

NORTHAMPTON BOROUGH COUNCIL

ALCOHOL & GAMBLING LICENSING SUB COMMITTEE

A Meeting of the Alcohol & Gambling Licensing Sub-Committee will be held at The Council Chamber, The Guildhall, St. Giles Square, Northampton, NN1 1DE on Monday, 21 January

2019 at 10:00 am

George Candler

Chief Executive

AGENDA

- 1. WELCOMES**
- 2. DECLARATIONS OF INTEREST**
- 3. REVIEW OF PREMISES LICENCE - KUBUS GENERAL STORES, KETTERING ROAD**
- 4. LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005**

To consider whether the Committee should exclude the public from all or part of the hearing during consideration of any item listed above if the Panel believe that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public, in accordance with regulation 14 of the Licensing Act 2003 (Hearings) Regulations 2005.

PROCEDURES FOR LICENSING SUB-COMMITTEE HEARING

- **Welcome** – Chairman welcomes the Applicant, Representors, Responsible Authorities and Interested Parties and introduces members of the sub-committee (+ other officers e.g. Solicitor, Licensing Officer, Democratic Services Officer etc).
- **Declarations of Interest by Councillors**
- **Reason for Hearing** – to be outlined by the **Licensing Officer** or the **Chair**.
- **Format of the hearing** – an explanation of the format of the proceedings:
 1. **Applicant** (or his/her representative) will address the sub-committee first and put their case.
 2. **The Chair** leads an examination of the **Applicant's case**. First, the panel may ask questions and then the Chair invites Responsible and Interested Parties to participate. Questions may only relate to the points made by the applicant.
 3. **The Representors/Respondents** (and responsible and Interested Parties) then state their case.
 4. **The Chair** leads an examination of the **Representor's case**.

Each party will be given an equal maximum period of time in which to present their case and may, if given permission by the Chair, question any other party.

- **Summing Up**
 - By the Representors/Respondents
 - By the Applicant
- **Sub-committee retires** – and may call for the Solicitor for advice if required.
- **Sub-Committee deliver their decision and reasons for their decision at the conclusion of the meeting IF:**
 1. Application for conversion of existing licence
 2. Application for conversion of existing club certificate
 3. Application by holder of justices' licence for grant of personal licence
 4. Application for conversion and variation of premises licence (including variation of DPS)
 5. Application for conversion and variation of club premises certificate
 6. Counter notice following police objection to temporary event notice
 7. Review of Premises Licence following Closure Order

In all other cases, the Sub-committee delivers its decision and reasons for its decision within five working days beginning with the day on which the hearing was held.

If you require any further information regarding this meeting please contact Democratic Services on 01604 837722 or democraticservices@northampton.gov



REVIEW OF PREMISES LICENCE – Alcohol & Gambling Licensing Sub-Committee Monday 21st January 2019

1.0 Purpose of Report

- 1.1 To consider a request from Northamptonshire Police for the Review of the Premises Licence for Kubus General Stores, Kettering Road, Northampton.

2.0 Summary

- 2.1 The review application was received on the 22 November 2018 and submitted in accordance with licensing objective(s) for;

- The Prevention of Crime and Disorder

A copy of the application is attached (**Appendix A**).

- 2.2 The current licence holder is Pedram Farzeneh, 163 Balfour Close, Northampton, NN2 6LL. The premises licence is recorded as PL0211 (**Appendix B**).
- 2.3 The council also received on the 9 January 2019 an application to request the transfer of Premises Licence number PL0211. The police have raised a formal representation in respect of the transfer application, which must be considered at a separate hearing in accordance with the applicable statutory timescales and therefore cannot be considered today.

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 26 November 2018 (**Appendix C**).
- 3.3 During the 28 day period no representatives have been received.

4.0 Attendance

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

PC Chris Stevens, Northamptonshire Police

To date the licence holder has not confirmed if he will attending and there has not been any notification from a representative acting on behalf of the licence holder.

- 4.2 In addition to confirming his attendance, PC Stevens has provided copies of a number of documents which are relevant to the application for review. Copies are attached as Appendix D.

5.0 Premises Licence Details

- 5.1 Licence Number: PL0211

The current Licence Holder of the premises is:

Pedram Farzeneh

The current Designated Premises Supervisor is:

Mr Pedram Farzeneh

Personal licence number: PA2792

Issued by Northampton Borough Council

The premises is licensed for the following activities and times:

Off Sales of Alcohol:

Monday – Saturday 08:00 – 23:00

Sunday – 10:00- 22:30

Seasonal Variations:

Good Friday/Bank Holiday 08:00 to 22.30,
Christmas Day Noon to 15:00 & 19:00 to 22.30

6.0 History of Premises & Licence Holder

- 6.1 Mr Pedram Farenzeh became the licence holder of Kubus General Stores licence number PL0211 on the 11 February 2015 and the designated premises supervisor on the 2 September 2016. Mr Farenzeh was issued the annual fees invoice for PL0211 on 14 November 2018 for the period of 10 October 2018 – 9 October 2019 but to date, has failed to pay the fee.
- 6.2 There have been no notifications of a change of address for the licence holder.
- 6.3 Mr Farenzeh is not currently the licence holder and/or DPS for any other premises within this local authority area. We do not have information if he is the licence holder/DPS for any premises within a different licensing area.

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; and/or,
- to revoke the licence.

7.2 For the purpose of a) above, the conditions are modified if any of them are altered or omitted or a new condition is added. Further, if the Sub-committee takes either of the steps at a) or b) above it may provide that the step only has effect for a limited period of up to 3 months.

8.0 Policy Considerations

8.1 Northampton Borough Council Statement of Licensing Policy

8.2 s.182 Guidance Licensing Act 2003

Section 11 & 13 gives guidance for determination of this application.

Subsections 11.16 to 11.28 highlights 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.

Appendix No	Title
A.	Review application
B.	Premises Licence PL0211
C.	Blue Notice
D.	Additional documents
Report Author	Louise Faulkner Licensing Team Leader

Appendix A

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 P.C 1432 Chris Stevens on behalf of the Chief Officer of Police for Northamptonshire

(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 Kubus General Stores 105 Kettering Road	
Post town Northampton	Post code (if known) NN1 4AU

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

Number of premises licence or club premises certificate (if known) PL0211

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 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

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 P.C 1432 Chris Stevens, Northamptonshire Police C/O The Guildhall St Giles Street Northampton NN1 1DE
Telephone number (if any) 101 ext 345730
E-mail address (optional) Chris.Stevens@northants.pnn.police.uk

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

Please tick one or more boxes

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

Please state the ground(s) for review (please read guidance note 1)

On behalf of the Chief Officer of Northamptonshire Police Mr ADDERLEY, I call for Review of the Premises Licence under the Licensing Objective of the Prevention of Crime and Disorder and the Protection of Children from Harm.

The basis for this review comes from three main issues of concern.

Firstly there is an evidential link between the premises and the sale of illicit tobacco which has been established over time despite warnings from Trading Standards regarding the illegality of the activity.

Secondly, a sale of illicit tobacco was made to a Test Purchaser aged 16 years old.

Thirdly, is the concern that despite numerous attempts to contact the Premises Licence Holder who is also the Designated Premises Supervisor, they have not returned any letters or attempted to contact either Trading Standards or the Borough Council Licensing Officers.

The Police and Trading Standards therefore believe that the current management of KUBUS are either not exercising sufficient control over the premises to ensure it is operating lawfully OR they are in fact fully aware of the issues and are either wilfully turning a blind eye to the activity or and actively involved in it.

In any case the concerns are sufficient to request a review of this premise licence.

Please provide as much information as possible to support the application
(please read guidance note 2)

In making this application, the Police and Trading Standards intend to rely on the following:

- 1) A summary of the timeline for the involvement of Trading Standards since September 2017.
- 2) A correspondence bundle outlining the attempts to communicate with the Licence Holder (and DPS).
- 3) Photographs evidencing illicit tobacco at the premises.
- 4) Statements from Mr Ian ELLIS and Mr Jason TOYNE in relation to attempts at contacting the Licence Holder.
- 5) Statement from Mrs Rachel BENNETT in relation to her involvement with the premises over time.

In applying for this review, the Police and Trading Standards have considered and will make arguments based on the following paragraphs of the Section 182 Guidance

11.18, 11.19, 11.20, 11.22, 11.23, 11.26, 11.27 and 11.28

Please tick yes

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

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
- 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 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature  1482

Date 19/11/18

Capacity Police Licensing Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Appendix B

Licensing Act 2003
Premises Licence **PL0211**

LOCAL AUTHORITY	
 NORTHAMPTON BOROUGH COUNCIL	Licensing Section The Guildhall St Giles Square NORTHAMPTON NN1 1DE

Part 1 - Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDANCE SURVEY MAP REFERENCE OR DESCRIPTION	
Kubus General Stores 105 Kettering Road, Northampton, Northamptonshire, NN1 4AU.	Telephone 01604 454191

WHERE THE LICENCE IS TIME LIMITED THE DATES
Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE
- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES			
Activity (and Area if applicable)	Description	Time From	Time To
M. The sale by retail of alcohol for consumption OFF the premises only	Monday-Saturday	8:00am	11:00pm
	Sunday	10:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Bank Holiday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES			
Description	Time From	Time To	
N/A			

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES
- M. The sale by retail of alcohol for consumption OFF the premises only

Part 2

NAME, (REGISTERED) ADDRESS, TELEPHONE NUMBER AND EMAIL (WHERE RELEVANT) OF HOLDER OF PREMISES LICENCE
Pedram Farzeneh [REDACTED]

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003
Premises Licence

PL0211

NAME, ADDRESS AND TELEPHONE NUMBER OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE
AUTHORISES THE SUPPLY OF ALCOHOL

Pedram FARZENEH

PERSONAL LICENCE NUMBER AND ISSUING AUTHORITY OF PERSONAL LICENCE HELD BY DESIGNATED PREMISES SUPERVISOR
WHERE THE PREMISES LICENCE AUTHORISES FOR THE SUPPLY OF ALCOHOL

Licence No. PA2792

Issued by Northampton

ANNEXES

ANNEX 1 - MANDATORY CONDITIONS

19 Mandatory conditions where licence authorises supply of alcohol

- (1) No supply of alcohol may be made under the premises licence -
- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
- (2) Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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



ANNEXES continued ...

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) "valued 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.

ADDITIONAL MANDATORY CONDITIONS.

The following mandatory conditions are to be applied to the licence stated above in accordance with section 3 (1) of The Licensing Act 2003 (Mandatory Licensing Conditions) Order 2010.

The following conditions shall come into force on 1st October 2010

4. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) 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 a holographic mark.



ANNEXES continued ...

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.

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(a) a holographic mark, or



Licensing Act 2003
Premises Licence

PL0211

ANNEXES continued ...

(b)an ultraviolet feature.



Solicitor to the Council



LOCAL AUTHORITY



Licensing Section
The Guildhall
St Giles Square
NORTHAMPTON
NN1 1DE

Premises Details

POSTAL ADDRESS OF PREMISES, OR IF NONE, ORDNANCE SURVEY MAP REFERENCE OR DESCRIPTION

Kubus General Stores

105 Kettering Road, Northampton, Northamptonshire, NN1 4AU.

Telephone 01604 454191

WHERE THE LICENCE IS TIME LIMITED THE DATES

Not applicable

LICENSABLE ACTIVITIES AUTHORISED BY THE LICENCE

- the sale by retail of alcohol

THE TIMES THE LICENCE AUTHORISES THE CARRYING OUT OF LICENSABLE ACTIVITIES

Activity (and Area if applicable)	Description	Time From	Time To
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	Sunday	10:00am	10:30pm
	Good Friday	8:00am	10:30pm
	Bank Holiday	8:00am	10:30pm
	Christmas Day	Noon	3:00pm
	Christmas Day	7:00pm	10:30pm

THE OPENING HOURS OF THE PREMISES

Description	Time From	Time To
N/A		

WHERE THE LICENCE AUTHORISES SUPPLIES OF ALCOHOL WHETHER THESE ARE ON AND / OR OFF SUPPLIES

- M. The sale by retail of alcohol for consumption OFF the premises only

NAME, (REGISTERED) ADDRESS OF HOLDER OF PREMISES LICENCE

Pedram Farzeneh

REGISTERED NUMBER OF HOLDER, FOR EXAMPLE COMPANY NUMBER, CHARITY NUMBER (WHERE APPLICABLE)



Licensing Act 2003

Premises Licence Summary

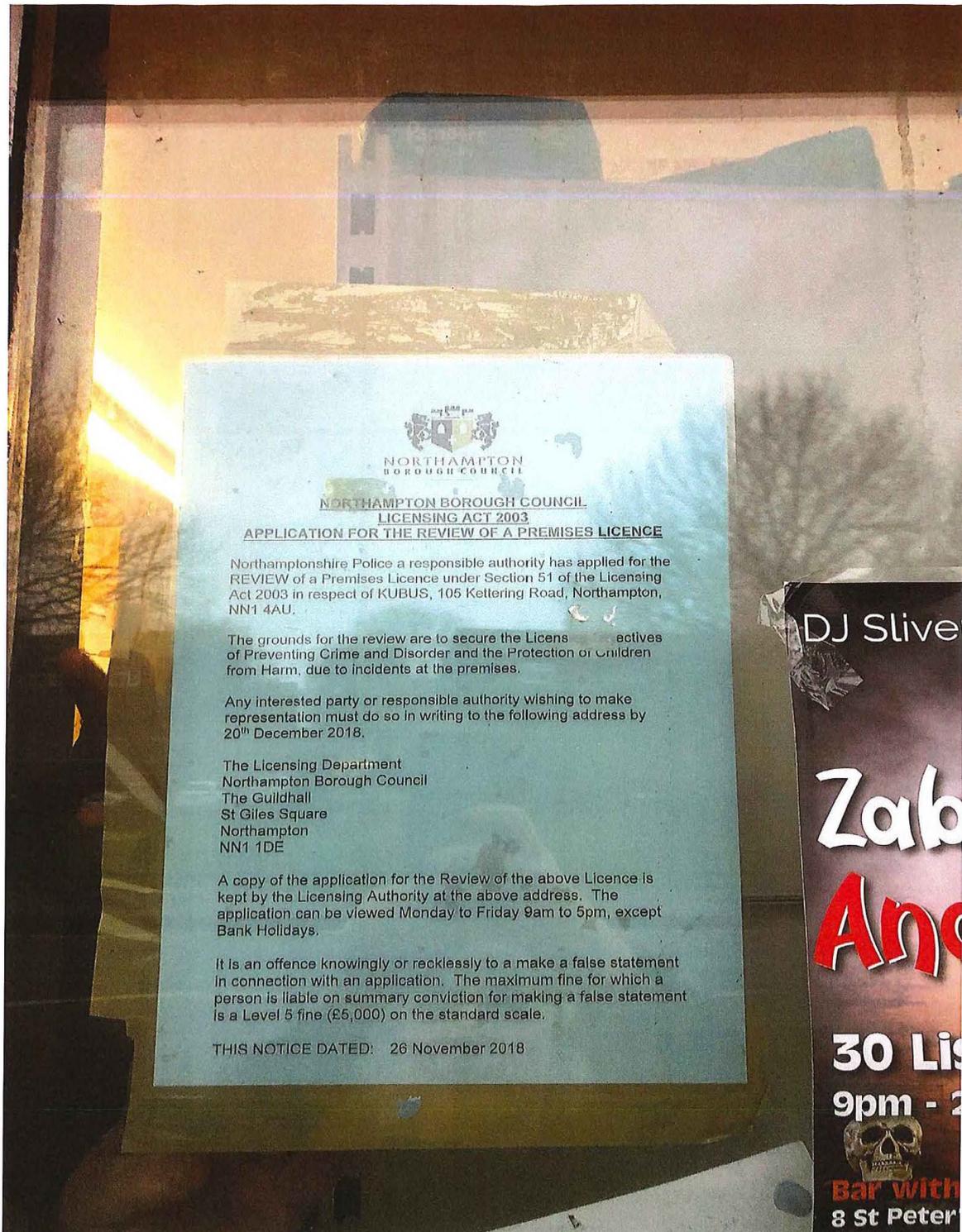
PL0211

NAME OF DESIGNATED PREMISES SUPERVISOR WHERE THE PREMISES LICENCE AUTHORISES THE SUPPLY OF ALCOHOL

Pedram FARZENEH

STATE WHETHER ACCESS TO THE PREMISES BY CHILDREN IS RESTRICTED OR PROHIBITED





**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 KUBUS, 105 Kettering Road, Northampton, NN1 4AU.

The grounds for the review are to secure the Licence activities of Preventing Crime and Disorder and the Protection of Children from Harm, due to incidents at the premises.

Any interested party or responsible authority wishing to make representation must do so in writing to the following address by 20th December 2018.

The Licensing Department
Northampton Borough Council
The Guildhall
St Giles Square
Northampton
NN1 1DE

A copy of the application for the Review of the above Licence is kept by the Licensing Authority at the above address. The application can be viewed Monday to Friday 9am to 5pm, except Bank Holidays.

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: 26 November 2018

DJ Sliver

Zab

Anc

30 Lis

9pm - 2



Bar with

8 St Peter

**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 4 pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the 14th day of November 2018 (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.

On the 5th September 2017 this Service received a complaint regarding underage sales

Continuation Statement of: Catherine Rachel Bennett

of cigarettes as well counterfeit cigarettes being sold from the premises Kubus General Store, 105 Kettering Road, Northampton NN1 4AU.

On the 21st November 2017 I visited the premises to carry out an inspection however no counterfeit product was found. I did issue a traders notice regarding the allegation of underage sales. I produce a copy of the notice as exhibit CRB/1.

On the 25th March 2018 complaint received alleging the sale of counterfeit cigarettes.

On the 26th March 2018 complaint received alleging the sale of illicit cigarettes.

On the 22nd May 2018 complaint received alleging the sale of illicit cigarettes.

On 31st May 2018 I was involved in an underage sale of cigarettes test purchasing exercise being undertaken by this Service. On that day we went to the premises, Kubus General Store, 105 Kettering Road, Northampton, NN1 4AU. I entered the store and a short time later the test purchaser also came in to the store. The test purchaser joined the queue at the till and I queued behind her. There were two people queuing in front of the test purchaser and there was no one actually serving behind the counter as we started to queue. We waited quite a few minutes and then a male came from the back of the shop & spoke with the man at the front of the queue. The male serving then went back to the rear of the shop for quite a few minutes before returning. The man queueing handed over a carrier bag which was then filled by the person serving. The till was rung up to £210 and the man paid. I could not see what was in the carrier bag. The lady next in the queue was asked what she wanted, she requested something but I could not hear. The test purchaser was then asked what she wanted & she replied 20 Mayfair. The male serving then asked what I wanted & I showed him the goods I had selected. The male serving then disappeared to the back of the shop again. He returned shortly and handed the lady what I could see to be a pack of 200 cigarettes. I heard the lady say "more?" and the male serving responded but I could not hear what he said. The lady then said "later?" and I didn't hear what the male serving replied. The lady paid for her goods and left. The test purchaser then stepped forward and was handed a packet of 20 Mayfair cigarettes. She handed £10 note over and received her change. The test purchaser walked out of the shop. I would describe the male serving as approx. 5'5" tall, aged late 20's to 30, slim to average build, black hair and a full black beard.

Later that day I returned to the premises with two officers from this Service. I introduced ourselves to the male behind the counter. The male told me he was [REDACTED]

Continuation Statement of: Catherine Rachel Bennett

██████ I asked if ██████ was the owner and he said no, he didn't even work there, he was just helping whilst the owner was out. I explained to him that a sale of cigarettes had been made to a 16 year old volunteer that morning and that the cigarettes were also believed to be counterfeit and therefore we were going to inspect the premises. The small back area of the store was searched. One officer went outside to the tiny backyard area. He came back in and said he had found the hide for the cigarettes and showed me a little door behind the outside light above the backdoor. The second officer took photos of where the cigarettes were hidden. I produce the photos as exhibit CRB/2. We proceeded to empty out all the cigarettes that had been hidden above the backdoor. I wrote out a traders notice regarding the underage sale made in the morning and also the discovery of non-duty paid and potentially counterfeit cigarettes and tobacco that was being seized. I produce a copy of the traders notice as exhibit CRB/3.

559 packets of cigarettes and 50 pouches of hand rolling tobacco were seized and were later confirmed to be either counterfeit or non duty paid, not for the UK market. The cigarettes sold to the underage volunteer were confirmed as counterfeit.

On the 16th August 2018 I sent a letter to Mr FARZENEH requesting an interview, I produce a copy of the letter as exhibit CRB/4.

On the 23rd August 2018, as no response was received to the letter, I sent a further letter to Mr FARZENEH, a copy of which I produce as exhibit CRB/5.

On the 29th August 2018 I received a phone call from a ██████ who stated he was calling on behalf of the owner of Kubus General Store. He stated Mr FARZENEH the owner was currently in Iran due his mother being ill & that he might be away for a month. Mr ██████ stated he worked at the shop but had nothing to do with running it, he was just helping his friend sort out the interview. I asked Mr ██████ to get Mr FARZENEH to call me directly.

On the 13th September 2018 as I had not receive any contact from the owner Mr FARZENEH I tried calling Mr ██████ mobile again, there was no answer.

On the 14th September 2018 I sent an interview by way of letter to Mr FARZENEH to both his home address and to the shop address. The letters were sent Royal Mail 'Signed For' facility. I produce a copy of the letter as exhibit number CRB/6.

On the 27th September 2018 I checked the Royal Mail Track & Trace service and confirmed that neither letter to the home address or shop address had been signed for.

Continuation Statement of: Catherine Rachel Bennett

I produce a copy of the printout as exhibit CRB/7. On the same day I tried calling Mr [REDACTED] again to try to establish Mr FARZENEH's whereabouts. There was no answer so I left a message for Mr [REDACTED] to call me back. Also on that day I sent a further letter of interview to Mr FARZENEH's home address, in a hand written envelope in standard Royal Mail post. I produce a copy of the letter as exhibit number CRB/8.

On the 11th October 2018 the Royal Mail track & trace letter which had been sent to home address was returned. Letter stated 'Not called for'. I produce a copy of the envelope as exhibit CRB/8.

With premises selling illegal tobacco, it is notoriously difficult to ascertain who the true owner of the business is as they wish to remain as anonymous as possible to avoid any sanctions.

The records to which I have made reference were created or received by a person in the course of a trade or 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



Northamptonshire County Council

Kubus General Store
105 Kettering Road
Northampton
Northamptonshire
NN1 4AU

Please ask for: Mrs Rachel Bennett
Tel: [redacted]
Our ref: C/333976
Your ref:
Date: 21/11/17

Dear Sirs,

**Children and Young Persons Act 1933 (as amended)
Children and Young Persons (Protection from Tobacco) Act 1991**

This Service has received a complaint alleging the sale of cigarettes to persons under the age of 18 from your premises. The facts surrounding this complaint have not been substantiated and no further action will be taken in this matter, but I would like to take the opportunity to remind you of the requirements of the above legislation.

Under the above legislation, it is an offence to sell any tobacco or cigarette papers to a person under the age of 18. The maximum penalty for a contravention of this legislation is a fine of £2500. You must also ensure that you display the statutory notice (stating that "It is illegal to sell tobacco products to anyone under the age of 18") in a prominent position close to your tobacco products. Failure to comply with this requirement could lead to a maximum penalty of £1000. The notice must be A3 size with letters at least 36mm high. You should also be aware that it is an offence to sell cigarettes to any person other than in pre-packed quantities of 20 cigarettes in their original package.

You should also be aware that there are additional sanctions for the persistent sale of tobacco products to persons under the age of 18 as detailed below:

Restricted Premises Order (RPO)

A local authority may apply to a Magistrates Court for a RPO where a person is convicted of a tobacco offence AND where, on at least two other occasions within a two year period the person has committed other tobacco offences in relation to the particular premises. (Note for the second part does not need to be a conviction).

A RPO prohibits the sale of tobacco or cigarette papers from the premises by any person. The order may be in place for up to 12 months and if it is breached carries a maximum fine of £20,000.

Restricted Sale Order (RSO) As above but relates to a named person.

Northamptonshire Trading Standards
Woolton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. [redacted]
f. [redacted]
e. [redacted]

I require you to ensure that neither you, nor your staff, sell cigarettes to any person under the age of 18. You should also ensure that you do not sell any age restricted products to any person under the statutory age (see 'Age Restricted Products' leaflet provided for further details). If you are in any doubt as to the age of a young person seeking to purchase an age restricted product, you should ask for valid photographic proof of their age – a passport, photo driving licence or PASS accredited proof of age card. Examples of valid proof of age cards are shown on the poster provided. It is not an acceptable practice for you or your staff to merely ask the purchaser how old they are.

Many retailers are now asking purchasers for proof of their age if they believe that the customer looks younger than 21, and this 'Challenge 21' scheme is a policy that this Service encourages you to follow. Some retailers are increasing this age to 25 and operating a 'Challenge 25' scheme. Whilst there is no legal obligation on you to adopt one of these schemes, we recommend them as best practice and an integral part of a due diligence system to prevent the sale of cigarettes to young people under the age of 18.

Posters promoting the 'Challenge 21' scheme are provided, however if you would prefer to adopt the 'Challenge 25' scheme, you can find more information and posters to download at <http://www.wsta.co.uk/Challenge-25.html>

I would also like to draw your attention to the other examples of best practice in the section headed 'Due diligence and reasonable precautions' contained in the 'Age restricted products' leaflet. These include the use of a refusals register by staff to record any instances where the sale of an age restricted product has been refused (a refusals register is enclosed for your use), and information about staff training and recording the training in writing.

Further copies of posters and business guidance information are available from our website: www.northamptonshire.gov.uk/tradingstandards

Test Purchasing exercises are carried out at regular intervals to monitor compliance with the legislation, and your premises may be visited in the future.

If you have any queries regarding this matter, please do not hesitate to contact me.

Signed
(officer).....



Receipt of this letter is acknowledged by *M. J. ...* *H. ...*

Name: *M. J. ...* *H. ...* Position: *Cashier*













5 Kottaring Rd
 Perth/Perth
 WA 6000

Children Young Persons Act 13 as amended

During a risk purchasing exercise your premises were visited and a purchase of 20 Marlboro cigarettes was made by a female test purchaser of 16 years of age whose date of birth is 23/11/2002 under the above legislation it is an offence to sell cigarettes to any person under the age of 18. I require you to ensure that you do not sell cigarettes to any person under 18. Further action may be taken in this matter.

The Tobacco and Related Products Tax 2016 Consumer Protection Act 1987 Trade Marks Act
 All tobacco products are required to bear precise warnings in English. It is an offence to supply, or possess for supply tobacco products which have not been labelled as required. You are required only

_____ Sta _____ Off _____ with



Northamptonshire County Council

Mr Padram Farzeneh
Kubus General Store
105 Kettering Road
Northampton
Northamptonshire
NN1 4AU

Please ask for: Mrs Rachel Bennett
Tel: [REDACTED]
Our ref: T/016497
Your ref:
Date: 16th August 2018

Dear Pedran Farzeneh

PACE Interview
Trade Marks Act 1994
Consumer Rights Act 2015
Tobacco and Related Products Regulations 2016
Proceeds of Crime Act 2002
Children and Young Persons Act 1933 (as amended)

On the 31st May 2018 a 16 year old female volunteer whose date of birth is 28/1/2002 purchased a packet of 20 Mayfair cigarettes for £3.50 from Kubus General Store, 105 Kettering Road, Northampton, NN1 4AU.

Whilst the Officer was in the store witnessing the underage sale they also witnessed illicit cigarettes being sold. Three officers returned to the premises later that day where a concealment of tobacco products was found above the backdoor of the premises which were subsequently seized.

The Mayfair cigarettes sold to the underage volunteer have been confirmed as being counterfeit.

Initial enquiries have confirmed you as the premises licence holder and the designated premises supervisor of the premises. The member of staff present at the time of the seizure also identified you as the owner of the business.

It is therefore alleged that offences have been committed by you contrary to the above legislation and I would like to invite you to be formally interviewed regarding this matter.

You should be aware that any such formal interview will be carried out in accordance with the provisions of the Police and Criminal Evidence Act 1984 and will be audibly recorded.

You may seek legal advice and a legal representative may be present at interview.

Northamptonshire Trading Standards
Woolton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. [REDACTED]
f. [REDACTED]
e. [REDACTED]

Please bring any documents with you that you consider would assist you in the interview. I propose a time and date of **Thurs 6th Sept 2018 at 10.00am** and the interview will be held at our offices, Wootton Hall Park, Northampton NN4 0GB.

Please contact me on [REDACTED] or [REDACTED] within 7 days to confirm your attendance on that date. If the date it is not convenient we can arrange a mutually suitable date.

If you require the assistance of an interpreter, please advise this Service when confirming the interview appointment.

Yours sincerely



Rachel Bennett
Senior Authorised Officer



Northamptonshire County Council

Mr Pedram Farzeneh
[REDACTED]

Please ask for: Mrs Rachel Bennett
Tel: [REDACTED]
Our ref: T/016497
Your ref:
Date: 23rd Aug 2018

Dear Pedran Farzeneh

PAGE INTERVIEW – 2ND REQUEST

**Trade Marks Act 1994
Consumer Rights Act 2015
Tobacco and Related Products Regulations 2016
Proceeds of Crime Act 2002
Children and Young Persons Act 1933 (as amended)**

I wrote to you on the 14th August 2018 (see letter enclosed) and the letter required a response which to date, a response has not been received.

I require you to confirm by **Thurs 30th August** your attendance to the interview that has been scheduled for Thurs 6th Sept 2018 at 10.00am at Wootton Hall Park, Northampton NN4 0GB

Please contact me on [REDACTED] or [REDACTED] by the 30th August to confirm your attendance.

If the date it is not convenient we can arrange a mutually suitable date.

If you require the assistance of an interpreter, please advise this Service when confirming the interview appointment.

Yours sincerely

Rachel Bennett
Senior Authorised Officer

Northamptonshire Trading Standards
Wootton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. [REDACTED]
f. [REDACTED]
e. [REDACTED]



Northamptonshire County Council

Mr Padram Farzeneh
[REDACTED]

Please ask for: Mrs Rachel Bennett
Tel: [REDACTED]
Our ref: T/016497
Your ref:
Date: 14th September 2018

Dear Mr Farzeneh

**Trade Marks Act 1994
Consumer Rights Act 2015
Tobacco and Related Products Regulations 2016
Proceeds of Crime Act 2002
Children and Young Persons Act 1933 (as amended)**

On the 31st May 2018 a 16 year old female volunteer whose date of birth is 28/1/2002 purchased a packet of 20 Mayfair cigarettes for £3.50 from Kubus General Store, 105 Kettering Road, Northampton, NN1 4AU.

Whilst the Officer was in the store witnessing the underage sale they also witnessed illicit cigarettes being sold. Three officers returned to the premises later that day where a concealment of tobacco products was found behind a light above the backdoor of the premises consisting of 559 packets of 20 various branded cigarettes and 53 x 50g pouches of various branded hand rolling tobacco.

The Mayfair cigarettes sold to the underage volunteer have been confirmed as being counterfeit.

Initial enquiries have confirmed you as the premises licence holder and the designated premises supervisor of the premises. The member of staff present at the time of the seizure also identified you as the owner of the business.

I wish to take this opportunity to advise you that you may wish to seek independent legal advice prior to responding to any questions.

I would also draw your attention to the provisions of Section 34 of the Criminal Justice and Public Order Act 1994 which, under certain circumstances enables a court to draw inference from an accused person's failure to mention facts when questions that they later rely on in court.

Northamptonshire Trading Standards
Wootton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. [REDACTED]
f. [REDACTED]
e. [REDACTED]

Offences:

It is alleged that you may have committed offences contrary to the Children and Young Persons Act 1933 (as amended), Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016 and the Proceeds of Crime Act 2002.

I am obliged to also point out that under the Consumer Protection Act 1987, where an offence committed by a body corporate is proved to have been committed with the consent or connivance of an officer of the body corporate, or to be attributable to any neglect on his part, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

The Children and Young Persons Act 1933 (as amended)

It is an offence under section 7(1) of the Children and Young Persons Act 1933 (as amended) where any person who sells to a person under the age of 18 years any tobacco or cigarette papers, whether for his own use or not, shall be liable.

Trade Marks Act 1994

Under Trade Mark legislation it is a criminal offence to have in your custody or control or to sell or offer for sale items which bear a sign identical to or likely to be mistaken for a registered trade mark without the consent of the owner of that trade mark.

Tobacco and Related Products Regulations 2016

It is an offence to produce or supply a tobacco product that does not contain the combined health warning of an image and text or not to ensure that the general condition of a health warning in English is met.

Proceeds of crime Act 2002

Offences under section 92 of the Trade Marks Act 1994 are listed under schedule of 2 of the Proceeds of crime act. If convicted you may also be subject to a financial investigation based on the benefit you have received.

Licensing Act 2003

Under licensing legislation it is an offence to knowingly keep or allow to be kept on any relevant premises, goods which have been imported without payment of duty or which have otherwise been unlawfully imported. This applies to any person who works at the premises in a capacity whether paid or unpaid which gives them the authority to prevent the keeping of the goods on the premise. In the case of a licensed premise, to the holder of the premises licence and the Designated premises supervisor.

Before I ask you any questions I must caution you that:-

YOU DO NOT HAVE TO SAY ANYTHING BUT IT MAY HARM YOUR DEFENCE IF YOU DO NOT MENTION WHEN QUESTIONED SOMETHING THAT YOU LATER RELY ON IN COURT. ANYTHING YOU DO SAY MAY BE GIVEN IN EVIDENCE.

1. How long have you owned Kubus General Store?
Is it a limited company?

2. How long have you owned / worked in a retail shop?
3. How long have you been the premises licence holder & DPS?
4. Who is in charge of the shop when you are not there?
5. Who on the day to day basis is responsible for running the shop?
Who is responsible for staff training etc? Stock, management?
6. What experience have you got of working in business involving underage sales?
What training have you had?
Have you got a Personal Alcohol license?
7. What's the typical turnover of the business?
8. Who works at the premises?
What days / hours do they work?
9. The male present on the afternoon of the 31st May, Aras Ahmed, stated he was just 'helping out' Does he normally work for you? If not why was he there?
10. How often are you at the premises?
Where were you on the day of 31st May 2018?
11. Are you aware of the sale of cigarettes on the 31st May 2018?
12. Can you explain what happened, what you've been told about it?
13. Who was the member of staff that sold the cigarettes?
14. What systems are in place to prevent underage sales taking place?
15. What training have you undertaken regarding underage sales?
16. What training has been given to the staff? Is this documented?
17. Do you operate Think 21/25 policy?
18. Do you have young people trying to buy age restricted products?
How do you deal with it? /
What happens when you refuse to sell?
19. Do know what a refusals register is?
Do you have a refusals register at the shop?
20. Why do you not display any posters to help prevent underage sales?
21. What has happened following the underage sale in May?

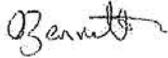
22. This service received a complaint regarding underage sales and a visit was made by myself on the 21st Nov 2017. A letter was left at the shop. Do you recall getting this letter? What action was taken after receiving it?
23. 7 other premises were visited that day with 1 other sale taking place, do you have any comments to make about this?
24. Do you sell foreign labelled and or counterfeit cigarettes and tobacco to the public from your shop?
25. Do you understand that cigarettes and tobacco sold must display clearly all health warnings and instructions in English with pictures and display the 'fiscal Stamp' to show that UK DUTY has been PAID?
26. Do you understand that the items cannot be counterfeit – have you obtained a licence or authorisation from Trade mark holders or their representatives to use the trademarks?
27. Officers also found 559 various branded packets of 20 cigarettes and 53 pouches 50g hand rolling tobacco in a hole in the wall, behind a light above the backdoor of the shop. What were these doing there?
Who made this hole? Why is it there?
28. Why were they hidden and not on display?
29. Who made the hole in the wall?
30. Whose idea was this?
31. The cigarettes and tobacco do not display health warnings in English and they do not display the Duty Paid fiscal marks so we seized them as we believe they are illicit and possibly counterfeit and not for retail in the UK market. Where did you buy the cigarettes and tobacco from?
32. How much did you pay for the cigarettes?
33. How much did you pay for the tobacco pouches?
34. Was this a fair market price?
35. Do you have any vehicles / access to vehicles?
36. Do these cigarettes and tobacco belong to you?
If not who do they belong too?
37. Are you supplying other shops with illicit cigarettes and tobacco?
38. Are they stolen or imported?
39. Who brought them into the UK?

40. Does the CCTV record in the shop?
If so, how long are the recordings kept for?
41. Are you aware it is an offence to sell or offer for sale tobacco and cigarettes that are counterfeit or do not carry the correct Health warnings pictures in the prescribed format?
42. Are you aware it is an offence to sell tobacco and cigarettes when the Duty has not been paid?
43. Did you think you could legally sell these products in the shop? (if yes why hidden, if no then why)
44. Do you understand the seriousness of these offences that you could be taken to court and fined or imprisoned or both by the court?

Please respond to this letter by Friday 28th September

If you require any further information or clarification please do not hesitate to contact me on the above telephone number.
Depending upon the responses I receive it may be necessary to ask further questions.

Yours sincerely



Rachel Bennett
Senior Authorised Officer



Northamptonshire County Council

Mr P Farzeneh
[REDACTED]

Please ask for: Mrs Rachel Bennett
Tel: [REDACTED]
Our ref: T/016497
Your ref:
Date: 27TH September 2018

Dear Mr Farzeneh

Trade Marks Act 1994
Consumer Rights Act 2015
Tobacco and Related Products Regulations 2016
Proceeds of Crime Act 2002
Children and Young Persons Act 1933 (as amended)

On the 31st May 2018 a 16 year old female volunteer whose date of birth is 28/1/2002 purchased a packet of 20 Mayfair cigarettes for £3.50 from Kubus General Store, 105 Kettering Road, Northampton, NN1 4AU.

Whilst the Officer was in the store witnessing the underage sale they also witnessed illicit cigarettes being sold. Three officers returned to the premises later that day where a concealment of tobacco products was found behind a light above the backdoor of the premises consisting of 559 packets of 20 various branded cigarettes and 53 x 50g pouches of various branded hand rolling tobacco.

The Mayfair cigarettes sold to the underage volunteer have been confirmed as being counterfeit.

Initial enquiries have confirmed you as the premises licence holder and the designated premises supervisor of the premises. The member of staff present at the time of the seizure also identified you as the owner of the business.

I wish to take this opportunity to advise you that you may wish to seek independent legal advice prior to responding to any questions.

I would also draw your attention to the provisions of Section 34 of the Criminal Justice and Public Order Act 1994 which, under certain circumstances enables a court to draw inference from an accused person's failure to mention facts when questions that they later rely on in court.

Northamptonshire Trading Standards
Wootton Hall Park
Northampton
NN4 0GB
w. www.northamptonshire.gov.uk
t. [REDACTED]
f. [REDACTED]
e. [REDACTED]

Offences:

It is alleged that you may have committed offences contrary to the Children and Young Persons Act 1933 (as amended), Trade Marks Act 1994, the Tobacco and Related Products Regulations 2016 and the Proceeds of Crime Act 2002.

I am obliged to also point out that under the Consumer Protection Act 1987, where an offence committed by a body corporate is proved to have been committed with the consent or connivance of an officer of the body corporate, or to be attributable to any neglect on his part, the officer as well as the body corporate is guilty of the offence and liable to be proceeded against and punished accordingly.

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15. What training have you undertaken regarding underage sales?
16. What training has been given to the staff? Is this documented?
17. Do you operate Think 21/25 policy?
18. Do you have young people trying to buy age restricted products?
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What happens when you refuse to sell?
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Do you have a refusals register at the shop?
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If so, how long are the recordings kept for?

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42. Are you aware it is an offence to sell tobacco and cigarettes when the Duty has not been paid?

43. Did you think you could legally sell these products in the shop? (if yes why hidden, if no then why)

44. Do you understand the seriousness of these offences that you could be taken to court and fined or imprisoned or both by the court?

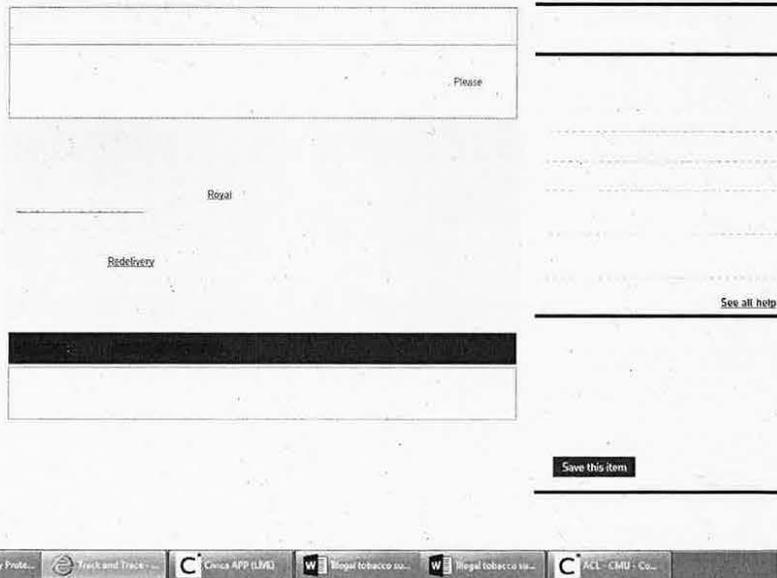
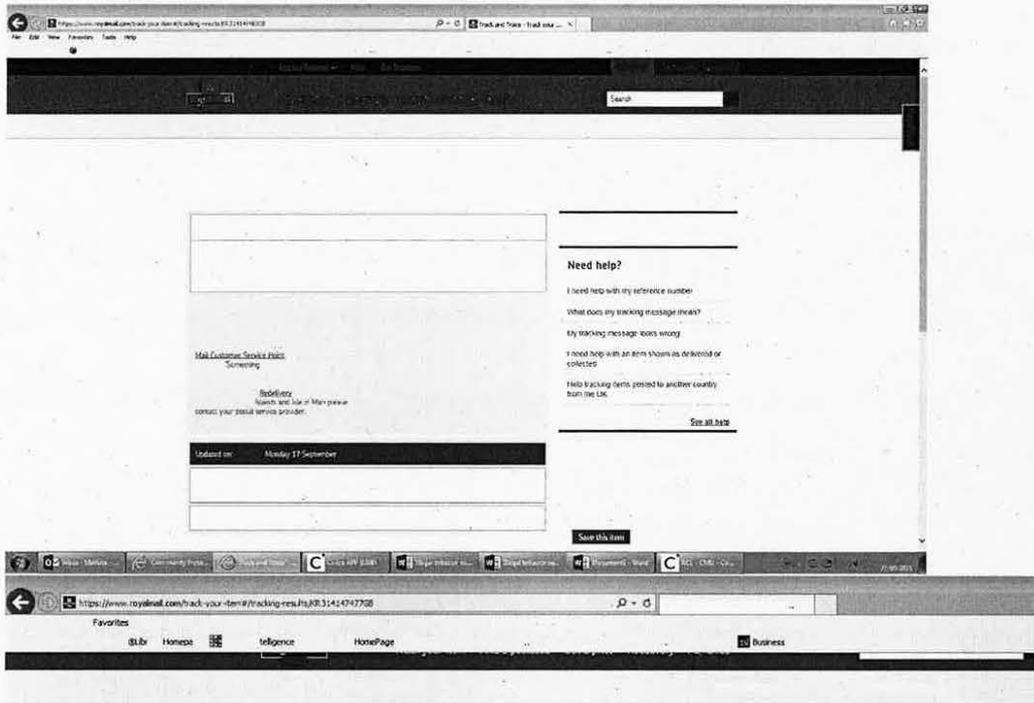
Please respond to this letter by Friday 5th October 2018

If you require any further information or clarification please do not hesitate to contact me on the above telephone number.
Depending upon the responses I receive it may be necessary to ask further questions.

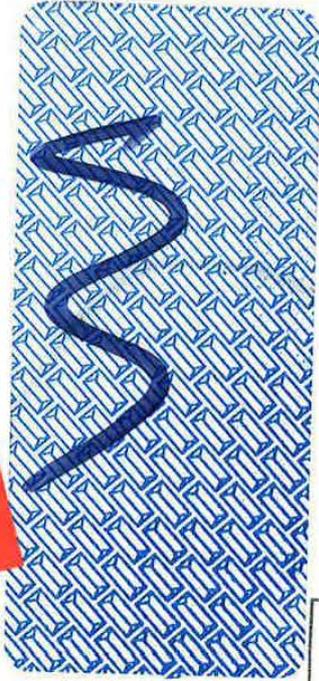
Yours sincerely



Rachel Bennett
Senior Authorised Officer



Delivered by



Royal Mail
 We were unable to deliver this item because

addressee gone away
 address incomplete
 address inaccessible
 addressee unknown

not called for
 no such address

refused

date 9/10 initials SR
 140407702543

SIGNED FOR

RR 3141 4746 3GB
 KR 3141 4746 3GB

SIGNED FOR
 KR 3141 4746 3GB

P22221900 July 13

P739 Notice Left

Duty S/9/15
 Initials N



WITNESS STATEMENT

Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B

URN [] [] [] []

Statement of: Jason Toyne

Age if under 18: (if over 18 insert 'over 18') Occupation: Snr Licensing Enforcement Officer

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.

Signature: [Signature] (witness) Date: 29/11/2018

I am a Senior Licensing Enforcement Officer employed by the Northampton Borough Council in the Licensing Department to monitor and enforce such of the Council's licensing obligations as are the responsibility of the Borough Solicitor.

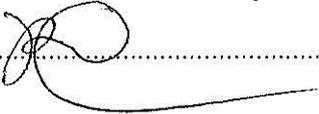
On Wednesday 19 September 2018 in company with Mr Ian Ellis, Senior Licensing Enforcement Officer, I visited the premises of Kubus General Stores 105 Kettering Road, Northampton. This premises is licensed by Northampton Borough Council authorising the premises to sell alcohol under the Licensing Act 2003, the premises licence number is PL0211. The purpose of the visit was to clarify who was the current Premises Licence Holder as the Licensing Department records indicated that arrears in annual fee payments for the licence was overdue.

On our arrival at the premises we identified ourselves to a male who was sitting behind the counter. He did not identify himself but stated he was only covering the shop in the absence of a friend who had gone to the Mosque. He confirmed he did not work at the premises. Mr Ellis asked him if he had received any training in the sale of alcohol and he replied he had not. I would describe this person as a male early 20's, unshaven with a tanned complexion. Whilst speaking to this person a second male, who had entered the premises behind us, stated the owner of the premises was away in Iran on holiday. I now know this person to be [redacted]. [redacted] confirmed the Premises Licence Holder was Mr Pedram Farzenah. He also stated he did not work in the shop but was also just helping out and that no training had been given to him with regard to the sale of alcohol. Mr Ellis asked if either of the two had a personal licence but both said they had not. The arrears paperwork was left with [redacted] who stated he would contact the owner and resolve it.

On Thursday 25 October 2018 I revisited the premises in company with Mr Ellis and again saw [redacted] who was alone in the shop. When I asked of the whereabouts of the premises Licence Holder Mr Farzenah, [redacted] replied that he was still on holiday. We pointed out to [redacted] that the Premises Licence fee was still outstanding and told him this would need to be resolved by 29 October 2018 otherwise the sale of alcohol would not be permitted. Mr [redacted] offered to pay cash to pay the outstanding balance but Mr Ellis pointed out that we was

Signature: [Signature] Signature witnessed by:

not in a position to accept cash as payment and offered alternative means of payment which was documented on the arrears documents. I asked [REDACTED] if he was able to identify himself but although he stated he lived at the premises he was unable to provide any identity documents stating they were at his old address in Wellingborough Road although he did not remember the number. I asked [REDACTED] if I could take a photograph of him to verify who the arrears documents had been delivered too, he objected. [REDACTED] did provide his date of birth as [REDACTED] and I would describe him as approximately 5ft 10 male, slim build, unshaven and had a tanned complexion.

Signature:  Signature witnessed by:

Signature: Signature witnessed by:

Not Disclosable

Witness contact details

Home address: The Guildhall, St Giles Square, Northampton Postcode: NN1 1DE

Home telephone No: 0300 330 7000 Work telephone No:

Mobile: E-mail address: licensing@northampton.gov.uk

Preferred means of contact (specify details): email

Best time to contact (specify details):

Gender: Male Date and place of birth: 06/04/1990 Grimsby

Former name: Ethnicity Code (16 + 1):

DATES OF WITNESS NON-AVAILABILITY:**Witness care**

- a) Is the witness willing to attend court? If 'No', include reason(s) on form **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? (*youth under 18; witness with mental disorder, learning or physical disability; or witness in fear of giving evidence or witness is the complainant in a sexual offence case*) If 'Yes' submit **MG2** with file in anticipated not guilty, contested or indictable only cases.
- d) Does the witness have any particular needs? If 'Yes' what are they? (*Disability, healthcare, childcare, transport, disability, language difficulties, visually impaired, restricted mobility or other concerns?*).

Witness Consent (for witness completion)

- a) The Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet "Giving a witness statement to the police..." Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter (*obtained in accordance with local practice*) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil, or other proceedings if applicable, e.g. child care proceedings, CICA Yes No N/A

Signature of witness: PRINT NAME:

Signature of parent/guardian/appropriate adult: PRINT NAME:

Address and telephone number (of parent etc.), if different from above:

Statement taken by:

Station:

Time and place statement taken:

Kubus, 105 Kettering Road, Northampton NN1 4AU

5th Sept 2017 - Complaint received alleging the sale of counterfeit cigarettes as well as underage sales of cigarettes from the premises.

21st Nov 2017 - Inspection made of the premises, complaint discussed, no illicit product found. A standard notice was left regarding the allegation of underage sales, reminding the owner of their legal obligations and due diligence procedures in respect of age restricted sales.

25th March 2018 - Complaint received alleging the sale of counterfeit cigarettes

26th March 2018 – Complaint received alleging the sale of illicit cigarettes

22nd May 2018 - Complaint received alleging the sale of illicit cigarettes

31st May 2018 – Covert underage test purchasing attempt was made using a 16 year old volunteer. 20 Mayfair cigarettes were sold to the underage volunteer, which were subsequently confirmed as being counterfeit. Whilst waiting to witness the potential underage sale the Officer in the premises noted that customers already in the premises being served were being sold what appeared to be illicit cigarettes that were being fetched from the back of the premises. Later the same day Officers returned to the premises and seized 559 packets of illicit cigarettes and 50 packets of hand rolling tobacco from a hide above the back door of the premises. The owner was not present, just ‘helper’ who gave his name as Mr [REDACTED]

21st June 2018 – Visit to premises to handover itemised seizure list. Owner not present, only Mr [REDACTED]

16th August 2018 – Letter sent to the store addressed to Mr Farzeneh. No response received.

23rd August 2018 – Letter sent to home address of Mr Farzeneh.

29th August 2018 – Phone call from Mr [REDACTED] calling on behalf of the owner who is currently in Iran due to family illness & he might be away for a month. Mr [REDACTED] stated he worked at the shop but had nothing to do with the running of it. Mr [REDACTED] said he would get the owner to contact me directly. No contact made.

14th Sept 2018 – Letters sent addressed to Mr Farzeneh to home address & shop address. Sent Royal Mail Track & Trace.

27th Sept 2018 – Phone call to Mr [REDACTED], message left requesting call back regarding owners whereabouts. No response received. Also sent further letters to Mr Farzeneh addressed by hand to home & shop address. No response received.

11th October 2018 – Royal Mail track & trace letter returned which had been sent to home address. Letter stated ‘Not called for’.