



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 Peter Thompson, Trading Standards Officer

(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

Bucharest
490A Foleshill Road,
Coventry,
CV6 5HP.

Post town Coventry

Post code (if known) CV6 5HP

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

Mr. Aziz Fatah

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

LN/217000513

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)



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

Please tick ✓ yes

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 Trading Standards Coventry City Council PO Box 15 Council House Coventry CV1 5RR
Telephone number (if any) 02476 831896
E-mail address (optional) peter.thompson@coventry.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
 - 2) public safety
 - 3) the prevention of public nuisance
 - 4) the protection of children from harm

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

Bucharest situated at 490A Foleshill Road Coventry applied for a Licence in November 2017 to sell alcohol. The licence was granted on 8th March 2018.

Bucharest has been subjected to two inspection visits from Trading Standards. During those inspections illegal cigarettes were found in the store room and seized. Trading Standards have also carried out a test purchase of one packet of illegal cigarettes from this shop, proving the shop is supplying them. The grounds for this review are therefore based upon the illegal supply of tobacco products from this shop.

The supporting details of which this review relate to are as follows:

On 5th December 2018 Trading Standards officers visited Bucharest. The officers were assisted by a tobacco sniffer dog to help identify if any illegal tobacco was hidden inside the shop.

The person standing behind the counter when the officers entered gave his name as Aziz Fatah. Identification was provided by him that confirmed this.

At the rear of the shop, inside a small storeroom, the sniffer dog indicated the presence of tobacco in the corner. In this corner there was a door which met with a wall. Officers could not see anything out of the ordinary in this corner, but the dog was persistent and was scratching at this corner. After a while officers discovered that there were two shelving units cleverly hidden behind the door frame. These shelving units could be pulled out, and when this was done the illegal cigarettes could be seen.

Please see pictures attached in Appendix 1.

In total 276 packets of cigarettes were seized from these shelves. These were a mixture of counterfeit and smuggled cigarettes. The illicit street value of these would have been

approximately £1242. If they had been genuine UK duty paid cigarettes that value would have been approximately £2760.

On 16th January 2019 Trading Standards carried out a test purchase of illegal cigarettes from this shop. The cigarettes purchased cost £5.00 and were called 'L&M'. They have now been confirmed as being illicit (smuggled - foreign labelled Polish cigarettes)

On 26 January 2019 Trading Standards officers visited this shop again. The officers were again assisted by a tobacco sniffer dog to help identify if any illegal tobacco was hidden inside the shop.

The person standing behind the counter when the officers entered gave his name as [REDACTED]. He explained he did not work at the shop and was a friend of the owner. He stated he was just looking after the shop because the owner had gone out.

At the rear of the shop, inside the same small storeroom as before, the sniffer dog indicated on a walled shelving unit which contained cans of pop and alcohol. Officers could not see anything out of the ordinary, but the dog was persistent and was rearing up to the shelves. After a while officers discovered that there was a secret compartment built behind the bottom of this shelving unit. Please see the picture attached in Appendix 2.

In total 88 packets of cigarettes were seized. These were a mixture of counterfeit and smuggled cigarettes. The illicit street value of these would have been approximately £396. If they had been genuine UK duty paid cigarettes that value would have been approximately £880.

Checks with the City Council's Licensing team confirm that Aziz Fatah became the licensee for this business on 9th January 2019.

Aziz Fatah was interviewed on 12th March 2019. The salient points of that interview are below:

- He confirmed he became the owner of the shop on 31st December 2018.
- He confirmed he was the premises licence holder for the shop.
- He said he was not the owner or licensee during the 1st seizure on 5th December, so those cigarettes are not on him but on the old owner.
- He said the cigarettes found the second time on 26th January 2019 were also the old owners, stating he did not know they were there, and that the old owner must have left them there (the dog handler has said the dog would have found this concealment on the first occasion if it was there).
- He said the person in the shop on the 26th January [REDACTED] was his friend and was only helping him for that day.
- He said he did not sell illegal cigarettes from this shop.
- When he was told that a successful test purchase of illegal cigarettes was made from his shop on 16th January 2019, he said he did not know anything about that, and gave no plausible answer for it.
- He was apologetic and stated there will be no illegal cigarettes in his shop 'from this day'.

Although Aziz Fatah claims he was neither the owner or licensee of the business on the 5th December 2018 when the first seizure took place; he was present behind the counter. Aziz was of course the owner and licensee when the test purchase of illegal cigarettes was undertaken on 16th January, and during the second seizure of cigarettes on the 26th January.

The grounds for this review are requested on the information given above, from a Responsible Authority dealing with a Licenced Premises which has sold illicit tobacco, and also had two secret concealments built inside this shop to hide their illicit tobacco, it is therefore felt appropriate that a review be undertaken, and the following actions be considered:

1. Revoke the premises License, or
2. Suspend the Premises License for a period of three months, and/or

3. Remove Aziz Fatah as the DPS at this premises.
4. Impose any conditions that the Sub-Committee feel appropriate.

Please provide as much information as possible to support the application (please read guidance note 3)

The Revised Guidance issued under section 182 of the Licensing Act 2003 (April 2018)

11.27 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 or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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.

Please tick ✓ yes

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

N/A.

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 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 **10/07/2019**

.....

Capacity **Trading Standards Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Peter Thompson Trading Standards Coventry City Council PO Box 15 Council House Coventry CV1 5RR	
Post town Coventry	Post Code CV1 5RR
Telephone number (if any) 02476 831 896	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) peter.thompson@coventry.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 which we shall use to correspond with you about this application.

Appendix 1.



Appendix 2.

