

[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 Julie Lloyd-Mullen (on behalf of the Trading Standards Department)

(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	
Smak Polski 48-56 Bank Top	
Post town Blackburn	Post code (if known) BB2 1TB

Name of premises licence holder or club holding club premises certificate (if known)
Alan Ahmad, 28 Watson Street Blackburn BB2 2RH

Number of premises licence or club premises certificate (if known)
LP19227

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 Julie Lloyd-Mullen (Senior Trading Standards Officer) Consumer Protection Team Public Protection and Environmental Health Blackburn with Darwen Borough Council Davyfield Depot Roman Road Industrial Estate Blackburn BB1 2LX
Telephone number (if any) 01254 585585
E-mail address (optional) julie.lloyd-mullen@blackburn.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)

The application for review is submitted by the local Trading Standards Department (a distinct element of Blackburn with Darwen Borough Council’s Public Protection & Environmental Health Service) on the grounds that the following licensing objective is not being promoted by Smak Polski, 48-56 Bank Top, Blackburn BB2 1TB:

The prevention of crime and disorder objective – it is the view of the Trading Standards Department that the conviction of Alan Ahmad, the licence holder, for supply and possession for supply of a significant amount of illicit tobacco found at Smak Polski, and his conviction for fraud in relation to the supply of illicit tobacco, seriously undermines the licensing objective ‘prevention of crime and disorder’.

It is further the view of the Trading Standards Department that the discovery of a significant amount on non-duty paid alcohol on the premises of Smak Polski, also undermines the licensing objective ‘prevention of crime and disorder’.

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

In March 2018 Blackburn with Darwen Borough Council trading standards officers carried out a routine visit to a storage facility in Blackburn, accompanied by a tobacco sniffer dog. They searched a suspect storage unit and found 8178 packs of counterfeit cigarettes which were non-compliant with tobacco packaging regs (retail value of £81,500). The cigarettes were seized and enquiries continued.

In November 2018 trading standards officers and the police carried out a raid at Smak Polski, 48-56 Bank Top, Blackburn, again accompanied by a tobacco sniffer dog and supported by the police.

As officers entered the premises they identified that a sale of what was suspected to be (and subsequently confirmed to be) illicit tobacco had just been made. A search of the premises with the sniffer dog indicated that further tobacco was likely to be behind a locked door.

Review of the premises CCTV system showed that Alan AHMAD and another man (who turned out to be the co-accused in the prosecution) had exited through the locked door as officers approached the premises. None of the staff present would assist officers in unlocking the door, so trading standards powers of entry were used to gain entry through this door (with the help of a locksmith). Several further doors were breached this way, and a hidden exit onto the street was located, through which AHMAD and his co-accused had presumably escaped unseen.

Also located was 79,000 cigarettes and 700g of hand rolling tobacco which was subsequently confirmed to be illicit, and 400 bottles of alcohol which was subsequently determined to be non-UK duty paid.

The person who rented the unit raided in March 18 was linked to the supplies taking place in Smak Polski so the two investigations were merged. A decision was subsequently taken to prosecute both that person, and Alan AHMAD, licence holder of Smak Polski.

Proceedings were delayed during covid, but both individuals eventually pleaded guilty and sentencing finally took place at Preston Crown Court on 4th Feb 22.

The co-accused (the person who was renting the storage unit raided in March 18) pleaded guilty to one count of possession for supply of counterfeit cigarettes; he was sentenced to 12 weeks imprisonment suspended for a period of 12 months. In addition, he must undertake 80 hours unpaid work and 15 activity days under a rehabilitation order. He was ordered to pay a contribution towards costs of £750.

Alan AHMAD, the owner of Smak Polski, pleaded guilty to nine offences relating to the supply of illicit tobacco, including fraudulent trading. He was sentenced to 12 months imprisonment on each of 7 counts, to run concurrently.

He was sentenced to 4 months imprisonment for two other related offences, again to run concurrently.

The Judge stated that AHMAD clearly took the lead role in respect of the fraudulent trading, but he recognised that the co-accused was a trusted Lieutenant in respect of the items discovered in storage unit. In considering whether AHMAD's sentence should be suspended, he took into account the two year delay due to covid, and that there was a realistic prospect of rehabilitation. The impact on AHMAD's employees was also considered if he were to receive a custodial sentence. Therefore the sentence was suspended for a period of 18 months.

AHMAD was also required to undertake 150 hours Unpaid Work and Rehabilitation Activity.

A Proceeds of Crime application was made and confiscation proceedings will take place on 24th June 22; costs for AHMAD will be decided at this point too.

A forfeiture and destruction order for the seized alcohol will be applied for at this hearing.

In the opinion of the Trading Standards Department the fraudulent nature of the offending and the quantities of illicit product found fundamentally call into question AHMAD's commitment to upholding the licensing objective 'prevention of crime and disorder'.

The following options are available to the Committee:

1. Do nothing. It is however submitted that the severity of the offending, and its association with fraud, would cause grave concern if no action were taken.
2. Modify the conditions of the licence: the Trading Standards Department submits that no modification of the licence conditions would fit the need to deal with these matters, as they already amount to clear breaches of legislation.
3. Remove the Designated Premises Supervisor. The Trading Standards Department notes that AHMAD is both DPS and Licence holder, so this action would not address his status of licence holder.
4. Suspend the licence for a period not exceeding 3 months.
5. Revoke the premises licence so that no alcohol can be sold at all.

The Trading Standards Department respectfully suggests that fraudulent trading associated with the possession for supply of illicit tobacco throws real doubt on AHMAD's commitment to uphold the licensing objective 'prevention of crime and disorder' in relation to the licence, and respectfully requests the Committee to consider whether revocation of the licence is proportionate to the convictions handed down AHMAD.

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

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

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Please tick ✓

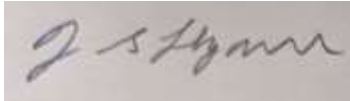
yes

- 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 **18/3/22**

Capacity **Senior Trading Standards Officer**

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) julie.lloyd-mullen@blackburn.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.