADESTD@northamptonshire.gov.uk
Web: www.northamptonshire.gov.uk

To:

Head Office Address

FARMAN MUSTAFAH
194-196 Flat B,
Wellingborough Rd,
Northampton NN1 4EB

The matters brought to your attention may constitute a contravention of the following legislation. (C/E No: _____)

At 10:45am on 13.07.2014 a warrant was conducted at International Supermarket, 194-196 Wellingborough Rd, Npton under the Consumer Protection Act, 1987 & the Tobacco Products (Manufacture, Presentation & Sale) (Sole) Regs 2002.

During the course of the search these products were noted on the attached. Some logs were removed. I have since been told as I believe they contravene the above legislation. You will be notified of what action will be taken against you & due course.

Date: 13.07.2014

Signed: G. Wright

Trading Standards Officer/Authorised Officer

Enquiries should be made to GARY WRIGHT at above address.

Receipt of this notice is acknowledged by (signed) x Jd

Name: FARMAN MUSTAFAH Position: OWNER

APP	<input type="checkbox"/>	HO Copy	<input type="checkbox"/>	HA Copy	<input type="checkbox"/>	SM Repeat Visit	<input type="checkbox"/>	Completed by Date	<input type="checkbox"/>
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NORTHAMPTON COUNTY COUNCIL
TRADING STANDARDS

DEFENDANT: International Supermarket

Entry Number	Description of Property	Exhibit Number	Where Found	Found By	Time Logged
1	15 packets of 50g HRT 158 packets of assorted brands of loose labelled cigarettes.	GTW1	Behind counter -	G. WRIGHT	11.00am 13.07.14
2	Purple A.4 notebook	GTW2	Behind counter -	G. WRIGHT	11.00am 13.07.14
3	Holdall containing 4000 loose labelled cigarettes.	GTW3	Shop floor store room	G. WRIGHT	11.15am 13.07.14
4	Holdall containing 4600 loose labelled cigarettes	GTW4	Shop floor store room	G. WRIGHT	11.15am 13.07.14

NORTHAMPTON COUNTY COUNCIL
TRADING STANDARDS

DEFENDANT: International Supermarket.

Entry Number	Description of Property	Exhibit Number	Where Found	Found By	Time Logged
5	Bag contains 1400 loose in labelled cigaretts.	G5W5	Shop floor storeroom	G. WEISSTH	11.15 am 13.07.14
6	Box contains 9000 loose in labelled cigaretts.	G5W6	Shop floor storeroom	G. WEISSTH	11.15 am 13.07.14
7	H.264 harddrive CCTV recorder, power unit & remote control.	G5W7.	Shop floor storeroom	G. WEISSTH.	12.50 pm 13.07.14



Northamptonshire County Council

Formal Undertaking Under Section 219 of the Enterprise Act 2002

I, Farman Omar MUSTAFAH, date of birth:

of (home address)

trading as Euro Express, 10 New Post Office Square, Corby, NN17 1PB, hereby give Northamptonshire County Council a written undertaking sought by them pursuant to Section 219 of the Enterprise Act 2002 that I (whether by myself, my servants or agents, or under any trading name or entity or any other means), will not engage in the following course of conduct:

Contravening the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002

- By supplying, including offering, exposing or possessing for supply, non-compliant tobacco products contrary to Regulation 14; specifically where the producer has failed to mark the product with the statutory warnings in the prescribed format, in English.

Contravening the Trade Marks Act 1994

- By selling, exposing for sale or having in possession, custody or control in the course of a business goods which bear a sign identical to, or likely to be mistaken for, a registered trade mark with a view to gain for myself or another and without the consent of the trade mark holder, contrary to section 92 of the Act.

IF YOU SIGN THIS DOCUMENT YOU AGREE TO OBEY ITS REQUIREMENTS. AN ENFORCEMENT ORDER MAY BE SOUGHT FROM THE COURT IF YOU CONTINUE TO BREACH OR CONTRAVENE THE LEGISLATION SET OUT ABOVE.

Signed: *[Signature]*

Date: *22/08/2014*

Print Name: *Farman Mustafah*

Date of Birth: *01/01/1985*

Witnessed by:

Date:

Print Name:

Trading Standards Service
Wootton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. 01604 368100
f. 01604 362425
e. tradesstd@northamptonshire.gov.uk



You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. It is illegal to supply or have in your possession for supply foreign labelled tobacco. There may also be implications under legislation enforced by HMRC if you are supplying non duty paid items. If you have an alcohol license, you may be putting this at risk if you keep or allow to be kept on your premises goods which have been imported unlawfully or without payment of duty. In addition, if you have a lottery terminal a breach of this legislation may affect your fitness to retain your license enabling you to sell lottery tickets.

You should be aware that a breach of the legislation covering the labelling of tobacco as detailed above could result in a maximum penalty of six months imprisonment and/or a fine of £5000. If the tobacco was also found to be counterfeit, a breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

We do regularly monitor the sales of illicit products around the County and work closely with our partner agencies to ensure that illegal sales are dealt with appropriately.

I have considered the facts of this matter and I propose to deal with it by way of a formal undertaking under the Enterprise Act 2002.

Therefore I request you sign a formal undertaking that you will desist from conducting any business that you are involved with in the future in a manner that infringes any UK and European consumer protection legislation covered by the Enterprise Act 2002. The undertaking is being hand delivered to you, with a voluntary surrender form. If you accept this method of dealing with these offences, please sign both the undertaking and the voluntary surrender and return to me by **Wednesday 27th August 2014**.

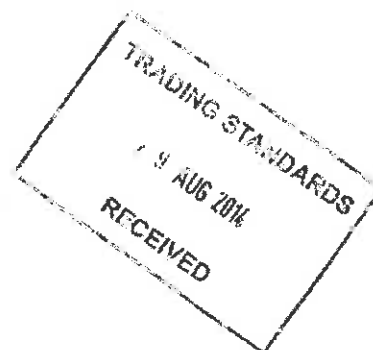
I am obliged to inform you that should you fail to accept the undertaking, there is provision within the Enterprise Act 2002 for this Authority to seek an enforcement order through the High Court or the County Court which, if granted, will compel you to conduct your business in a manner that does not infringe abovementioned UK and European consumer protection legislation.

If you have any queries regarding this matter, please contact me on the telephone number shown at the top of this letter.

Yours sincerely



Carol L. Gamble
Community Safety Manager





Northamptonshire County Council

Mr Farman Oman MUSTAFAH
48 Orkney Walk
Corby
NN17 2QT

Please ask for: Carol Gamble
Tel: 01604 368100
Our ref: SMC
Your ref:
Date: 12th March 2015

Dear Mr Mustafah,

**CONSUMER PROTECTION ACT 1987
TOBACCO PRODUCTS (MANUFACTURE, PRESENTATION AND SALE) (SAFETY)
REGULATIONS 2002
TRADE MARKS ACT 1994
GENERAL PRODUCT SAFETY REGULATIONS 1994**

On the 13th June 2014, a representative from this Service purchased 1 packet of illicit NZ slim cigarettes for £2.50 from International Supermarket, 194 – 196 Wellingborough Road, Northampton. This packet displayed the required health warnings in a language other than English.

On the 13th July 2014, the above premises were visited and officers seized 1108 packets of foreign labelled cigarettes and 15 pouches of foreign labelled hand rolling tobacco (HRT). I enclose a copy of the notice signed by you confirming that you were the owner of the business at this time. You later confirmed during a formal interview that you had sold the premises in August 2014.

On the 15th July 2014, a representative from Corby Borough Council visited your business Euro Express, 10 New Post Office Square, Corby and seized 20 packets of illicit cigarettes and 3 pouches of illicit HRT. These displayed the required health warnings in a language other than English.

On the 21st July 2014, a representative from this Service purchased 1 packet of illicit L&M Blue label cigarettes from Euro Express, Corby. This packet displayed the required health warnings in a language other than English.

Wootton Hall Park
Northampton
NN4 0GB

w. www.northamptonshire.gov.uk
t. 01604 362466
f. 01604 362425
e. tradedtd@northamptonshire.gov.uk



On the 25th July 2014, your business at Euro Express, Corby was visited and officers seized 2 packets of foreign labelled cigarettes.

On the 22nd August 2014, you signed an Enterprise Act Undertaking in relation to the incidents at Euro Express, Corby. I have enclosed a copy of this for your information. At the time this undertaking was offered, this Service was not aware that you were also responsible for International Supermarket, Wellingborough Road, Northampton when the test purchase and seizure took place from that premises.

Under the above legislation, it is an offence to supply or have in your possession for supply tobacco that is not labelled with the required warnings. Each packet must carry -

- (a) on the most visible surface, one of the following warnings in **ENGLISH**—
 - (i) "Smoking kills",
 - (ii) "Smoking seriously harms you and others around you"; and
- (b) on the other most visible surface, an additional health warning in the form of a picture warning.

You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. **It is illegal to supply or have in your possession for supply foreign labelled tobacco.** There may also be implications under legislation enforced by HMRC if you are supplying non duty paid items. If you have an alcohol license, you may be putting this at risk if you keep or allow to be kept on your premises goods which have been imported unlawfully or without payment of duty. In addition, if you have a lottery terminal a breach of this legislation may affect your fitness to retain your license enabling you to sell lottery tickets.

You should be aware that a breach of the legislation covering the labelling of tobacco as detailed above could result in a maximum penalty of six months imprisonment and/or a fine of £5000. If the tobacco was also found to be counterfeit, a breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper which means that the cigarettes will self-extinguish if left unattended. Counterfeit and non-duty paid tobacco products do not usually have this RIP paper and are considered to be unsafe. The maximum penalty for non-compliance with this legislation is a fine of up to £20,000 and/or 12 months imprisonment.

We do monitor the sales of illicit products around the County and work closely with our partner agencies to ensure that illegal sales are dealt with appropriately.

The investigation into the supply and seizure of illicit tobacco from International Supermarket, Wellingborough Road, Northampton has been concluded. I have

considered all the circumstances of this matter and have decided not to recommend any further action on this occasion. However, I must caution you that should a similar incident be reported in the future, this matter will be taken into account when a decision is made as to the most appropriate course of action.

You are also reminded that you have signed an undertaking stating that you will NOT have in your possession for supply or supply/sell illicit tobacco. I must stress that there are serious implications for you if you fail to comply with this undertaking in the future. If this undertaking is breached, the ultimate sanction is that you could be fined or receive a prison sentence.

If you have any queries regarding this matter, please contact me on the telephone number overleaf.

Please sign below to confirm receipt of this letter and return one in the prepaid envelope provided by the 27th March 2015. Please also sign and return the enclosed voluntary surrender form. As the tobacco is illegal it will be destroyed.

Yours sincerely



Carol L. Gamble
Community Safety Manager

Signed :

Date:

Copy left with : Mr MAHDI P-R

Signed : 



Northamptonshire County Council

Mr Farman Oman MUSTAFAH
48 Orkney Walk
Corby
NN17 2QT

Please ask for: Carol Gamble
Tel: 01604 368100
Our ref: SMC
Your ref:
Date: 2nd April 2015

Dear Mr Mustafah,

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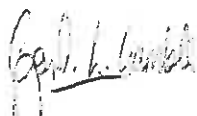
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Please sign below to confirm receipt of this letter and return one in the prepaid envelope provided by the 17th April 2015. Please also sign and return the enclosed voluntary surrender form. As the tobacco is illegal it will be destroyed.

Yours sincerely



Carol L. Gamble
Community Safety Manager

Signed :

Date: