

NORTHAMPTON BOROUGH COUNCIL

TAXI & GENERAL LICENSING SUB-COMMITTEE

Your attendance is requested at a meeting to be held at This meeting will be held remotely at <https://www.youtube.com/user/northamptonbcTV> on Tuesday, 2 February 2021 at 6:30 pm.

George Candler
Chief Executive

AGENDA

1. WELCOMES
2. DECLARATIONS OF INTEREST
3. BUSINESS
4. REVIEW OF PREMISES LICENCE - PL0696 MONOPOL
(Copy herewithin)
5. EXCLUSION OF PUBLIC AND PRESS

The Chair to Move:

“that the public and press be excluded from the remainder of the meeting on the grounds that there is likely to be disclosure to them of such categories of exempt information as defined by section 100I of the Local Government Act 1972 as listed against such items of business by reference to the appropriate paragraph of Schedule 12a to such act.”

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REVIEW OF PREMISES LICENCE –

Licensing Sub-Committee

6pm Tuesday 2nd February 2021

Remote Hearing

1.0 Purpose of Report

1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Monopol, a shop at 42a Barrack Road, Northampton.

2.0 Summary

2.1 The review application was received on the 22nd December 2020 and submitted in accordance with licensing objective(s) for;

- The Prevention of Crime and Disorder

2.2 The current licence holder is Mr Mafbin Aras Zada.

3.0 Consultations/Representations

3.1 When a request for the review of a premises licence or club premises certificate is received, the licensing authority must display a notice at or near the premises, and on the council's website. This gives responsible authorities and any other interested parties a 28-day period for the opportunity to make representations in relation to the review application. It is the responsibility of the applicant to serve a copy of the review application onto the licence holder and the responsible authorities.

3.2 The local authority displayed the obligatory notice on the 22nd December 2020.

3.3 During the 28-day period there have been no other representations but Trading Standards have submitted evidence that the police are have in turn presented as part of their submission.

4.0 Attendance

4.1 The local authority is required to request confirmation of attendance from all interested parties. The following have to date confirmed attendance at today's hearing:

PC Sandy Tracey – Northamptonshire Police

PC David Bryan – Northamptonshire Police

5.0 Premises Licence Details

5.1 **Licence Number:** PL0696

The current Licence Holder of the premises is:

Mr Mafbin Aras Zada

The DPS at Monopol is:

Mr Shaho Rahman Abdulla

The premises are licensed for the following activities and times:

Off Sales of Alcohol:

Monday - Saturday 09.00 – 23.00hrs

Sunday 10.00 – 22.00hrs

Bank Holidays 10.00 – 22.00hrs

Opening Hours:

Monday – Sunday 09.00 – 00.00hrs

6.0 History of Premises & Licence Holder

6.1 Mr Mafbin Aras Zada has been the licence holder at Monopol since July 2020.

6.2 Prior to that the current DPS Mr Shaho Rahman Abdulla was the licence holder.

7.0 Options

7.1 At the end of the consultation period the licensing authority must hold a hearing. 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; and
- the protection of children from harm.

The steps the Sub-Committee can take are to:

- to modify the conditions of the licence;

- to exclude a licensable activity from the licence;
- to remove the designated premises supervisor;
- to suspend the licence for a period not exceeding 3 months;
- to revoke the licence.

Or take no action.

For those purposes, a condition of the licence is modified if any of them are altered or omitted or a new condition is added.

8.0 Policy Considerations

8.1 Northampton Borough Council Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Sections 11 & 13 give guidance for determination of this application.

Subsections 11.24 to 11.28 highlight the elements of the Guidance that are most relevant with respect to this application. This is not exhaustive, and guidance should be considered fully prior to making decisions with respect to applications.

9.0 Committee

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.

Report Contents	Title
Appendix 1.	Review Application
Appendix 2.	Premises Licence
Appendix 3.	Public Notice
Appendix 4.	Evidence Schedule
Appendix 5.	Police Statements PC Sandy Tracey

Appendix 6.	PC Dave Bryan Trading Standards Statements Catherine Rachel Bennett
Appendix 7.	Photographic exhibits and documentary evidence bundle
Report Author	Martin O'Connell

[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 0010 TRACEY

(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 Monopol Convenience Store, 42A Barrack Road,	
Post town Northampton	Post code (if known) NN1 3RL

Name of premises licence holder or club holding club premises certificate (if known) Mr Mafbin Aras ZADA
--

Number of premises licence or club premises certificate (if known) PL0696

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

PC 0010 S TRACEY

Northamptonshire Police

Wellingborough Police Station

Midland Road

Wellingborough

Northamptonshire

NN8 1HF

Telephone number (if any)

101 EXT 346307

E-mail address (optional)

Sandy.tracey@northants.pnn.police.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

X

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

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

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

This Review relates to the offence of:

- 1. Sale of Non-Duty paid Tobacco. (Tobacco Products Duty Act 1979)**
- 2. Knowingly allowing or carrying on or attempting to carry on unauthorised licensable activity. (S136 (1) Licensing Act 2003)**
- 3. Employment of illegal workers. (Contrary to Immigration, Asylum and Nationality Act 2006)**

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

Below is the relevant history of the premises that are pertinent to this Review application.

- 1. A Transfer application dated the 22/01/2019 was made in the name of Shaho Rahman Abdulla, an application to vary the DPS was also dated the 22/01/2019 nominating Shaho Rahman Abdulla as the new DPS.**
- 2. On the 19/09/2019 a Multi-Agency operation (HMRC, Trading Standards Officers, LA Officers and Northants Police) targeting a number of premises in Northamptonshire relating to duty not paid tobacco products was conducted, Monopol was one of the premises visited. A search was conducted and no smuggled tobacco products were discovered, however on entering the premises a male who was behind the counter was serving a customer, this male provided identification to state that he did not have the right to work in the UK, when the male was challenged about this he denied he was working. The Immigration Service was contacted by phone at the time of the visit and the male details were logged, Northants Police were directed by the Immigration Service to give the male a verbal warning that he could not work. It should be noted that this male was also encountered working in the shop on the 29/10/2020, 10/11/2020, 25/11/2020 and the 11/12/2020 by police.**
- 3. On the 03/03/2020 Officers from HMRC and Northants Police visited the premises, a search of the premises was conducted, no smuggled tobacco products were discovered inside the premises, however a set of car keys were found that belonged to a car parked in a nearby street. This car was registered to the Premises Licence Holder and the DPS who was not present at the time. A search of the vehicle was conducted and a quantity of Hand Rolling tobacco was discovered in the boot, 0.75 kilos of non-duty paid a member of staff was present during the search and stated that the tobacco belonged to him, he was requested to pay £228.00 to cover the duty lost or the vehicle was going to be seized, this was paid on the spot, the tobacco was seized.**
- 4. During all visits conducted by the authorities, Mr Shaho Rahman Abdulla has not been present.**
- 5. A transfer application was submitted for the premises on the 01/07/2020 in the name of Mafbin Aras Zada, however the DPS remained as Shaho Rahman Abdulla**
- 6. On Thursday 29th October, 2020 at approximately midday, Northamptonshire Police Licensing Officers conducted a Test Purchase (TP) for Tobacco at Monopol Convenience Store, 42A Barrack Rd, Northampton, the premises were open and trading at the time. A sale of non-UK duty paid cigarettes was made to the officer. The officer paid £5**

for a packet of 20 cigarettes

7. A second test purchase was conducted by the same officer on Tuesday 10th November at 13:30hrs the premises were open and trading. A different male member of staff to the one who had made the cigarette sale during the previous TP sold to her a packet of non UK Duty Paid cigarettes. The officer paid £5 for a packet of 20 cigarettes
8. A third test purchase was conducted by the same officer on Wednesday 25th November at 12:30hrs the premises were open and trading. The same male member of staff who had made the cigarette sale during the second previous TP sold to her again a packet of non UK Duty Paid cigarettes. The officer paid £5 for a packet of 20 cigarettes
9. A fourth test purchase was conducted by the same officer on Wednesday 2nd December at 23:25hrs the premises were open and trading. The same male member of staff who had made the cigarette sale during the first TP (On the 29/10/20) sold the officer a packet of non UK Duty Paid cigarettes. The officer was also sold a bottle of 330ml 5.0% Alcohol Volume beer which was sold whilst not in accordance to their hours of trading shown on their premises licence. The alcohol sale was made 25 minutes past their terminal hour. The sales assistant was aware of the hours of trading as he made comment to the officer that he shouldn't be selling her the alcohol as they were due to stop alcohol sales at 23:00hrs. When the officer suggested he shouldn't make the sale as he may get into trouble, he still went ahead and sold her the beer knowing this. The officer paid £5 for a packet of 20 cigarettes
10. Plain clothes officers from the police and Her Majesties Revenue and Customs (HMRC) attended the venue on Friday 10th December at 13:00hrs where a further test purchase for cigarettes was made to the same officer by the same 2 male members of staff who had made the previous sales of alcohol and cigarettes on 29/10/20, 10/11/20 & 2/12/20. A further packet of non UK Duty paid cigarettes was sold to the officer. Police and HMRC officers then entered the premises under S 180 Licensing Act 2003 and seized the non-duty paid cigarettes that were in the store. The seizure was made under the power of S19 PACE 1984. A total of 260 cigarettes of various Non-Duty paid brands including a number of banned menthol cigarettes were located behind the counter. Both males who had been present and working at the shop during previous Test Purchase Operations were found to be working illegally (via immigration checks) in the store in breach of their conditions of entry into the UK. Contact details of the Officer's seizing the cigarettes were left at the premises. The premises licence holder, Mr Mafin Aras ZADA was spoken to on the telephone that day, he was told what had been undertaken at his shop and that enforcement action would follow. To date he has made no attempt to contact Northamptonshire Police about this

matter. The officer paid £5 for a packet of 20 cigarettes

11. One of the males who was found to be working at the premises illegally had been found at the same premises on 19.9.2019 during a Police Operation where the Immigration Service instructed for him to be given a warning by police regarding him working illegally. This served me on the 10th and 25th November. The other male working illegally served the TP officer on the 29/10/20 and the 2/12/20.
12. During each test purchase conducted by police the member of staff spoke into a device located behind the counter and requested the cigarettes ordered to the staff member in the rear of the premises. The cigarettes were always bought up from a store room at the rear of the premises up to the counter where they were handed to the officer. The rear of the shop was separated from the main area by a green curtain.

Northamptonshire Police would ask the Licensing Sub-Committee of Northampton Borough Council to revoke the Premises Licence, it is our assertion that the manner in which the premises is being operated does not promote the Licensing Objectives.

When making this application Northamptonshire Police have consulted the statutory section 182 Guidance that accompanies the Licensing Act 2003, specifically paragraphs 11.24 – 11.28, which relates to Reviews in connection with crime.

11.27 stipulates certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously with their use. Two criteria within this list are for the sale or storage of smuggled tobacco and alcohol, and for employing a person who is disqualified from work by reason of their immigration status in the UK.

Section 36 and schedule 4 of the Immigration Act 2016 amended the Licensing Act 2003 to introduce immigration safeguards in respect of licensing applications made in England and Wales on or after the 6th of April 2017. The intention is to prevent illegal working in premises licensed for the sale of alcohol or late night refreshment.

Northamptonshire Police Policing Priorities for 2019/20 details certain criminal activity that will be focused on. Serious and Organised Crime is an identifier tackling modern slavery and human trafficking offences. Persons who have no right to work in the UK are not protected by employment legislation and are more open to exploitation.

R (Bassetlaw District Council) v Worksop Magistrates Court outlines the case that the action(s) taken by the Licensing Committee can be punitive. Northamptonshire Police ask the Licensing Committee to consider Revocation of this particular Premises Licence in the interests of the wider community for reasons detailed in the above case, who are involved or considering engaging in

this illegal activity.

This is Northamptonshire Police's initial submission to the Licensing Authority further details regarding the visit will be submitted in accordance with the Licensing Act 2003 Hearing Regulations.

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

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

NA

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 **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 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

Tracey PC10

Date

22/12/2020

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.



You are here » Home » Licensing Act Premises Search » Detail » **Application**

Licensing Act 2003 - Premises Licence Register as at 11:48 on 21 January 2021

Monopol

42a Barrack Road, Northampton, NN1 3RL

Premises Licence PL0696 from from 24/07/2020 to 31/12/2024

Licence holder(s)

Full Name:	Mr Mafbin Aras ZADA
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Designated Premises Supervisor

Full Name:	Mr Shaho Rahman Abdulla
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Permitted Activities

- the sale by retail of alcohol

Premises Open Hours Granted

	Time From	Time To
Monday-Sunday	09:00	00:00

Activities - Times Granted

	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only		
Monday-Saturday	09:00	23:00
Sunday	10:00	22:00
Bank Holiday	10:00	22:00
Christmas Day	10:00	22:00
New Years Day	10:00	22:00

Additional Conditions

ANNEX 1 - MANDATORY CONDITIONS

Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
- at a time when there is no designated premises supervisor in respect of the premises licence, or
 - 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.

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 The Licensing Act 2003 (Mandatory Licensing Conditions)(Amendment) Order 2014.

The following conditions shall come into force on 1st 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 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 on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of 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 attached after Hearing by the Licensing Authority

- CCTV coverage must be operational during the times that the premises are open for trade.
- One of the CCTV cameras must be operating and positioned at all times towards the counter where alcohol is situated.
- All members of staff must be trained on the use and retrieval of CCTV recordings for the Police.

Licensing Objectives

Below are the additional steps that you have agreed to undertake to promote the four Licensing Objectives and which form a part of the operating schedule for these premises: -

Prevention of Crime & Disorder -

Not permitted to take drinks in open containers from the premises. Spirits to be displayed behind or immediately adjacent to the servery counter and sales to be supervised service. Will maintain a system of CCTV that conforms to the provision of the Data Protection Act 1998 and meets the requirements & expectations of the Licensing & Police authorities. CCTV will operate at all times the premises are open & recordings will be kept for 31 days. Will maintain an intruder alarm system.

Public Safety -

Will ensure circulating areas are maintained free of obstructions and provide well lit premises. Will maintain risk assessments.

Prevention of Public Nuisance -

No external plant or equipment shall be installed and operated on the premises without planning consent and any planning conditions appertaining to such consent having been complied with. No internal plant or equipment shall be installed or operated without the equipment and noise control provisions having been agreed with the council and that such equipment shall be inaudible in adjacent residential premises.

Protection of Children from Harm -

Will support the "Challenge 21" proof of age scheme, to recognise only proof of age provided by cards that carry the "PASS" logo, passport or driving licence with a photograph. Will maintain a refusals book. Will display advisory notices provided by the trading standards authority and ensure as far as possible that persons over 18 do not purchase or attempt to purchase alcohol for consumption by a minor.



NORTHAMPTON BOROUGH COUNCIL
LICENSING ACT 2003

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE

Northamptonshire Police a responsible authority has applied for the REVIEW of a Premises Licence under Section 51 of the Licensing Act 2003 in respect of Monopol, 42A Barrack Road, Northampton, NN1 3RL

The grounds for the review are to secure the Licensing Objectives of Prevention of Crime & Disorder due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing, or by email to the following address by the 19 January 2021

The Licensing Officer
The Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE
licensing@northampton.gov.uk

Representations may be made for 28 consecutive days from the date of this notice. The last date for representations being 19 January 2021

A copy of the application can be viewed on the online public register at www.northampton.gov.uk/licensing

It is an offence knowingly or recklessly to make a false statement in connection with an application. The maximum fine for which a person is liable on summary conviction for making a false statement is a Level 5 fine (£5,000) on the standard scale.

THIS NOTICE DATED: 22 December 2020

Schedule of Evidence
Review of Premises Licence PL0696
Monopol

PC Tracey's Evidence

1. S.9 Statement from PC Sandy Tracey (17.12.20)
2. Photo Exhibit SAT1 Cigarette Packet (29.10.20)
3. Photo Exhibit SAT2 Cigarette Packet (10.11.20)
4. Photo Exhibit SAT3 Cigarette Packet (25.11.20)
5. Photo Exhibit SAT 4 & 5 Bottled Beer & Cigarette Packet (02.12.20)

PC Bryan's Evidence

1. S.9 Statement from PC Dave Bryan (07.01.21)
2. Photo Exhibit DB1 Asylum Card Sam Rayan Hussain (19.09.19)
3. Photo Exhibit DB2 Asylum Card (rear) Rayan Hussain (19.09.19)
4. Photo Exhibit DB3 Red Seat Car (03.03.20)
5. Photo Exhibit DB4 Red Seat Car (rear boot) (03.03.20)
6. Photo Exhibit DB5 Red Seat Car (03.03.20)
7. Photo Exhibit DB6 Rolling tobacco in boot of Red Seat Car (03.03.20)
8. Photo Exhibit DB7 Cigarette Packet in black bag (10.12.20)
9. Photo Exhibit DB8 Cigarette Packets on counter (10.12.20)
10. Photo Exhibit DB9 Cigarette Packets on counter (side view) (10.12.20)
11. Photo Exhibit DB10 L&M Cigarette Packet on counter (10.12.20)

12. Photo Exhibit DB11 L&M Cigarette Packet (side view) (10.12.20)
13. Photo Exhibit DB12 Bundle of Cigarette Packets on Counter (10.12.20)
14. Photo Exhibit DB13 Asylum application card Sam Rayan Hussain (10.12.20)

Trading Standards Evidence

15. S.9 Statement Catherine Rachel Bennett (19.11.20)
16. Exhibit CRB1 Tobacco Warning Letter 02.05.19
17. Exhibit CRB2 Tobacco Warning Letter 17.05.19
18. Exhibit CRB3 Tobacco Warning Letter 17.05.10 (duplicate)
19. Exhibit CRB4 Underage test purchase pass letter 07.08.19
20. Exhibit CRB5 Notice of monitoring & surveillance letter (date unclear)
21. Exhibit CRB6 Tobacco Warning letter 08.01.20
22. Exhibit CRB7 Tobacco Warning letter 02.07.20

Complete If Req'd	GSC Class:	Reason:
	Handling Conditions:	

MG11

Occurrence Ref:

WITNESS STATEMENT			
Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9			
		URN	<input type="text"/>
Statement of: Sandy TRACEY			
Age if under 18: O18		<i>(if over 18 insert 'over 18')</i>	Occupation: Police Officer
<p>This statement (consisting of _____ page(s) 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.</p>			
Signature:.....		Date: 17/12/2020	

This statement relates to an investigation I was involved in whereby I was sold cigarettes that had not had UK duty Tax paid on a number of separate Test Purchase exercises and had an illegal sale of alcohol made to me on one of these occasions.

I am a constable with 26 years policing experience, for 24 of these years I served within London's Metropolitan Police. I worked on Central London's Clubs, Vice and Licensing Team for the last 9 years of my Met service before transferring up to Northamptonshire Police in 2018. I became a Licensing officer for Northants Police in April 2020. As part of my current role I am responsible for ensuring that all licensed premises within our county adhere to and support the Licensing Objectives and trade within the confines of British Law.

On Thursday 29th October, 2020 I was on duty in plain clothes as part of my role as a Licensing officer for Northamptonshire Police in the company of PC 113 BRYAN. At around midday I attended UK MONOPOL convenience store, 42A, BARRACK RD, NORTHAMPTON; We had received information that the

Signature:**23** signature witnessed by:

premises were selling illegally sourced cigarettes that had not had UK duty tax paid. I was tasked to conduct a test purchase on the shop. I entered the shop just before midday, there was a male shop keeper present and another staff member but no customers in proximity of the till area. I asked the male behind the counter, "Do you have any cheap cigarettes?" He said, "Yes, which do you want?" I said, "Do you sell Regal?" He then spoke in a foreign language that sounded Arabic into something behind the counter that I couldn't see, possibly a walkie talkie radio or a microphone. He said, "I can do 20 for £5." I said, "That's fine, thanks." He then spoke again in his language into whatever was behind the counter. I paid him with a £10 note and he gave me £5 change. I stepped to the side and waited and watched what was happening, the male who had served me walked towards the rear of the shop, towards the right hand far corner. There was a doorway with a long, dark green fabric curtain covering it. I then heard a swishing noise like something was sliding down a shoot or slide and then a thud, this noise came from the rear of the shop. There were no customers close to me and there was no music or traffic noise, I could hear this sound and the thud clearly. The male then came back with a dark coloured packet of REGAL cigarettes in his hand. He gave them to me, I thanked him and I left the store. I then made my way back to my colleague PC Bryan who was waiting in the car outside.

The packet he handed me was a 20 packet of REGAL cigarettes, it had dark brown/grey and white packaging with a picture of a male without a top on with a large scar across his chest. It had English writing on it but no UK Duty Paid stamp or anything that would inform me the duty had been paid.

I hereby exhibit the packet of cigarettes as SAT/1.

I would say I was in the store no longer than 3 minutes, there was another staff

Signature:²⁴ Signature witnessed by:

member present while I was served but he was stacking shelves. There was one other customer in the shop as she had entered before me but I didn't see where she went. I had a clear and unobstructed view of the shop keeper but I couldn't see whereabouts from the rear of the store the cigarettes were brought up from due to the rear of the store being obscured by the green curtain. When he sold me the cigarettes there was about 3 meters between us. I have never seen the male before but I would recognise him again. I am confident that the noise I heard were the cigarettes that I bought being placed in a shoot from the flat about the shop and being passed down to the ground floor.

I would describe the male behind the counter as Light Skinned Arabic, aged in his mid to late twenties, of medium build, he had short black hair and was clean shaven. He was wearing a black top and blue jeans He wasn't wearing a name badge. He spoke with an accent that I thought sounded Arabic.

On Tuesday 10th November, 2020 myself and PC BRYAN re-attended the same shop to conduct a second Test Purchase Operation. We arrived at the shop at around 13:30hrs, PC BRYAN waited outside in the car. I went inside, there were two people in the queue in front of me. No masks were being worn by anyone in the shop other than myself and there was no screen up between the sales assistant and customers on the counter. I felt very uncomfortable by this due to the current Covid pandemic. I waited 2 metres away to be served. The male in front of me asked for 2 packets of Richmond cigarettes. He was an Arabic male, about 5'7" tall, aged around 60 and had a large moustache. I then said, "I'd like 20 Richmond as well please, the cheap ones." The male behind the counter said, "One packet? You have cash? They are five pounds." I confirmed I had cash and he then said something to his colleague in a foreign Arabic sounding language who was working to the rear of the premises, out of sight. His colleague then

Signature:**25**signature witnessed by:

Continuation of Statement of:.....

brought 3 packets of Richmond cigarettes to the front of the shop. He handed two of them to the male in front of me in the queue and one to me. I took the packet of cigarettes and left the shop.

The packet he handed me was a 20 packet of RICHMOND Kingsize cigarettes, it had dark, light blue and white packaging. It had English writing on it but no UK Duty Paid stamp or anything that would inform me the duty had been paid.

I hereby exhibit the second packet of cigarettes I bought as SAT/2.

I would say I was in the store no longer than 5 minutes, there was another staff member present while I was served but he was working out of sight at the rear of the shop. Apart from the two people in front of me I had a clear and unobstructed view of the shop keeper but I couldn't see whereabouts from the rear of the store the cigarettes were brought up from due to the rear of the store being obscured by shelves from where I was stood in the queue. I think the packets were bought in from the store room at the back behind the green curtain. When he sold me the cigarettes there was about 3 meters between us. The male who served me was present in the shop during my last visit, I recognised him as the male who bought the cigarettes in to me from the rear of the shop before.

I would describe the male behind the counter as Light Skinned Arabic, aged in his late-twenties to early 30's, of slim build, he had short black hair and had a bread. He was wearing a red T-Shirt and black jeans He wasn't wearing a name badge. He spoke with an accent that I thought sounded Arabic.

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On Wednesday 25th November, 2020 myself and PC BRYAN re-attended the same shop to conduct a third Test Purchase Operation. We arrived at the shop at around 12:30hrs, PC BRYAN waited outside in the car. I went inside, there were a number of people in the queue in front of me. Still no masks were being worn by anyone in the shop other than myself and there was no screen up between the sales assistant and customers on the counter. The male behind the counter, the same male who had served me the first time I conducted the test purchase seemed to recognise me. He asked me, "Do you want cigarettes?" I said, "Yes, I want a packet of Regal please?" He spoke into the counter, I couldn't see what he was speaking into but he spoke in an Arabic language. His colleague then brought numerous packets of cigarettes to the front of the shop from the room behind the green curtain. He handed them out to people in the queue in front of me and one to me. I took the packet of cigarettes, paid £5 cash for them and left the shop. The colleague who was working there was the same who I had seen during my previous two visits

The packet he handed me was a 20 packet of REGAL King-size cigarettes, they have dark packaging with a picture of 2 sets of human lungs. It had English writing on it but no UK Duty Paid stamp or anything that would inform me the duty had been paid.

I hereby exhibit the second packet of cigarettes I bought as SAT/3.

I would say I was in the store no longer than 5 minutes, the shop was busier than it had been during my two previous visits. I had a clear and unobstructed view of the shop keeper and clearly saw his colleague bringing the cigarettes out from the room at the rear of the store. I didn't hear a noise consistent with the cigarettes being dropped down a shoot on this occasion. When he sold me the cigarettes there was about 4 meters between us. I have seen the male before as

Signature:**27**Signature witnessed by:

he served me previously, I would recognise him again.

I would describe the male behind the counter as Light Skinned Arabic, aged in his late-twenties to early 30's, of slim build, he had short black hair and was clean shaven. He was wearing a black jumper. He wasn't wearing a name badge. He spoke with an accent that I thought sounded Arabic.

On Wednesday 2rd December, 2020 I was on duty in plain clothes as part of my role as a Licensing officer for Northamptonshire Police in the company of Mrs Louise FAULKNER, Licensing Leader from Northampton Borough Council. At 23:20hrs I attended UK MONOPOL convenience store, BARRACK RD, NORTHAMPTON; We had received information that the premises may be selling illegally sourced cigarettes that had not had UK duty tax paid. We also had reason to believe that between the hours of 23:00-00:00hrs they venue were selling alcohol illegally; their alcohol sales shown on their current premises licence (PL0696) are until 23:00hrs and their closing time is midnight. I was tasked to conduct a test purchase on the shop.

I entered the shop at 23:20hrs, there was the usual two male staff members present and no customers in the store. I recognised both males from my previous visits to the shop as staff who worked there. I asked the male behind the counter, "Do you have any Wine?" He said, "Yes," and pointed to the display on the shelves behind the counter. I said, "I'd like some cheap cigarettes too." He then spoke in a foreign language that sounded Arabic to his colleague who was stood at the rear of the shop by the green curtain covering the back store room. His colleague went into the back room. I then made my way to the fridges to the left of the counter as you face it. I selected one bottle of San Miguel 330ml lager with

Signature:²⁸Signature witnessed by:

an alcohol content of 5% volume. I placed it on the counter and the male who served me looked at his watch and said, "We only have the licence until 11 o'clock, I shouldn't really sell this to you." I then said, "Oh, it's past 11.20pm, I don't want to get you into any trouble." He said, "It's ok, I'll sell to you." I thanked him and I paid with a £10 note and he gave me £3.50 change. I stepped to the side and waited and watched what was happening, the male who had served me waited for his colleague to return. There was a doorway with a long, dark green fabric curtain covering it. The male returned from the back room with a dark coloured packet of REGAL cigarettes in his hand. He gave them to me, I thanked him and I left the store. I then made my way back to my colleague Ms Faulkner who was waiting outside.

The packet he handed me was a 20 packet of REGAL cigarettes, it had dark brown/grey and white packaging with smoking warning of a picture of a male without a top on laying on a hospital bed being de-fibrillated. It had English writing on it but no UK Duty Paid stamp or anything that would inform me the duty had been paid.

I hereby exhibit the packet of cigarettes as SAT/4 and the bottle of beer as SAT/5.

I would say I was in the store no longer than 3 minutes, there were no other customers in the shop. I had a clear and unobstructed view of the shop keeper but I couldn't see whereabouts from the rear of the store the cigarettes were brought up from due to the rear of the store being obscured by the green curtain. When he sold me the cigarettes there was about 3 meters between us. I have seen the male before as he has sold to me on previous test purchases I have conducted at this shop, I would recognise him again.

Signature:**29**signature witnessed by:

I would describe the male behind the counter as Light Skinned Arabic, aged in his mid-twenties – early 30’s, of medium build, he had short black hair and a beard. He was wearing a dark top. He wasn’t wearing a name badge. He spoke with an accent that I thought sounded Arabic.

On Friday 10th December, 2020 myself, PC Bryan and a number of Plain clothes officers from the police and Her Majesties Revenue and Customs (HMRC) attended the shop where I conducted a further test purchase for cigarettes. I was sold a further non-duty paid packet of cigarettes by the same 2 male members of staff who had made the previous sales of cigarettes on 29/10/20, 10/11/20 and 25/11/20 and alcohol and cigarettes on 2/12/20. My police and HMRC colleagues then entered the premises under S180 Licensing Act 2003 and seized the non-duty paid cigarettes that were in the store. The seizure was made under the power of S19 PACE 1984. A total of 260 cigarettes of various Non-Duty paid brands including a number of banned menthol cigarettes were located behind the counter. Both males who had been present and working at the shop during previous Test Purchase Operations were found to be working illegally (via immigration checks) in the store in breach of their conditions of entry into the UK. Contact details of the Officer’s seizing the cigarettes were left at the premises. The premises licence holder, Mr Mafin Aras ZADA was spoken to on the telephone by me that day, he was told what had been undertaken at his shop and that enforcement action would follow. He confirmed to me that he understood what had been explained to him.

The two males who were seen to be working at the premises each time police attended to conduct Test Purchasing procedures were, [REDACTED] and [REDACTED]. [REDACTED] was working

Signature: 30 Signature witnessed by:

Continuation of Statement of:.....

illegally on his student visa and [REDACTED] was working illegally as he is Asylum status prevents him from being able to work or claim benefits in the UK. Both men denied they worked at the shop and stated to police they were 'just helping out a friend' Neither of them were able to provide their friend's details or tell us their friend's location.

Signature: **31** Signature witnessed by:

WITNESS STATEMENT

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

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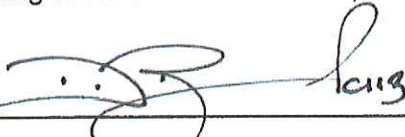
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Statement of: **David BRYAN**

Age if under 18 O/18 (if over 18 insert 'over 18') Occupation: Police Constable 113

This statement (consisting of 2 page(s) 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.

Signature




Date 7th of January 2021

Tick if witness evidence is visually recorded (supply witness details on rear)

I am currently a serving Police Officer with Northamptonshire Police, I have been in the role of a Licensing Constable for the past 15 years and a Police Constable for 24 years. I have delegated responsibility from the Chief Constable of Northamptonshire Police to act on his behalf with regard to representations made by Northamptonshire Police to licensing authorities across the county of Northamptonshire.

This statement is to accompany the Review papers submitted by Northamptonshire Police to Northampton Borough Council in respect of a premises namely Monopol, 42a Barrack Road, Northampton, NN1 3RL.

The Review papers at point (2) in the submission details a joint visit on the 19th of September 2019 with Officers from Her Majesties Revenue and Customs (HMRC) and Northamptonshire County Council Trading Standards Officers, previous intelligence had indicated that the sale of duty not paid, illicit tobacco products were sold from the premises. I entered the premises and as I did I noticed a male behind the serving counter, he was handing over change from a transaction to a customer he then closed the till's cash draw. I would describe this person as middle eastern in appearance, approximately 5'9 to 5'10 in height, black hair and of a medium build. At this time HMRC Officers conducted a search of the premises, myself and Police Sergeant 609 Moreton made enquires with male as to his immigration status in the UK. The male produced identification issued by the Home Office detailing his name, date and place of birth, his current immigration status and the identification stated that the male had no right to work and received no public funds. The Immigration Command and Control centre was contacted and we were advised to tell the male that he could not work on this occasion. I have attached two images taken by PS 609 Moreton of the males identification, DB/1 and DB/2 refers. At the time and date of this visit the Premises Licence Holder and Designated

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33

Premises Supervisor was Mr Shaho Rahman Abdulla, he was not present at the time of the visit and no illicit tobacco products were discovered at the premises.

The Review papers detail at point (3) a visit conducted by Northamptonshire Police and HMRC on the 3rd of March 2020 a tobacco detection dog was also deployed. The aforementioned male was again present in the premises. During the search of the premises HMRC discovered the keys to a car behind the counter, the car was identified as being parked nearby in an adjoining street. The car was a red Seat, index number NX63 OPW, the Registered Keeper of the car and insured driver was the Premises Licence Holder and Designated Premises Supervisor Mr Abdulla. HMRC used their authority to search the car which was witnessed by an associate (member of staff) of Mr Abdulla as he was not present at the time of the visit. In the boot of the car 0.75 kilos of duty not paid hand rolling tobacco was discovered, the amount in lost duty totalled £228.00. The member of staff claimed that the tobacco was his and not Mr Abdulla's, HMRC Officers decided that with no other evidence to the contrary linking ownership to Mr Abdulla and the tobacco they would seize the tobacco and immediately charge the male £228.00, if this was not paid straight away then the car was going to be impounded, the money was paid there and then by the male. In relation to the premises no illicit tobacco products were discovered, I attach images taken on the day by myself as DB/3, DB/4, DB/5, and DB/6 refers.

At point (10) on the Review papers I was present with Officers from HMRC and Northamptonshire Police on the 10th of December 2020 when following a positive Test Purchase conducted at the premises for illicit tobacco began a search of the premises. The aforementioned male at Point (2) was in the rear store room of the premise as I entered this area of the store, on identifying myself as a Police Officer the male went to make a call on his mobile phone, I told him not to call anybody and he put the phone back into his pocket. The male then walked back into the main customer area of the store, where another male who was behind the serving counter was being questioned by Police Officers. Both males were identified using a biometric fingerprint device. The male mentioned at point (2) immigration status had not changed since my encounter with him in September 2019 and the other male was working illegally on a student visa. A search was conducted of the premises and 260 cigarettes of various brands and non-duty paid were seized some found lying at the top within a bin behind the counter, this included menthol cigarettes which were discovered on display behind the counter, menthol cigarettes. From 20th May 2020 there was a ban on the sale of menthol cigarettes. The European Union Revised Tobacco Products Directive (2014/40/EU) made it an offence for manufacturers to produce menthol cigarettes and retailers to sell menthol cigarettes from 20th May 2020. I attach images of the visit DB/7, DB/8, DB/9, DB/10, DB/11, DB/12, DB/13 refers.

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NORTHAMPTONSHIRE COUNTY COUNCIL
Trading Standards

STATEMENT OF WITNESS

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, s.9, Magistrates' Court Act 1980, s.5B)

Statement of Catherine Rachel Bennett **Age of Witness:** Over 18

Occupation of Witness: Senior Authorised 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 the 19th day of November 2020 (Signed):



I am employed by Northamptonshire County Council as a Senior Authorised Officer based at Wootton Hall Park, Northampton. I am the Lead Officer for under age sales and illegal tobacco for the Service. The information that I will provide in this statement has been obtained from the business records of this Service.

To provide some background, there are various types of illegal tobacco. The two main types that I will refer to in this statement are as follows:

Counterfeit – cigarettes which are illegally manufactured without the permission of the trade mark owner contrary to the Trade Marks Act 1994.

Smuggled – 'genuine' cigarettes made for (mainly) European markets that are smuggled into the UK and no duty is paid. The health warnings will be in the language of the country where they were intended for sale (foreign labelled) contrary to the Tobacco and Related Products Regulations 2016 [previously the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002].

Illegal tobacco is sold at a price significantly lower than that of legal tobacco and deprives the UK of vital revenue which could be used to fund essential public services. The illegal tobacco trade damages legitimate businesses, undermines public health and facilitates the supply of tobacco to young people.

According to the Guidance issued under section 182 of the Licensing Act 2003, certain criminal activity that may arise in connection with licensed premises should be treated particularly seriously. This includes the use of the licensed premises for the sale and storage of smuggled tobacco.

Following a request from PC 113 Dave BRYAN I have reviewed the history of the

Continuation Statement of: Catherine Rachel Bennett

premises Monopol , 42a Barrack Road, Northampton, NN1 3RL and I can confirm the following actions had been taken. On the 25th April 2019 this Service received a complaint alleging illicit cigarettes were being sold from the premises Monopol , 42a Barrack Road, Northampton, NN1 3RL. On the 2nd May 2019 I wrote to the owner Mr Shaho ABDULLA regarding the complaint. I produce a copy of the letter as exhibit CRB/1. The letter required a response from the owner but no response was received. On the 7th May 2019 a complaint was received alleging the sale of illicit cigarettes and this was recorded as intelligence. On the 9th May 2019 a complaint was received alleging the sale of illicit cigarettes and that they were also being sold to persons under the age of eighteen. On the 17th May 2019 I wrote to the owner Mr ABDULLA regarding the complaint. I produce a copy of the letter as exhibit CRB/2. The letter required a response but no response was received. On the 11th July 2019 Officers visited the premises and obtained a signature from the owner for the letter that had been sent on the 17th May 2019. I produce a copy of the signed letter as exhibit CRB/3. On the 7th August 2019 an underage volunteer was sent in to the shop to try to purchase cigarettes. No sale was made. Following the test purchase attempt a letter was sent to the premises, a copy of which I produce as exhibit CRB/4. On the 19th September 2019 Officers visited the premises and issued a monitoring and surveillance letter which was signed by the person who was present, Mr Mohammed Shaho RAHMON. I produce a copy of the letter as exhibit CRB/5. On the 20th September 2019 a complaint was received alleging the sale of illicit cigarettes. The complaint was recorded as intelligence. On the 2nd December 2019 a complaint was received alleging the sale of illicit cigarettes. The complaint was recorded as intelligence. On the 18th December 2019 a complaint was received alleging the sale of illicit cigarettes. On the 6th January 2020 I wrote to to premises regarding the complaint. On the 27th January 2020 a signed copy of the letter was returned to me, a copy of which I produce as exhibit CRB/6. On the 22nd June 2020 a complaint was received alleging the sale of illicit cigarettes. On the 2nd July 2020 I wrote to the premises regarding the complaint. I produce a copy of the letter as exhibit CRB/7. The letter requested a response but no response was received. A further 5 complaints alleging the sale of illicit cigarettes were received on the 30th June 2020, 10th July 2020, 1st September 2020, 26th October 2020 and the 2nd November 2020. These were all recorded as intelligence. The records to which I have made reference were created or received by a person in the course of a trade or

Continuation Statement of: Catherine Rachel Bennett

business and the person who supplied the information contained in the records had or may reasonably be supposed to have had personal knowledge of the matters dealt with, and each person through whom the information was supplied received the information in the course of a trade or business.

Bennett

