

Blackpool Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

***Review
requested by:***

Lee Petrak



Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

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www.blackpool.gov.uk/licensing

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. You may wish to keep a copy of the completed form for your records.

I	Lee Petrak – Trading Standards and Licensing Manager
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[Insert name of person requesting review]

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 Details

Postal address of premises or club premises if any, or if none the ordnance survey map reference or description.									
Premises Name and Address	Convenience Store								
	27a Dickson Road								
	Blackpool	Post Code	F	Y	1	2	A	T	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Rochdi Soltani									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL 1642	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete A or B below)	Please tick
2) a responsible authority (please complete C below)	X
3) a member of the club to which this application relates (please complete A below)	

(A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick	
							Yes	No
Forenames						Surname		
Home address								
						Post Code		
Telephone Number						Mobile Number		
E-Mail Address								

(B) Other Applicant or Representing Body

Name								
Address								
						Post Code		
Telephone No.								
Email Address								

(C) Responsible Authority applicant

Name	Lee Petrak (Weights and Measures Authority)							
Address	4th Floor							
	Municipal Buildings							
	Corporation Street					Post Code	F	Y
Telephone Number	01253 477861							
Email Address	lee.petrak@Blackpool.gov.uk							

Part 3 – Reason for Review

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

		Please tick
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 type="checkbox"/>

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

I am Lee Petrak, Trading Standards and Licensing Manager and I bring this review on behalf of the Weights and Measures Authority.

This review is brought on the grounds that the prevention of crime and disorder objective is being seriously undermined due to illegal activity taking place within the premises.

Recent enforcement activities by the Weights and Measures Authority, has disclosed evidence that this premises is involved in the sale, supply or distribution of counterfeit and smuggled tobacco products. The sale, supply or distribution of counterfeit goods is a criminal offence contrary to s.92 of the Trade Marks Act 1994 and carries a maximum penalty of an unlimited fine or up to ten years imprisonment, or both.

Products of this nature are sold in secret and are concealed from view by the perpetrators of these crimes i.e. "under the counter sales". The motivation for such sales is purely economic since these illicit products are not subject to UK duty. As at the date of writing the current levels of duty in relation to a packet of 20 cigarettes is 16.5% of the retail price plus £4.57 and in relation to hand rolling tobacco £7.04 on a 30g packet. The average cost of a packet of 20 cigarettes under the counter is £3.50 and a 50g pouch of hand rolling tobacco is £5.00.

Due to the circumstances of the sale of these illicit products, they can properly be considered as smuggled goods. Section 144 of the Licensing Act 2003 provides for an offence of knowingly keeping or allowing to be kept on relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

In addition to the above, paragraph 11.27 of the s.182 statutory guidance provides a list of conduct considered particularly serious, and the sale of smuggled goods appears on that list.

Extract from s.182 guidance (April 2018 edition)

There is certain criminal 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 and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health,

educational attainment, employment prospects and propensity for crime of young people;

- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- **for the sale or storage of smuggled tobacco and alcohol.**

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

This premises has been Licensed since August 2006. The current Licensee, Mr Soltani, has been on the Licence since January 2019.

The circumstances relating to the criminal conduct referred to above can best be described by Oliver Watts who is the lead officer investigating this matter. Oliver has provided the following information in an email to me dated 20th June 2019:

I am the above named person and I make these representations on behalf of the Blackpool Council Weights and Measures (Trading Standards Office) Authority.

On the 1st March 2019 at about 21:15 hours I attended the Convenience Store at 27a Dickson Road, Blackpool, FY1 2AT in order to carry out an intelligence led shop inspection. I was accompanied by a colleague. Upon conducting the visit I introduced myself to an adult male behind the counter who gave his details as Rochdi Soltani [REDACTED] of [REDACTED] Blackpool, [REDACTED]. Soltani provided a copy of the premises licence to confirm these details (PL1642). Soltani confirmed that it was his shop and he was responsible for it and the stock within it.

A search of the basement area revealed a quantity of tobacco products in a card board box stored amongst empty crisp boxes. The appearance of the products gave me concern as I could see that they did not carry the correct labelling as required by the Tobacco Related Products Regulation 2016, therefore prohibiting their sale/supply in the current state. I also had concerns that the products may be counterfeit.

At 21:20 Soltani was cautioned in connection with the alleged sale/supply of illicit tobacco products. Soltani Confirmed that they were counterfeit He also said this was all the counterfeit product he had in the shop. I continued to search and found further boxes and carrier bags containing tobacco products, in the basement and also behind the counter. These products were seized and a receipt provided for the following goods.

*22 x 50g Amber Leaf
3 x 50g Benson and Hedges Gold
50 x Richmond
21 x Regal
46 x Rothman
24 x Pect
62 x L and M
10 x LD
3 x Pall Mall
11 x Royals*

Samples of Richmond, Regal, Benson and Hedges Gold and Amber Leaf have been examined by the brand representatives. They have been confirmed to be counterfeit.

On 21st May 2019 at 11:00 hours Soltani attended an interview under caution in relation to the supply of illicit tobacco. He confirmed that he knew they were fake and that he had been selling them anyway. His defence was that he had found the tobacco in the basement around Christmas time when he took over the shop. He said that he didn't have any more and that he would never sell it again.

A shop inspection was carried out on 23rd May 2019 at 19:55 by myself and Karl Bischoff. Rochdi Soltani was present in the store. No illicit tobacco was seen on this visit.

After receiving some intelligence from HMRC a test purchase was carried out on 26th May 2019 of two packs of Richmond King Size. These packs again did not carry the correct labelling and are suspected of being counterfeit.

As a result of this test purchase, a further shop inspection was carried out by myself and Karl Bischoff on 8th June 2019 at 21:10. Rochdi Soltani was once again present in the shop. A bag containing tobacco products was found behind the counter. These products did not carry the correct labelling and I suspected them of being counterfeit. Soltani was cautioned in connection with the alleged sale and supply of illicit tobacco products at 21:20. He mentioned that he knew they were fake but had been selling them anyway. He said he only got them into stock for the Blackpool Pride event that was taking place in the vicinity.

To conclude, it is my belief that in repeatedly supplying the tobacco products described above Soltani has engaged in criminal conduct. In addition, the lack of correct labelling and the suspicion of the product origin potentially increases the risk to the general product, for example, the manufacturer of the counterfeit products is completely unregulated. This was not an isolated incident, after been caught and his stock of illicit tobacco seized, Soltani then re-stocked in order to carry on supplying.

In my view, it is in my view clear to see that the premises are currently being operated in a manner that severely undermines the prevention of crime and disorder Licensing Objective. In the space of approximately 3 months 2 separate seizures of counterfeit cigarettes have been made at the premises. On both occasions Mr Soltani, the Licensee, was the person culpable. Mr Soltani has also established himself as an unreliable operator of a business of this nature and in my view is not capable of promoting the prevention of crime and disorder Licensing Objective. In the circumstances my recommendation would be to revoke the Licence.

Part 4 – Other relevant information

Have you made an application for review relating to these premises before?	Please tick	
	Yes	No
		X

	Day	Month	Year
If yes please state the date of that application			

If you have made representations before relating to this premises, please state what they where and when you made them.

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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.	Please tick
	X
I understand that if I do not comply with the above requirements my application will be rejected	
	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.

Part 5 – 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 the behalf of the applicant please state in what capacity.

Signed	
Print Name	Lee Petrak
Capacity	Trading Standards and Licensing Manager
Date	25.06.2019

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)

Title:	Mr	Mrs	Miss	Ms	Other:										
Forenames	Lee				Surname	Petrak									
Address for correspondence associated with this application	4 th Floor														
	Municipal Building														
	Corporation Street				Post Code	F	Y	1			1	N	A		
Telephone Number	01253477861				Mobile Number	07468 472898									
E-Mail Address	lee.petrak@Blackpool.gov.uk														

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 that we shall use to correspond with you about this application.