



REV1

**Application for a 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 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 PC [REDACTED] Haywood (insert name(s) 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 club premises, or if none, ordnance survey map reference or description

K & B Stores, 31C Harehills Road.

Post town
Leeds

Post code
LS8 5HR

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

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

PREM/03372/003

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) | <input type="checkbox"/> |
| 2 | A responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |

3 A member of the club to which this application relates (please complete (A) below)

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

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev) <input type="checkbox"/>
Surname	First names			
<input type="text"/>	<input type="text"/>			

Please tick ✓ Yes

I am 18 years old or over

Current postal address
if different from
premises address

Post Town Postcode

Daytime contact telephone number

Email address (optional)

(B) DETAILS OF OTHER APPLICANT

Name
Address
Telephone number (if any)
E-mail (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name PC [REDACTED] Neil Haywood
C/O Leeds District HQ Elland Road Police Station Elland Road LS11 8BU
Telephone number (if any)
E-mail [REDACTED]

This application to review relates to the following licensing objectives(s)

Please tick one or more boxes ✓

- | | | |
|----|--------------------------------------|--------------------------|
| 1. | the prevention of crime and disorder | X |
| 2. | public safety | X |
| 3. | the prevention of public nuisance | <input type="checkbox"/> |
| 4. | the protection of children from harm | X |
| 5. | | |

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

On the 19th January 2024, Trading Standards Officers carried out a test purchase operation at the premises for illegal tobacco. The officer was sold a packet of cigarettes for £3.50. These were illicit cigarettes by nature of not having UK Duty paid on them.

On the 24th January 2024, Trading Standards carried out an inspection of the premises in conjunction with West Yorkshire Police. Whilst waiting at the premises, Ismail Mostafa was present and told Police he did not sell cigarettes despite customers attending asking to buy them. Trading standards uncovered a concealment of 117 packets of cigarettes and 10 pouches of hand rolling tobacco inside a specially constructed door frame hiding the products. There were also 119 oversized vapes on site

The sale of smuggled goods that have not had UK duty paid is a criminal offence which must be taken especially serious given that K & B stores currently holds a premises licence. The premises is not promoting the licensing objectives, being involved in serious criminality.

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

Statement of Andrea Field – documents sale of illicit cigarettes at the premises on the 19th January 2024

Statement of Babul Hussain- documents recovery of illicit cigarettes, tobacco and vapes from the premises on the 24th January 2024

Photographs 1-3 – show goods seized on the 24th January 2024.

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

Please tick ✓ yes

If yes please state the date of that application

Day		Month		Year			

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

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

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 5). **If signing on behalf of the applicant please state in what capacity.**

Signature
Date 5/3/24
Capacity Police officer


Contact Name (where not previously given) and 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 by e-mail 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.

WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

Statement of:	Andrea Field
Age of witness: (if over 18 enter 'over 18')	Over 18
Occupation:	Trading Standards Assistant
This statement (consisting of 2 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 in it anything which I know to be false or do not believe to be true.	
Dated:	06/02/2024
Signature:	

I am a Trading Standards Assistant employed by West Yorkshire Trading Standards Service, Nepshaw Lane South, Morley, Leeds, LS27 7JQ. I am an authorised officer for the purposes of the Trade Marks Act 1994, Tobacco and Related Products Regulations 2016, Standardised Packaging of Tobacco Regulations 2015 and The Consumer Rights Act 2015.

On 19th January 2024 I was wearing plain clothes when I attended the premises of **KB Off Licence, 31C Harehills Road, Leeds, LS8 5HR**, to carry out a test purchase for illegal tobacco. I approached the counter and asked to purchase a packet of Richmond cigarettes. In the shop were two females, one behind the counter and one in front of the

NOTE : If statements are typed double spacing should be used.
One side only of this paper should be used.

(Signed) 

Dated 06th February 2024 Page 1 of 2

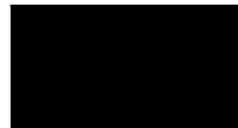
WITNESS STATEMENT

Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B

counter. The female behind the counter took £3.50 payment for the cigarettes and the female in front of the counter made her way to the storeroom at the back of the shop. She appeared approximately 20 seconds later with the cigarettes in her hand which she passed to me. I took them from her and left the store. The cigarettes were sealed in a signed evidence bag and later placed in secure storage. The genuine retail price for this item is around £12.00, with around £8.00 of this being excise duty.

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(Signed)



Dated 06th February 2024 Page 2 of 2

WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

Statement of: Babul Hussain

Age of witness: (if over 18 enter 'over 18') Over 18


Occupation: Lead Cheap and Illicit Tobacco Officer

This statement (consisting of 3 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 in it anything which I know to be false or do not believe to be true.

Dated: 15/02/2024 **Signature:** 

I am the Lead Cheap and Illicit Tobacco Officer employed by West Yorkshire Trading Standards Service (WYTSS). I am an authorised officer for the purposes of the Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016, the Standardised Packaging of Tobacco Regulations 2015 and the Consumer Rights Act 2015.

On 24/01/2024 an inspection visit was conducted at KB Stores Off Licence, 31c Harehills Road, Leeds, LS8 5HR by Trading Standards Officers and West Yorkshire Police. The owner, Designated Premises Supervisor and Premises Licence Holder was present and working behind the counter. Illegal disposable electronic cigarettes (vapes) were found behind the counter and illegal tobacco was found hidden in a concealment built in to the door frame of the bathroom. A total of 117 x 20 packets of cigarettes, 10 x 50g pouches of Hand Rolling Tobacco & 119 oversize disposable electronic cigarettes were seized.

NOTE : *If statements are typed double spacing should be used. One side only of this paper should be used.* (Signed) 

Dated.....15/02/2024.....

To be completed if applicable:being unable to read the above statement I,of....., read it to him/her before he/she signed it. **Signed** **Dated**.....

WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

Continuation Statement of: Babul Hussain

The disposable electronic cigarettes contained nicotine and the volume of liquid appeared to be greater than the legal limit of 2 millilitres, making them non-compliant with Regulation 36 of the Tobacco and Related Product Regulations 2016 in that the nicotine containing liquid in the disposable electronic cigarette was presented for retail sale in a volume exceeding 2 millilitres.

I visually examined the tobacco products that were seized from the store. I could see they were not in the standardised format as required by The Standardised Packaging of Tobacco Products Regulations 2015 and were in violation of the Tobacco and Related Products Regulations 2016 as the prescribed health warnings were not present in English. From discrepancies in the packaging on some cigarettes and from the foreign excise stamps present on others it was clear to me, the cigarettes were a mix of counterfeit and smuggled items

The sale of Counterfeit/Illicit Tobacco products is not a minor breach of regulations but is in fact serious organised criminality. These items which cannot be legally sold in the UK are smuggled into the country on a vast scale. The profits of this illegal trade going to criminals while the treasury is deprived of the Tax/Excise. The current yearly loss in revenue is in excess of £2.5 billion which in turn deprives public services of funding.

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(Signed) 

Dated.....15/02/2024.....

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WITNESS STATEMENT

**Criminal Procedure Rules, r 27.2
Criminal Justice Act 1967, S. 9
Magistrates Courts Act 1980, 5B**

Continuation Statement of: Babul Hussain

Smoking is the leading cause of preventable diseases in the UK and over half of long term smokers will die prematurely from smoking related diseases. Tobacco taxes are a proven strategy to reduce smoking and extend lives. The illegal, cheap sale of this product removes this incentive of helping people to quit and also makes cigarettes more affordable to children, making it more likely they will start.

The supply of illegal tobacco not only causes harm to people but also causes genuine businesses to lose income and potentially close. This damages local communities with reduced employment and the loss of essential services.

The owner and Licensee of this business is trading in illicit goods. West Yorkshire Trading Standards therefore fully supports a review of its alcohol licence.

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One side only of this paper should be used.

(Signed) 

Dated..... 15/02/2024.....

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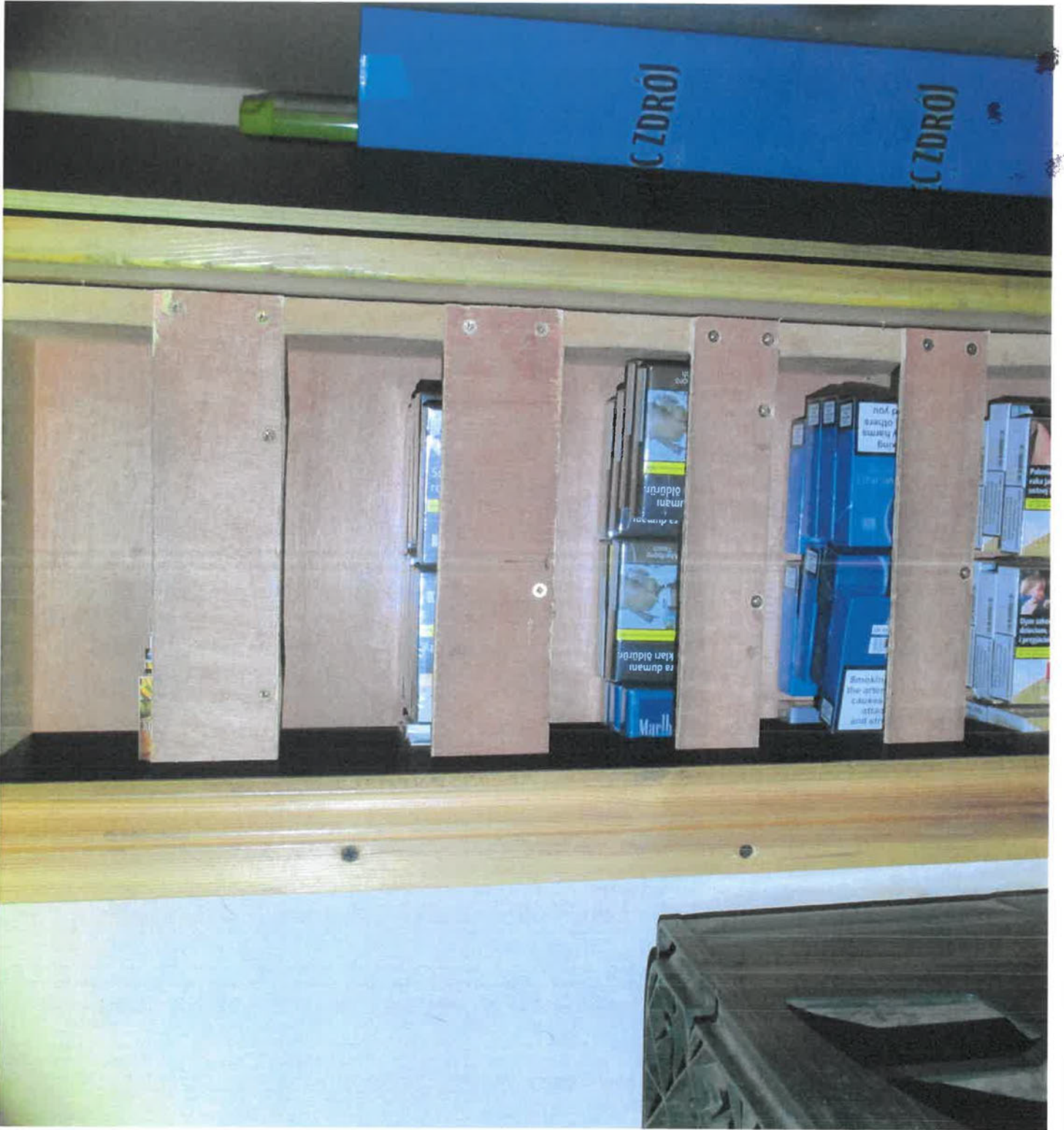
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