



# Alcohol & Gambling Licensing Sub-Committee

**A meeting of the Alcohol & Gambling Licensing Sub-Committee will be held at the Remote over Zoom on Wednesday 6 July 2022 at 2.00 pm**

## Agenda

1.	<b>Appointment of Chairman for the meeting of the Sub-Committee</b>
2.	<b>Declarations of Interest</b> Members are asked to declare any interest and the nature of that interest that they may have in any of the items under consideration at this meeting.  <b>Note:</b> Any Member with a disclosable pecuniary interest will not be able to participate in the hearing, and should therefore notify Democratic Services in advance so that arrangements may be made for an alternate Member to attend.
3.	<b>Application to Review Premises Licence – Nasz Sklep, 10 Alexandra Terrace, Northampton NN2 7SJ (Pages 5 - 24)</b>  The Alcohol & Gambling Licensing Sub-Committee to consider the application for a review of a premises licence in accordance with section 51 of the Licensing Act 2003

Catherine Whitehead  
Proper Officer  
28 June 2022

### **Alcohol & Gambling Licensing Sub-Committee Members:**

Councillor Maggie Clubley  
Councillor Keith Holland-Delamere  
Councillor Terry Gilford

## **Information about this Agenda**

### **Apologies for Absence**

Apologies for absence and the appointment of substitute Members should be notified to [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk) prior to the start of the meeting.

### **Declarations of Interest**

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item

### **Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates**

Members are reminded that any member who is two months in arrears with Council Tax must declare that fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

### **Evacuation Procedure**

If a continuous fire alarm sounds you must evacuate the building via the nearest available fire exit. Members and visitors should proceed to the assembly area as directed by Democratic Services staff and await further instructions.

### **Access to Meetings**

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

### **Mobile Phones**

Please ensure that any device is switched to silent operation or switched off.

### **Queries Regarding this Agenda**

If you have any queries about this agenda please contact Richard Woods / Maisie McInnes, Democratic Services via the following:

Tel: 07391411365

Email: [democraticservices@westnorthants.gov.uk](mailto:democraticservices@westnorthants.gov.uk)

Or by writing to:

West Northamptonshire Council  
One Angel Square  
Angel Street  
Northampton  
NN1 1ED

**West Northamptonshire Council**  
**Alcohol and Gambling Licensing Sub-Committee**  
**Application to Review Premises Licence – Nasz Sklep, 10**  
**Alexandra Terrace, Northampton NN2 7SJ**  
**Date 2.00pm 6<sup>th</sup> July 2022**  
**Remote Hearing via ZOOM**

**1.0 Purpose of Report**

- 1.1 To consider an application for a review of a premises licence in accordance with section 51 of the Licensing Act 2003 (“the Act”) made by Northamptonshire Police (“the Applicant”) in respect of a premises license held by Mr. Ramazan Omar Mustafa with regard to Nasz Sklep, 10 Alexandra Terrace, Northampton, NN2 7SJ. (“the Premises”). This is a shop premises in the Kingsthorpe area of Northampton.

**2.0 Summary**

- 2.1 The application, which can be found at **Appendix A**, was received by West Northamptonshire Council on 12<sup>th</sup> May 2022. Further police evidence accompanying that application can be found at **Appendix D**.

**3.0 Application Details**

- 3.1 The review is made on the ground of failure to promote the licensing objective of The Prevention of Crime & Disorder. The licence (see **Appendix B**) for this premises relates to the following regulated activities:

**The Sale of Alcohol (off premises only)**

Monday – Sunday 08.00 – 23.00

**Opening Times**

Monday – Sunday 08.00 – 23.00

The current premises licence holder is Mr. Ramazan Omar Mustafa and the licence has been in force since July 2020. Mr Mustafa has been the licence holder since February 2022. The Designated Premises Supervisor is also Mr Mustafa whose personal licence was issued by Northampton Borough Council.

**4.0. Consultations/Representations**

- 4.1. When an application for a review of a premises licence or club premises certificate is received, the applicant must serve the licence holder and all the responsible authorities with the application. It is then the responsibility of the

local authority to place the blue public notice (“the Notice”) at or near the premises.

This gives responsible authorities and any member of the public the opportunity to make written relevant representations in relation to the application to the local authority within 28 calendar days of receiving the notice or the date on which the notice was first displayed at or near the premises. In this case the notice was displayed on 12<sup>th</sup> May 2022 and a photograph of it is situ is shown at **Appendix C**. The last date for making relevant representations in relation to this Application was 9<sup>th</sup> June 2022.

During the consultation period West Northamptonshire Council received no other representations.

## **5.0 Attendance**

5.1 The Council is also required to send a notice of hearing to all interested parties and responsible authorities that have submitted a relevant representation and request confirmation of their intention to attend that hearing. A notice of hearing was sent to the following persons on 9<sup>th</sup> June 2022.

- Mr Ramazan Mustafa (Licence Holder)
- PC David Bryan (on behalf of the Chief Officer of Northamptonshire Police)

## **6.0 Options**

6.1 Upon application of a review at the end of the consultation period the licensing authority must hold a hearing to consider it and any other representations made. It must take such steps as it considers appropriate for the promotion of the licensing objectives, which are:

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm.

6.2 The options available to the Sub-Committee are to

- modify the conditions of the licence,
- exclude a licensable activity from the scope of the licence,
- remove the designated premises supervisor,
- suspend the licence for a period not exceeding three months,

- revoke the licence or
- take no action.

## **7.0 Financial & Resource Implications**

- 7.1. The Council may be liable to pay costs should any appeal against a refusal of the licence application be successful in the Magistrates' Court.

**Comments checked by Dawn Leader, Finance Department**

## **8.0 Legal Implications**

- 8.1 Any decision made regarding an application for the review of a premises license made in accordance with section 51 of the Licensing Act 2003 ("the Act"), must comply with the requirements of section 52. It must also consider the revised statutory guidance issued under section 182 of the Act (April 2018 version) and, as of the date of the Sub-Committee hearing, the Northampton Borough Council Licensing Act 2003 Statement of Licensing Policy (2020).
- 8.2 Having regard to the relevant representations, the Sub-Committee must take such reasonable and proportionate steps as it considers appropriate, if any, for the promotion of the four licensing objectives. These steps are restricted to those set out at paragraph 6.2 above.
- 8.3 A decision must be made by the Sub-Committee within the period of five working days beginning the day on which the hearing was held. Once the decision has been made, a written notice containing the full reasons for that decision must be supplied forthwith to the Applicant, the Premises License holder and any person or responsible authority that submitted a relevant representation
- 8.4 In accordance with section 181 and Schedule 5 of the Act, only the Applicant and any person or responsible authority that submitted a relevant representation may appeal to a Magistrates' Court if they are aggrieved at the decision of the Sub-Committee. Any such appeal must be submitted by way of complaint to the Court within 21 days commencing with the day on which the person in question receives a copy of the written notice of the Sub-Committee's decision.
- 8.5 Any premises license review must be considered on its own merits. Any conditions attached to licences must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown

to be necessary for the promotion of the licensing objectives in any individual case.

**Legal implications provided by James Chadwick, Senior Licensing and Litigation Solicitor for West Northamptonshire Council.**

**9.0 Committee**

- 9.1** Each application must be considered on its own merits and any conditions attached to licences and certificates must be tailored to the individual style and characteristics of the premises and events concerned. This is essential to avoid the imposition of disproportionate and overly burdensome conditions on premises where there is no need for such conditions. Standardised conditions should be avoided and indeed, may be unlawful where they cannot be shown to be necessary for the promotion of the licensing objectives in any individual case.

<b>Additional Documents</b>	<b>Title</b>
<b>A.</b>	Review Application from Northants Police
<b>B.</b>	Current Premises Licence
<b>C.</b>	Blue Notice
<b>D.</b>	Additional Police Evidence
<b>Report Author</b>	Martin O'Connell Senior Licensing Enforcement Officer

## APPENDIX A – REVIEW APPLICATION

*[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 Police Constable 0113 BRYAN

*(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

Postal address of premises or, if none, ordnance survey map reference or description

Nasz Sklep  
10 Alexandra Terrace

Post town Northampton

Post code (if known) NN2 7SJ

Name of premises licence holder or club holding club premises certificate (if known)

Mr Ramazan Omar Mustafa

Number of premises licence or club premises certificate (if known)

PL1222

#### 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)

☐

Please tick ✓ yes

**Surname**

### First names

\_\_\_\_\_

--

Please tick ✓ yes

☐

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

\_\_\_\_\_

Post town

\_\_\_\_\_

Post Code

11/11/2011

Daytime contact telephone number

\_\_\_\_\_

**E-mail address  
(optional)**

[illegible]

## Name and address

Name and address
Telephone number (if any)
E-mail address (optional)



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

Name and address PC 0113 D BRYAN Northamptonshire Police Wellingborough Police Station Midland Road Wellingborough Northamptonshire NN8 1HF
Telephone number (if any) 101 EXT 346309
E-mail address (optional) david.bryan@northants.police.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
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**X**

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

I act on behalf of the Chief Officer of Police for Northampton shire, Mr Adderley. He has delegated responsibility and authorised me to act on his behalf regarding representations made by Northamptonshire Police to Licensing Authorities across the county of Northamptonshire.

Northamptonshire Police call for the Review of the Premises Licence for Nasz Sklep under the Licensing Objective of the Prevention of Crime and Disorder.

This Review relates to the sale/and or storage of smuggled tobacco products at the premise, this undermines the licensing objective of the Prevention of Crime and Disorder.

- 1) In December 2021, Northamptonshire Police (Licensing Department) were contacted by the Anti-Illicit Trade Operations Manager for Japanese International Tobacco (JTI) UK responsible for Western Europe.
- 2) JTI UK had received information that the sale of Counterfeit/Illicit Tobacco products were at high levels in Northamptonshire.
- 3) In response to this information JTI UK visited numerous retailers throughout Northamptonshire to establish if the information was correct.
- 4) Test purchases were undertaken at multiple premises with the Test Purchaser purporting to be a customer and asking whether 'cheap cigarettes' were sold.
- 5) All transactions were recorded, and any items purchased were exhibited with their integrity and continuity maintained to a criminal justice standard.
- 6) The majority of the purchased tobacco products have been examined by JTI UK specialist seizure and analysis staff, some items were JTI products, but duty had not been paid, the others were not JTI products but again had no duty paid or were possibly counterfeit. Either way these products were all illicit tobacco products, sales of these products in the UK are illegal.
- 7) Nasz Sklep, Alexandra Terrace, Northampton was visited on the 9<sup>th</sup> and 30<sup>th</sup> of September 2021 and the 5<sup>th</sup> of January 2022.
- 8) On the 9<sup>th</sup> of September 2021 two packets of 20 Winston cigarettes and two packets of 20 Mayfair cigarettes were purchased for £22.00
- 9) On the 30<sup>th</sup> of September 2021 two packets of 20 Mayfair cigarettes were purchased for £10.00.
- 10) On the 5<sup>th</sup> of January 2022 two packets of 20 Mayfair cigarettes were purchased for £10.00.
- 11) All the purchased products were illicit.

Northamptonshire Police are of the belief that the Licensing Objective of the Prevention of Crime and Disorder is not being promoted.

Northamptonshire Police would ask the Licensing Sub-Committee of West Northamptonshire Council to consider revocation of the Premises Licence in the first instance.

The statutory section 182 Guidance that accompanies the Licensing Act 2003 details at point 11.27 what criminal activity should be treated particularly seriously by Committees, the sale and storage of smuggled tobacco and alcohol is listed. At point 11.28 details are contained that Licensing Authorities should seriously consider revocation in the first instance when looking at matters relating to point 11.27.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Where crime is involved, wider considerations come into play. Those considerations might include the prevention of crime and at least deterrence, if not punishment. Where premises have been used for a criminal purpose, the Licensing Authority has a duty to take steps in the interest of the wider community.

Please find attached a section (9) statement form Mr Paul McMahon, Anti Illicit Trade Operations Manager for JTI UK.

Northamptonshire Police have liaised with Mr McMahon regarding the Test Purchase operation he has overseen, and the tactic employed. Northamptonshire Police are satisfied that the evidence supplied to them is of a court level standard and as such content to use this evidence in these Review papers.

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

☐

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**

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

.....

Capacity **Northamptonshire Police Licensing Constable**

.....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 6)

**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. 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.

## Appendix B – Current Premises Licence PL1153

**West Northamptonshire Council**

West Northamptonshire Council

[Home](#) [Register](#) [Log In](#)

You are here » [Home](#) » [Licensing Act Premises Search](#) » [Detail](#) » [Application](#)

Licensing Act 2003 - Premises Licence Register as at 14:43 on 9 June 2022

**Nasz Sklep**  
10 Alexandra Terrace, Northampton, NN2 7SJ  
Premises Licence PL1222 from from 01/02/2022 to indefinite

Licence holder(s)

Full Name:	Mr Ramazan Omar Mustafa
------------	-------------------------

Designated Premises Supervisor

Full Name:	Mr Ramazan Omar Mustafa
------------	-------------------------

Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Granted

	Time From	Time To
Monday-Sunday	08:00	23:00

Activities - Times Granted

	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only		
Monday-Sunday	08:00	23:00

Additional Conditions

**MANDATORY CONDITIONS**

**19 Mandatory conditions where licence authorises supply of alcohol**

(1) 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.

(2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**ANNEX 2 - ADDITIONAL MANDATORY CONDITIONS**

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010 as amended by The Licensing Act 2003 (Mandatory Licensing Conditions) (Amendment) Order 2014.

The following conditions shall come into force on 1<sup>st</sup> October 2014

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale of alcohol or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried out in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 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 either -

(a) A holographic mark, or

(b) An ultraviolet feature.

The following mandatory conditions are to be applied to the licence stated above in accordance with The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2014.

**The following conditions shall come into force on 28th May 2014**

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1-

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula-

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the rate of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

**Conditions as per Operating Schedule:**

**General Conditions**

- Spirits must be displayed and secured behind the sales point and will not be available for self-service.
  - The licence holder shall operate and maintain a refusals register in respect of declined sales of alcohol where the attempted purchaser was suspected of being under 18 years of age or drunk.
  - The refusals register shall be kept on the premises and be made available immediately upon request to an authorised officer of the Police or Local Authority.
  - The licence holder will ensure that within six weeks of any appointment of a member of staff, they receive adequate training in responsible alcohol retailing and refreshed every 12 months. A training record will be kept at the premises.
  - No alcoholic drinks will be purchased by the store owners or staff from sellers calling at the store.
- All invoices (originals or copies) for all alcoholic goods for retail sale on the premises will be kept at the shop and made available to Police, Council and HMRC Officers upon request. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on all spirits as soon as practical after they have been purchased.

**Prevention of Crime & Disorder**

- A fully working and maintained CCTV system capable of recording and storing images must be installed on the premises. The system must record at all times the premises is open to the public and images must be stored for a minimum of 28 days with date & time stamping. As a minimum this must cover all entry and exit points, both sides of all areas where the sale/ supply of alcohol takes place.
- All recordings must be made available to an officer from a responsible authority upon reasonable request and in line with the provisions of the Data Protection Act 1998.



- All staff involved in the retail of alcohol will be trained in relation to the law regarding its sale. This training must be completed prior to them being authorised to sell alcohol and refreshed every 12 months as a minimum. A record of this training must be kept and maintained with a copy of the syllabus attached. The recipient of the training must sign to state that they have received and understood the training and this should be dated. Training records must be kept on the premises at all times and made available to an officer from a responsible authority upon reasonable request.
- The premises will operate and adhere to an age verification scheme with the minimum standard of Challenge 25. Signs advertising the policy must be displayed in all areas where alcohol is for sale.
- A refusals register will be kept on the premises for the recording of any incidents involving the refusal of a sale of alcohol due to age or drunkenness. The register will be made available to an officer from the local authority for inspection upon reasonable request
- No person will be allowed to enter or leave the licensed premises with an open vessel of alcohol and the licensee will actively discourage and prevent anyone congregating or drinking outside the premises.

#### Public Safety

- The premises will conform to all statutory Health and Safety Requirements

#### Prevention Of Public Nuisance

- Persons shall be discouraged from congregating outside of the premises.
  - A notice will be placed immediately outside the main entrance reminding persons that no alcohol to be consumed directly outside the main entrance to the shop.
  - Waste collection contractors will not collect refuse between 23:00 and 07:00 hours.
- Any litter or refuse generated must be contained within the boundaries of the premises and regularly cleared (the boundaries of the premises are taken to be those indicated on the plan)
- Receptacles for waste shall be emptied regularly to avoid causing a public nuisance through smells or odours and shall be maintained in a clean condition.
  - Trade waste containers will only be left out for collection of waste on the day of collection and will be stored off the public right of way at all other times.
  - Clear and legible notices will be prominently displayed at all exits asking customers to respect local residents and to leave the area quietly.

#### The Protection of Children from Harm

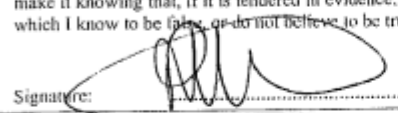
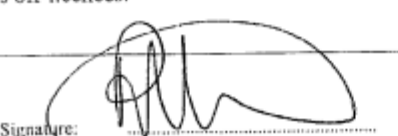
- The challenged 25 scheme will be implemented
- To ensure that any person selling or supplying alcoholic drink under the authority of a personal licence holder follows the guidelines of the Challenge 25 scheme and asks for photo ID proof of age where they have reason to suspect that the individual may be under 25 years of age and to ensure that signs relevant to this condition are prominently displayed at the premises.

## Appendix C – Blue Notice



## APPENDIX D – Police Evidence

### Statement of Paul McMahon (Anti-Illicit Trade Operations Manager – Gallagher Ltd)

RESTRICTED (when completed)		MG 11(T)				
<b>WITNESS STATEMENT</b> (CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)						
Statement of	Paul McMAHON .....	URN: <table border="1"><tr><td> </td><td> </td><td> </td><td> </td></tr></table>				
Age if under 18	<b>Over 18</b> ..... (if over 18 insert 'over 18')	Occupation: <b>Anti Illicit Trade Operations Manager</b>				
This statement (consisting of: .... 4..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.						
Signature:		Date: 11/01/2022				
Tick if witness evidence is visually recorded (supply witness details on rear)						
<p>I am employed by Gallaher Limited / JTI UK, as the Anti-Illicit Trade Operations Manager for Western Europe, at their office at Virginia House, Weston Road, Crewe, Cheshire CW1 6GH. Gallaher Limited is a member of the JT International group of companies. Part of my role as an Anti-Illicit Trade Operations Manager includes identifying counterfeit and genuine tobacco products bearing trademarks owned by the JT International group of companies, including JT International SA and Gallaher Limited.</p> <p>My employer has directed me to assist regulatory and enforcement bodies, upon their request, in matters relating to the illegal distribution and sale of tobacco products. I liaise frequently with regulatory and enforcement bodies advising on how to identify counterfeit and other illegal tobacco products.</p> <p>In 2021 I received information that the sale of Counterfeit / Illicit Tobacco products were at high levels in Northamptonshire.</p> <p>I tasked an independent service provider to visit numerous retailers throughout Northamptonshire to establish if this information was correct.</p> <p>Test purchases were undertaken at multiple premises with the service provider purporting to be a normal customer asking if the shop sold 'cheap cigarettes'.</p> <p>All transactions were recorded and any items purchased were exhibited with their integrity &amp; continuity maintained to a criminal justice standard.</p> <p>The majority of the purchased tobacco products have been examined by JTI specialist Seizure and Analysis staff who can produce expert evidence as to the authenticity of the recovered JTI branded products.</p> <p>The service providers corroborated the initial information by identifying a significant number of retailers selling illicit tobacco products.</p> <p>Several of the retail premises selling illicit tobacco were also selling alcohol and appeared to be operating as off-licences.</p>						
Signature:		Signature witnessed by: .....				

2004/05(1): MG 11(T)

As the sale of illicit tobacco is illegal and closely linked to serious organised criminality a number of these stores may be considered to be undermining one of the objectives of the Licensing Act 2003, namely "The prevention of crime and disorder".

To support the licensing authority in assessing the potential risk of licensing premises engaged in illicit trade, I disseminated information to Northamptonshire Police Alcohol Licensing Team & North & West Northants Trading Standards.

**Nasz-Sklep-13 Alexandra Terrace Northampton NN2 7SJ** is a retail premises that sells alcohol and was visited on three separate occasions.

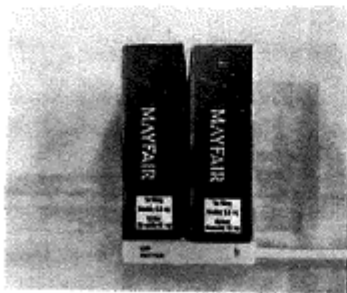
On the 9<sup>th</sup> & 30<sup>th</sup> September 2021 & 5<sup>th</sup> January 2022 service providers entered **Nasz-Sklep-13 Alexandra Terrace Northampton NN2 7SJ** and undertook test purchases buying items from persons working behind the shop counter.

09/09/21 1210hrs – Two (2) packets of 20 Winston Cigarettes & Two (2) packets of 20 Mayfair Cigarettes purchased for a total of £22.00.

Exhibit EVE1/5078/09/09/21 refers as pictured.



30/09/21 1605hrs – Two (2) packets of 20 Mayfair Cigarettes purchased for a total of £10.00.  
Exhibit EVE1/5078/30/09/21 refers as pictured.



05/01/22 – 1520hrs - Two (2) packets of 20 Mayfair Cigarettes purchased for a total of £10.00.

Signature: 

Signature witnessed by: .....

2003(1)

Exhibit EVE1/5078/05/01/22 refers as pictured.



Examination of all three exhibits (EVE1/5078/09/09/21 - Exhibit EVE1/5078/30/09/21 - EVE1/5078/05/01/22) confirmed that they are counterfeit.

The Trade Mark **MAYFAIR** for cigarettes and tobacco products is owned in the UK by JTI International SA (a member of the JT International group of companies and an affiliate of Gallaher Limited). The Trade Mark **WINSTON** for cigarettes and tobacco products is owned in the UK by JTI International SA (a member of the JT International group of companies and an affiliate of Gallaher Limited).

It should be noted that on each visit the sale of counterfeit cigarettes were facilitated by two persons in the store with the cigarettes being collected from the rear of the store and brought to the till area before payment was taken.

Concealing illicit tobacco in a location away from the shop floor is a well known tactic regularly encountered by law enforcement and indicates a level of organisation and planning to sell illicit products within this store.

We very much welcome the valuable work Police and Trading Standards do in tackling the sale of illegal tobacco, despite the financial and resource pressures they face. This work is vital in safeguarding legitimate businesses and consumers.

The Intellectual Property Office's report (Trading standards successes. IP crime and enforcement report 2019 to 2020. IPO, September 2020) on the enforcement activity undertaken by Trading Standards departments shows that cigarettes and tobacco remain their most investigated product group.

HM Revenue & Customs (HMRC) estimate that the sale of illegal tobacco products in the UK has resulted in a tax revenue loss of more than £47 billion since 2000 (Measuring Tax Gaps 2020 edition – tax gap estimates for 2018 to 2019. HMRC, July 2020). HMRC also acknowledges that the sale of illegal tobacco "damages legitimate business, undermines public health and facilitates the supply of tobacco to young people" (Tackling illicit tobacco: From leaf to light. The HMRC and Border Force strategy to tackle tobacco smuggling. HMRC/Border Force, March 2015).

It has been widely reported that illegal tobacco is linked to other forms of criminality. For example, an article in the Chartered Trading Standards Institute's journal stated that "the illegal tobacco trade has strong links with organised crime and criminal gangs; many of the people smuggling, distributing and

Signature:

A handwritten signature in black ink, consisting of a series of loops and flourishes, written over a dotted line.

Signature witnessed by:

2003(1)

selling illegal tobacco are involved in drug dealing, money laundering, people trafficking and even terrorism." (Elite sniffer dog threatened by gangs, Journal of Trading Standards, January 2019.)

A high percentage of tobacco seized by the authorities entering the UK is raw unprocessed tobacco which indicates a significant level of illegal counterfeit production within the UK.

In recent years, JTI has seen through the work of its Anti Illicit Trade Organization (AITO) that the UK had several active fulfilment (illegal production) houses often staffed by persons working & living terrible conditions of servitude.

Fulfilment houses are often HMO (House Multiple Occupancy) where Organised Crime Group's (OCG's) lodge persons to stuff low quality ungraded tobacco into counterfeit pouches in unsanitary conditions.

Oppressed workers producing fake product in often appalling working conditions are what allows the OCGs to keep costs low and maximise their profit.

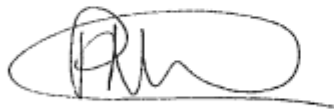
OCG's invest in tobacco as they have the free unregulated connections to finance the criminal purchase of materials and labour. They have the well-established methods of concealment, smuggling routes, money laundering and the ability to use force to protect highly profitable criminal activity from criminal competitors.

Crime groups often use funds to finance the illegal tobacco trade which come from the sale of drugs, guns, and prostitution.

They also deploy the skills and modus operandi from those criminal activities in the illegal tobacco trade. The illegal tobacco trade seems to be in nearly every town which means organised crime is active in nearly every community.

Members of the public buying 'cheap cigarettes' unwittingly support regional, national and international OCG's.

Therefore, I would respectfully suggest that the continued sales of illegal tobacco products from **Nasz-Sklep-13 Alexandra Terrace Northampton NN2 7SJ** acts as a contributing factor to tax revenue loss, damages legitimate businesses and encourages wider criminality.



P. McMahon



Signature:

Signature witnessed by:

2003(1)