Please tick ✓ yes



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.

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

I Karen Retallic

I am

1) an individual, body or business which is not a responsible

(Insert name of applicant)

Part 1 below (delete as applicable)			
Part 1 – Premises or club premises details			
Postal address of premises or, if none, ordnar 14 – 16 Jackson Street Coalville	ice survey map reference or description		
Post town Leicestershire	Post code (if known) LE67 3LT		
Name of premises licence holder or club hold Fakheraddin Qazizadeh	ing club premises certificate (if known)		
Number of premises licence or club premises NWL20455	certificate (if known)		
Part 2 - Applicant details			

authority (please read guidance note 1, and complete (A) or (B) below)					
2) a responsible authority (please complete (C) below)			\boxtimes		
3) a member of the club to which this application relates (please complete (A) below)					
	F INDIVIDUAL APP	LICANT (fil	l in as appli	cable)	
Please tick ✓ yes					
Mr Mrs	Miss [Ms		Other title (for example, Rev)	
Surname		F	irst names		
I am 18 years old	or over			Please tick ✓ yes	
Current postal address if different from premises address					
Post town		Po	st Code		
Daytime contact te	elephone number				
E-mail address (optional)					
(B) DETAILS OF	OTHER APPLICAN	VT			
Name and address					
Telephone number (if any)				
E-mail address (option	onal)				

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Karen Retallic	
Trading Standards Officer	
Leicestershire County Council	
Trading Standards Service	
Glenfield	
Leicestershire	
LE3 8RA	
Telephone number (if any)	
0116 305 6548	
E-mail address (optional)	
Karen.retallic@leics.gov.uk	
This application to review relates to the following licensi	ng objective(s)
This application to review relates to the following necessi	ing objective(s)
	Please tick one or more boxes ✓
1) the prevention of crime and disorder	
2) public safety	₩
3) the prevention of public nuisance	ñ
4) the protection of children from harm	H
+) the protection of officient from farm	(1

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

European Supermarket has a history of selling illegal tobacco, the previous owner Mr SHARIATI was successfully prosecuted by Leicestershire County Council Trading Standards Service (Trading Standards) in 2018.

In 2020 Trading Standards, with support from HMRC seized illegal tobacco and suspected non-duty paid alcohol from the premises and additional conditions were added to the Premises Licence.

A recent check with North-West Leicestershire District Council shows that Mr SHARIATI is still responsible for the Business Rates at the premises.

Since Mr QAZIZADEH became the owner/director of the business in January/February 2021 there have been numerous complaints that illegal tobacco is being sold from the premises. Advice has been provided both verbally and in writing to Mr QAZIZADEH.

Supporting evidence is provided showing that Mr QAZIZADEH and his business European Supermarket are not supporting the Licensing Objectives namely, The Prevention of Crime and Disorder and Public Safety.

In April and May 2021, and June July 2022 Trading Standards carried out test purchase operations, trying to buy illegal cigarettes from the premises. There was no sale on all 4 occasions.

Trading Standards continued to receive complaints that illegal tobacco was being sold from the premises.

In October 2022 a further test purchase attempt resulted in no sale, however, the premises was searched, and 381 packets of illegal tobacco were found in a vehicle that was registered to Mr QAZIZADEH. The vehicle was parked close to the premises. 43 non-compliant vapes were also seized from within the premises.

All test purchases that resulted in no sales were completed on weekdays.

A test purchase was then carried out at the premises on Saturday 11th February 2023 and resulted in the sale of 2 packets of illegal cigarettes for £5.00 each being sold to a Trading Standards test purchaser. A subsequent search resulted in 612 packets of illegal tobacco being found and seized from behind the counter.

In March 2023, Trading Standards visited the premises with a Licensing Officer from North-West Leicestershire District Council and found that numerous licence conditions were not being followed.

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

European Supermarket (Coalville) Ltd (the premises) is registered at 14-16 Jackson Street, Coalville, Leicestershire, LE67 3LT. The sole Director is Fakheraddin QAZIZADEH, and he was appointed on the 18th January 2021. The business trades as European Supermarket. Mr QAZIZADEH is the Premise Licence Holder and the Designated Premises Supervisor for the premises.

History of premises, owner Mr SHARIATI

Checks with North-West Leicestershire District Council have confirmed that a Mr Mansoor SHARIATI is currently liable for Business Rates at the premises. Trading Standards records show that Mr SHARIATI was the previous owner of the premises.

In 2016 Trading Standards prosecuted Mr SHARIATI for supply and possession of illegal tobacco. Records show that the offences relate to a test purchase and approximately 400 packets of illegal tobacco being found in the premises in 2015. The prosecution resulted in a Fine of £85 plus a £20 victim surcharge. Mr SHARIATI was also ordered to pay costs of £300 and the Court issued a Forfeiture Order for the illegal tobacco.

In 2018 Trading Standards prosecuted Mr SHARIATI for supply and possession of illegal tobacco. The offences occurred in 2017 and the prosecution resulted in a Fine of £207 plus costs of £5.00. The Court also ordered the forfeiture and destruction of the illegal tobacco.

In October 2019, HMRC contacted Trading Standards and invited them to attend a joint visit at the premises, due to intelligence that illicit alcohol was being sold. This joint visit took place on the 17th October. No illegal tobacco was found and no illicit alcohol seized. Having accessed the search record that was completed by Trading Standards Officers at the time of the visit, I can see that Mr QAZIZADEH was present.

In January 2020, a further joint visit took place at the premises with HMRC and Trading Standards. During the visit, 4 packets of illegal tobacco were seized from the premises, they had been concealed in a toilet. HMRC Officers also seized 7 bottles of vodka, which was non-UK duty paid. I note that Mr QAZIZADEH was also present at the time of the visit and received a Team Managers warning letter for this in June 2020.

See Team Managers warning letter - appendix 1

During the same visit, Trading Standards also found paperwork in the premises from a previous visit by HMRC in January 2019. The paperwork showed that during this visit 3,149 bottles/cans of illicit alcohol had been seized.

Following this, in June 2020 conditions were added to the premises licence after Mr SHARIATI agreed to make an application for a minor variation.

History of premises, owner Mr QAZIZADEH

In February 2021, Trading Standards received intelligence through Crime Stoppers that illegal tobacco was being sold from the premises. Following this information, Trading Standards wrote to Mr QAZIZADEH on the 19th March 2021 confirming the allegation and providing supporting advice on how to comply with the law and his legal responsibilities.

See advice letter appendix 2.

After receiving this letter, Mr QAZIZADEH telephoned Trading Standards to confirm he had taken over the shop at the beginning of February 2021. He stated that he always buys cigarettes and tobacco from Cash and Carry's with VAT receipts. The Trading Standards Officer advised him to only purchase from reputable supplies and to keep the receipts. He was also informed not to purchase from people who travel from shop to shop selling out of vans/bags or any other non-reputable suppliers.

In April 2021, Trading Standards received a complaint that illegal tobacco was being sold at the premises and kept in a nearby vehicle. The complaint also contained information that the premises was selling foreign labelled alcohol.

On the 18th April 2021 in response to this complaint, Trading Standards conducted a test purchase for illegal tobacco, but no sale was made.

On the 5th May 2021 a further test purchase for illegal tobacco was conducted by Trading Standards and again no sale was made.

In May 2021 a further complaint was received again stating the premises was selling illegal tobacco and it was being stored in a nearby car. No further action was taken in relation to this complaint.

In August 2021, a joint visit was completed at the premises with an Officer from Trading Standards and an Environmental Health Officer from North-West Leicestershire District Council. The purpose of the visit was to carry out an inspection in relation to food hygiene, along with it being an opportunity for the Trading Standards Officer to provide additional advice around underage sales and illegal tobacco.

A number of issues relating to food labelling were noted during this visit and this was passed to our Compliance Team at Trading Standards for further consideration.

In October 2021 a registered Food Officer from Trading Standards visited the premises. They noted issues in relation to out-of-date food and food not being labelled in English. An advice letter was sent to Mr QAZIZADEH on the 1st November 2021, which outlined the issues that were identified during the visit,

as well as providing advice on his legal responsibilities and how to comply with the law.

See advice letter appendix 3.

In March 2022, a complaint was received that the premises was continuing to sell illegal tobacco. Trading Standards dealt with this by informing Mr QAZIZADEH in writing of the allegation and reminding him of his legal responsibilities.

See advice letter appendix 4.

In June and July 2022, further test purchase attempts were made by Trading Standards and no sale was made.

On the 5th October 2022 a further test purchase attempt was made followed by a search of the premises with the support of Leicestershire Police, Immigration and a tobacco detection dog and handler. No illegal tobacco was found inside the premises; however, 381 packets of illegal tobacco were discovered in a car parked nearby. The vehicle was registered to Mr QAZIZADEH, the Director of the premises and the illegal tobacco found inside was seized.

See **appendix 5** – a photograph of the illegal tobacco that was found in Mr QAZIZADEH'S vehicle.

Having looked at a sample of the seized tobacco, I can confirm that there are breaches under the Tobacco Related Product Regulations 2016, as the packaging does not have the correct health warnings and being foreign labelled. There are also breaches under the Standardised Packaging of Tobacco Product Regulations 2015, as the packets are not the correct colour. Packets of illegal cigarettes typically sell for £5.00, which would give the illegal tobacco a value of £1,905. The legal retail price of 381 packets of cigarettes would be approximately £4,572.

Also seized on the day - 43 non-compliant e-cigarettes (vapes). All were in breach of the Tobacco Related Product Regulations 2016, as the tank size exceeded 2ml.

Following this seizure from the premises, Mr QAZIZADEH received a warning letter from Trading Standards. He was invited into Leicestershire County Council for a meeting on the 24th November 2022 to receive the letter. The letter gave details of our seizure on the 5th October, whilst also providing him with clear advice regarding illegal tobacco and his legal responsibilities.

During the meeting with Mr QAZIZADEH, surrendered the seized illegal tobacco and non-compliant vapes to Trading Standards, so that they could be destroyed. Mr QAZIZADEH did however deny that the illegal tobacco was his or had anything to do with the premises, despite having been found in a vehicle that was registered to him. He confirmed that it was his vehicle but suggested that someone may have broken into his vehicle and placed the

illegal tobacco there.

See warning letter appendix 6.

Licence conditions

- During the search on the 5th October 2022, it was noted that the CCTV system at the premises was not working. It is a condition on the Premises Licence to have a CCTV system that is installed, operated and maintained to the satisfaction of Leicestershire Constabulary and will record at all times.
- This information was passed onto the Licensing Team at North-West Leicestershire District Council, and they subsequently visited the premises on the 11th October 2022 to check the CCTV. The Premise Licence Holder was not present. The employee stated that Mr QAZIZADEH was out of the country and that the CCTV had not been working for 'months'. He was advised that the CCTV needed to be in working order as a matter of urgency and that there was a risk that the premises would now longer be allowed to sell alcohol if this was not done.
- A Licensing Officer re-visited the premises on the 28th October to reinspect the CCTV. They found it to be in working order but noted that
 the employee was not confident in operating it. No further action was
 taken by the Licensing Team.

On the 6th December 2022, a test purchase attempt was made resulting in no sale. The recording of the test purchase attempt confirms that, one employee did initially say 'yes' when cheap tobacco was requested. Another employee then approached and said 'no'.

On Saturday 11th February 2023 a further test purchase for illegal tobacco was attempted at the premises and two packets of Richmond King Size cigarettes for £5.00 each were sold. A legitimate packet of Richmond king size cigarettes now costs more than £14.00. This was followed by a search of the premises by Trading Standards supported by Leicestershire Police, Immigration and a tobacco detection dog and handler.

Mr QAZIZADEH was present on the day and 612 packets of illegal tobacco were located and seized in the shop from behind the counter. Mr QAZIZADEH confirmed that the illegal tobacco was his when an Officer was issuing him with paperwork for the visit. Foreign labelled alcohol was also seen on the premises

Having examined the cigarettes that were sold to the test purchaser I can confirm that they breach the Tobacco Related product Regulations 2016, through not having the correct health warnings. They also breach the Standardised Packaging of Tobacco Product Regulations 2015, as they are not the correct colour. I also suspect that both packets are counterfeit, as they

do not have the required track and trace codes.

Please see photographs taken on the 11th February 2023

Appendix 7 – photograph of illegal tobacco on a self behind the counter

Appendix 8 - photograph of illegal tobacco on a self behind the counter

Appendix 9 – photograph of a black bag behind the counter containing illegal tobacco

Appendix 10 – Photograph of the inside of the black bag containing illegal tobacco

Packets of illegal cigarettes typically sell for £5.00, which would give the illegal tobacco a value of £3,060. The legal retail price of 612 packets of cigarettes would be approximately £7,344.

Having examined the seized illegal tobacco I can confirm that 577 of the 612 packets were in breach of the Tobacco Related Product Regulations for not having the correct health warnings or being foreign labelled. 577 packets were also in breach of the Standardised Packaging of Tobacco Product Regulations 2015, as they were not the correct colour.

As I suspect offences under the Trade Marks Act 1994, I have also sent a sample of the seized illegal tobacco to their relevant brand holders to confirm whether they are counterfeit. I sent the following exhibits on the 30th March 2023:

Exhibit AW/1 – 2 packets of Lambert and Butler cigarettes

Exhibit AW/2 – 2 packets of Richmond King Size cigarettes

Exhibit AW/3 – 2 packets of Dunhill Fine Cut Master Blend cigarettes

Exhibit AW/4 – 2 packets of Rothmans Demi Blue cigarettes

On the 18th April I received a Witness Statement from Salvatore Loscalzo, a brand representative for Imperial Tobacco. He confirmed that exhibits **AW/1** and **AW/2** are both counterfeits.

On the 18th April I also received a Witness Statement from Nirmala Kandel, a brand representative for British American Tobacco. They confirmed that **exhibit AW/4** is counterfeit. In relation to **exhibit AW/3**, the cigarettes were not examined as they are suspected to be genuine but for the Bulgarian market. This means that they will not have paid UK duty.

Licence conditions

On the 8th March 2023, a joint visit was conducted at the premises by Trading Standards and a Licensing Officer from North West Leicestershire District Council. The purpose of the visit was to review the Premise Licence and confirm whether the conditions were being complied with.

Mr QAZIZADEH, the Premise Licence Holder and Designated Premises Supervisor was not present during the visit. However, his employee was able to contact him on the telephone. During the visit we found that a significant number of the premise licence conditions were being breached, namely:

- That there was no evidence of staff training having been completed or recorded to sell age restricted products
- The refusals log had not been maintained, with the last entry being in March 2022.
- There was no personal licence holder on duty
- There was no written authorisation displayed that would allow someone without a personal licence to sell alcohol
- There were no staff records on site for employees who were working at European Supermarket
- The CCTV appeared not to be in working order
- The employee present at the time of the visit was not able to work the CCTV system

Following the visit, Mr QAZIZADEH was written to by the Licensing Officer. The letter detailed the reasons for our visit, highlighted the licence conditions that are currently being breached and advised of the consequences of this.

See letter from North-West Leicestershire District Council appendix 11.

On the 29th March 2023 a joint visit was conducted at the premises by Trading Standards and Officers from Her Majesty's Revenue and Customs (HMRC). The purpose of the visit was to investigate further intelligence that had been received by Trading Standards in March 2023, which stated that the premises was continuing to be supplied with illegal tobacco. The Officers from HMRC were present to investigate the foreign label alcohol that had been seen in the premises during the enforcement visit on the 11th February.

Mr QAZIZADEH was not present during the visit, but we were able to speak with his employee. No illegal tobacco was discovered in European Supermarket and the employee was able to provide the HMRC Officers with invoices for most of the foreign label alcohol in the shop.

It is noted that invoices could not be provided for 16 cases of foreign label beer. HMRC intend to write to Mr QAZIZADEH to request these outstanding invoices. If they cannot be provided, I have been advised that he will be required to pay tax on the alcohol.

During the visit it was also noted that the premises still had some foreign label food products for sale, including products that appeared to contain mustard. Mustard is one of the 14 food allergens that food businesses are required to declare to their customers by law, due to the risk of having an allergic reaction

of intolerance.

This has been referred to the Compliance Team within Leicestershire Trading Standards.

On the 21st April 2023, Trading Standards received a compliant that illegal tobacco was being sold from the premises and that it had been sold to a child, aged 17. No action has yet been taken regarding this complaint.

Illegal tobacco that is counterfeit or smuggled into the country is not a victimless crime:

- It impacts legitimate businesses, who will lose money through the loss of legitimate tobacco sales. It also brings criminality to our high streets as experience has shown that organised crime gangs are often involved in the supply and distribution of illegal tobacco.
- Income tax is not paid on illegal tobacco, which has an adverse effect on vital public services, such as schools and hospitals.
- Illegal tobacco can be produced in less controlled environments, resulting in a lack of traceability or continuity of the tobacco
- The risk of fire is much higher with illegal cigarettes, as they often do not contain the reduced ignition propensity paper, which stops the cigarette from burning if it is left unattended
- Being cheaper makes illegal tobacco more accessible to children, whilst also making it more difficult for adults to stop smoking.
- In 2020 it was estimated smuggled tobacco costs the taxpayer an estimated £2.2 billion a year.

Checks with Companies House show that Mr QAZIZADEH is also the Director of another business in Leicester City, namely Tatry Europe Market Ltd. Companies House note that this is a retail business selling food, beverages and tobacco. Companies House also shows that there is an active proposal to strike off the company due to overdue accounts.

Trading Standards colleagues in Leicester City confirmed that they have provided the premises with no written advice in the last 5 years. They did however confirm that they have received intelligence about the shop selling illegal tobacco.

As evidenced, Trading Standards and other enforcement bodies have made efforts to work with Mr QAZIZADEH to ensure that he operates within the law and follows conditions on his licence. However, the evidence presented shows that advice and support has been ignored by Mr QAZIZADEH and as such, we have no confidence that Mr QAZIZADEH can or will promote the licencing objectives.

Guidance issued under section 182 of the Licencing Act 2003 makes

reference to the fact that "there is certain criminal activity that may arise in connection with Licensed premises which should be treated particularly seriously" and goes onto reference "the sale and storage of smuggled tobacco and alcohol." Section 183 of the Licencing Act 2003 states that, "where reviews arise and the licencing authority determines that the crime and prevention objective is being undermined through the premises being used for further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered." Whilst not wishing to restrict the decision of the Committee, Trading Standards request that the premises licence is revoked, as there appears to be no conditions appropriate to promote the licencing objectives.

Sz\	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 prand when you made them	remises please state what they were

yes	Ple	ease tick 🗸
 I have sent copies of this form and end and the premises licence holder or clu as appropriate I understand that if I do not comply waapplication will be rejected 	b holding the club premises certificate	;,
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 no		
Signature of applicant or applicant's solicito guidance note 5). If signing on behalf of the a	r or other duly authorised agent (pl pplicant please state in what capacit	ease read y.
Signature		

Date		
		en e
Capacity		

Contact name (where not previously given) as	nd postal address for corresponden	20
associated with this application (please read gr	uidance note 6)	
Post town	Post Code	
Telephone number (if any)		
If you would prefer us to correspond with you (optional)	using an e-mail address your e-ma	il address

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.





Private and Confidential Mr Fakheraddin Qazizadeh 69 Cherryleas Drive Leicester LE3 0LT 24th June 2020 IF310437

Karen Retallic 0116 3056168 Karen,Retallic@leics.gov.uk

Dear Mr Qazizadeh,

I have received a report from Calluna O' Farrell, a Trading Standards Officer with this Service, regarding the seizure of illegal cigarettes from European Supermarket, 14-16 Jackson Street, Coalville, LE67 3LT.

On the 9th January 2020, Trading Standards and HMRC officers visited European Supermarket as part of a joint enforcement visit. Officers seized four packets of non-UK duty paid cigarettes; two packets of Rothmans Demi and two packets of L&M Link Forward. An officer has examined the tobacco products and have found the them to be non-UK duty paid products with incorrect labelling. The cigarettes were seized because they were not in the standardised packaging and the warnings were not in English.

Legal Requirements

Tobacco and Related Product Regulations 2016 Standardised Packaging of Tobacco Products Regulations 2015

There are specific legal labelling requirements for tobacco products including there being written and pictorial health warnings in English, and the packaging being a specific colour with the warnings in a particular format, which the cigarettes obtained from European Supermarket failed to comply with. It is a criminal offence if anyone sells tobacco products that do not comply with these labelling requirements and/or is in possession of such items with the intent to supply.

The maximum penalty for an offence under the Tobacco and Related Products Regulations 2016 is an unlimited fine or imprisonment for up to 2 years.

Chief Executive's Department

www.leicestershire.gov.uk

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116·232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870 John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance



Trade Marks Act 1994

It is a criminal offence to sell, offer for sale, expose for sale, be in possession for supply or distribute goods which bear a sign identical to or likely to be mistaken for a registered trademark without the consent of the registered trademark holder.

The maximum penalty for a breach of this legislation is 10 years imprisonment and/or an unlimited fine.

General Product Safety Regulations 2005

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper, which means the cigarettes will self-extinguish if left unattended.

Counterfeit and non-duty paid cigarettes do not usually have this RIP paper and are considered unsafe. It is an offence to be in possession of an unsafe product with the view to supply.

The maximum penalty for this is up to £20,000 and/or imprisonment for up to 12 months

Having reviewed all the facts of the case, I have decided on this occasion that no further enforcement action is to be taken against you.

However, I should inform you that if you are found in possession for supply of illegal tobacco in future, this warning will be taken into consideration when deciding on the appropriate enforcement action to be taken.

If you have any questions regarding this matter, please contact Calluna O' Farrell directly on 0116 305 4559.

Please respond by signing the acknowledgement copy and returning it in the prepaid self-addressed envelope enclosed.

Yours sincerely

c Telmon

Karen Retallic

Team Leader Age Restricted Products and Illegal Tobacco Team Leicestershire County Council Trading Standards Service



Acknowledgement of receipt of lette	r:
	Δ
Signed:	Dated:
Print name:	Date of birth
Witness:-	
Signed:	Dated:
Print name:	Position:





Mr Fakheraddin Qazizadeh, European Supermarket (Coalville) Ltd 14-16 Jackson Street Coalville Leicestershire LE67 3LT Date: 19th March 2021 My Ref: IF317762 Your Ref:

Contact: Tom Newton Phone: 01163057360

Fax:

Email: tom.newton@leics.gov.uk

Dear Mr Qazizadeh,

Leicestershire County Council Trading Standards Service has received a complaint alleging that illegal tobacco is being sold from European Supermarket (Coalville) Ltd at the address above.

There are number potential criminal offences being committed if you are selling such products.

Legal Requirements:-

Trademarks Act 1994

It is a criminal offence to sell, or offer for sale, or distribute good which bear registered trademarks without the authorisation of the registered trademark holder.

The maximum penalty for a breach of this legislation is 10 years imprisonment and/or an unlimited fine.

Tobacco and Related Product Regulations 2016 Standardised Packaging of Tobacco Products Regulations 2015

There are specific legal labelling requirements for tobacco products including written and pictorial health warnings in English and the packaging being a specific colour with the warnings in particular format.

It is a criminal offence if anyone sells tobacco products without complying with these labelling requirements. Non-duty paid tobacco products imported from outside the United Kingdom do not comply with these requirements.

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

www.leicestershire.gov.uk



The maximum penalty for an offence under the Tobacco and Related Products Regulations 2016 is an unlimited fine or imprisonment for up to 2 years.

General Product Safety Regulations 2005

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper, which means the cigarettes will self-extinguish if left unattended.

Counterfeit and non-duty paid cigarettes do not usually have this RIP paper and are considered unsafe.

This legislation also requires those who distribute and/or place products on the market to keep documentation necessary for tracing the origin of the product. Upon on request this must be produced to an enforcement authority.

The maximum penalty for this is up to £20,000 and/or imprisonment for up to 12 months.

It is your responsibility to ensure that all goods you sell are genuine and have had their UK duty paid. They must also comply with all of the above legislation regarding labelling and safety. Please find enclosed a Business Companion information sheet that gives you guidance on all of the above matters which I strongly advise you to read.

On this occasion this Service does not intend to take this matter any further. However if we become aware of further incidents they will be investigated further and could lead to legal proceedings being instigated. A copy of this letter will be kept on file.

If you have any queries in relation to the contents of this letter, please contact me directly on $0116\ 305\ 7360$

Yours sincerely

Tom Newton

Trading Standards Officer

Leicestershire Trading Standards Service





Mr Qazizadeh
European Supermarket (Coalville) Ltd,
14 -16 Jackson Street
Coalville
Leicestershire
LE67 3LT

Date 1st November 2021

My Ref: V156313 Your Ref: Contact: Bryan Scatchard Phone: 01163052018

Fax:

Email: bryan.scatchard@leics.gov.uk

Dear Mr Qazizadeh

Food Safety Act 1990
Food Information Regulations 2014
Food Safety & Hygiene (England) Regulation 2013
Regulation (EC) 178/2002
Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015

I am writing to you in your capacity as the director of European Supermarket (Coalville) Ltd and the following issues that were identified as a result of my visit to the store on Wednesday 20th October 2021.

Food on offer for sale past the Use By date.

During the inspection it was noted that there was a quantity of chilled Use By dated foods that were on the main sales counter. These were checked and 12 were found to be past their Use By date. A further two items were found on offer for sale in the chiller cabinet that were past their Use By date.

Food which is past its Use By date is deemed to be unsafe by Regulation EC 178/2002

It is an offence to place unsafe food on the market under The Food Safety & Hygiene (England) Regulation 2013, Regulation 19.

During my visit, a document titled "Date and Lot Marking of Prepacked Food" was left with your staff. Your attention is drawn to the section on Conditions of Sale. A copy is enclosed.

Chief Executive's Department

www.leicestershire.gov.uk

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870 John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance



Advice.

To ensure that you do not sell food past the use by date you are strongly advised to carry out regular date checks and keep a record of these checks. Staff training should also be completed and recorded. This may contribute to your defence under the Food Safety and Hygiene Regulations 2013 of having exercised all due diligence and taken all reasonable precautions

Food Labelling.

It was noted that there are English language labels attached to the shelf edges giving food information for the products immediately above the label. When checked, some of the products bore mandatory food information in English and were compliant.

However, a number were found to only have the shelf edge label as the English labelling information.

It is a legal requirement under the Food Information Regulations 2014 that food labelling is given in a language easily understood by the consumer were the food is marketed.

Therefore, the food label must have mandatory food information in English although other languages may appear in addition.

If a wholesaler is supplying you with labels, they must be used. It is not acceptable to solely use shelf edge labels. If you are not being supplied with labels by the wholesaler, you are advised to request them.

Please note that food without English labelling may be deemed to be unsafe if a consumer has an allergic reaction to the food because of omitted English labelling on the ingredients.

During my visit, a document titled "Food labelled in a foreign language" was left with your staff. A copy is enclosed.

Business Names Disclosure.

The Company, Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015 make it a requirement that the legal entity that is behind the European Supermarket is identified to consumers. In this case it is the full name of the limited company and a disclosure template was left with your staff. A copy of the guidance document "Company and business names" is enclosed with this letter and the template should be completed and displayed.



Conclusion.

In view of the issues identified above, it is my intention to carry out another inspection to ensure compliance. Please note that a failure to comply may result in formal enforcement action being taken against the business.

Please do not hesitate to contact me if you have any questions.

I would be grateful if you could sign and return the copy letter using the envelope provided.

Yours faithfully

Bryan Scatchard

Trading Standards Officer

Encs. Date and Lot Marking of Prepacked Food Food Labelled in a Foreign Language Company and Business Names (template included).

PLEASE COMPLETE AND RETURN IN THE ENVELOPE PROVIDED

I acknowledge receipt and the contents of the letter referenced V156313.
Signed
Print
Position
Date





Private and Confidential

Fakheraddin Qazizadeh European Supermarket 14-16 Jackson Street, Coalville Leicestershire LE67 3LT 11/04/2022

My Ref:

Your Ref: IF326377

Contact:

Phone: 0116 305 0169

Fax

Email: jerry.vellaringattu@leics.gov.uk

Dear Mr Qazizadeh,

Leicestershire County Council Trading Standards Service has received a complaint that you are selling illegal tobacco at European Supermarket, 14-16 Jackson Street, Coalville, England, LE67 3LT. This letter is sent to advise you of your legal responsibilities.

There are number of potential criminal offences that could be committed if you are selling such products. This Service has not investigated the allegation any further and this letter is sent to advise you of your legal responsibilities.

Legal Requirement:

Trademarks Act 1994

It is a criminal offence to sell, or offer for sale, or distribute good which bear registered trademarks without the authorisation of the registered trademark holder.

The maximum penalty for a breach of this legislation is 10 years imprisonment and/or an unlimited fine.

Tobacco and Related Product Regulations 2016 Standardised Packaging of Tobacco Products Regulations 2015

There are specific legal labelling requirements for tobacco products including written and pictorial health warnings in English and the packaging being a specific colour with the warnings in a particular format.

It is a criminal offence if anyone sells tobacco products without complying with these labelling requirements. Non-duty paid tobacco products imported from outside the United Kingdom do not comply with these requirements.

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

www.leicestershire.gov.uk



Please refer to the illustration attached showing a cigarette pack which is fully compliant with both regulations.



The maximum penalty for an offence under the Tobacco and Related Products Regulations 2016 is an unlimited fine or imprisonment for up to 2 years.

General Product Safety Regulations 2005

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper, which means the cigarettes will self-extinguish if left unattended.

Counterfeit and non-duty paid cigarettes do not usually have this RIP paper and are considered unsafe.

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

www.leicestershire.gov.uk



This legislation also requires those who distribute and/or place products on the market to keep documentation necessary for tracing the origin of the product. Upon on request this must be produced to an enforcement authority.

The maximum penalty for this is up to £20,000 and/or imprisonment for up to 12 months.

It is your responsibility to ensure that all goods you sell are genuine and have had their UK duty paid. They must also comply with all of the above legislation regarding labelling and safety.

If you have any queries in relation to the contents of this letter, please contact me directly on 0116 305 0169.

Yours sincerely

Jerry Vellaringattu

Trading Standards Officer Leicestershire County Council

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance









Private and Confidential
European Supermarket (Coalville) Ltd
Mr Fakheraddin Qazizadeh (Director)
14-16 Jackson Street
Coalville
Leicestershire
LE67 3LT

Date: 16/11/2022 Your Ref: IF328777 Contact: Ali Walker Phone: 0116 3050177

Fax:

Email: alison.walker@leics.gov.uk

Dear Mr Qazizadeh,

On the 5 October 2022, Officers from Leicestershire Trading Standards, supported by Leicestershire Police, Immigration Officers and a tobacco detection dog visited European Supermarket (Coalville) Ltd to investigate allegations that illegal tobacco was being supplied from the premises. You were not present, and Officers liaised with your employee, Mr Aziza.

With the aid of the detection dog, a search was then conducted for illegal tobacco. No illegal tobacco was found at the premises, however Officers were able to locate a small number of non-compliant vapes, which were seized.

Following a further search close to the premises, Officers were able to locate a vehicle that is registered in your name. Namely, a Silver Vauxhall Corsa, registration PL08 SWN. The tobacco detection dog was walked around this vehicle and gave a positive indication that tobacco may be inside.

A locksmith was used to open the vehicle and following a search, 381 packets of illegal tobacco were found inside the boot. I note that the vehicle was then re-secured by the locksmith with no damage caused.

2 Seized Property Records were left with Mr Aziza identifying the tobacco and vapes that were seized.

A subsequent inspection of the seized illegal tobacco highlights the committal of offences under the Tobacco and Related Products Regulations 2016, namely that it does not contain the correct health warning and information and the Standardised Packaging of Tobacco Product Regulations 2015 as the packets do not have the correct colour packaging.

It is very likely that offences have also been committed under the Trade Marks Act 1994, namely that some of the packets have an unauthorised use of a Trade Mark, namely, Amber Leaf, Richmond, Marlboro Gold, Lambert and Butler (silver) and Benson and Hedges (silver) however, the respective brand holders have not been contacted for confirmation.

Chief Executive's Department

Leicestershire County Council, County Hall, Glenfield, Leicestershire LE3 8RA Telephone: 0116 232 3232 Fax: 0116 305 6161 Minicom: 0116 305 6870

John Sinnott CBE, MVO, MA, Dipl. PA, Chief Executive Lauren Haslam, LLB(Hons), Dip.L.G. Director of Law & Governance

www.leicestershire.gov.uk



Although I am satisfied that if the facts were put before a court a prosecution would be successful, on this occasion, I am warning you of the seriousness of selling illegal tobacco and I strongly recommend that you take steps to prevent any illegal tobacco sales taking place. If this Service becomes aware of any further breaches these will be investigated further and the matter may be put before the Magistrates' Court.

Below is advice regarding your legal responsibilities

Legal requirements

Trade Marks Act 1994

It is an offence to expose for sale, supply and or possess goods with an unauthorised use of a trade mark in the course of a business. The unauthorised use of a Trade Mark in relation to 'goods' can result in a custodial sentence not exceeding 6 months or a Fine, if the matter is dealt with in Magistrates Court. If the matter goes to Crown Court a person found guilty can face up to 10 years imprisonment, a fine or both.

Tobacco and Related Product Regulations 2016 Standardised Packaging of Tobacco Products Regulations 2015

There are specific legal labelling requirements for tobacco products including written and pictorial health warnings in English and the packaging being a specific colour with the warnings in a particular format.

It is a criminal offence if anyone sells tobacco products without complying with these labelling requirements. Non-duty paid tobacco products imported from outside the United Kingdom do not comply with these requirements.

Please refer to the illustration attached showing a cigarette pack which is fully compliant with both regulations.





The maximum penalty for an offence under the Tobacco and Related Products Regulations 2016 is an unlimited fine or imprisonment for up to 2 years

Tobacco and Related Products Regulations 2016

The Tobacco and Related Products Regulations 2016 also sets out rules covering ecigarettes (Vapes). No one must produce or supply an e-cigarette or refill container unless they meet the following requirements:

- nicotine-containing liquid for retail sale must be in a dedicated refill container in a maximum volume of 10 ml; in a disposable e-cigarette, single-use cartridge or a tank the maximum volume is 2 ml
- the capacity of the tank of a refillable e-cigarette must not be more than 2 ml
- there is a nicotine limit of 20 mg per ml that applies to nicotine-containing liquids in an e-cigarette or refill container

Disposable e-cigarettes sometimes display a typical number of puffs on the packaging. Typically, a disposable e-cigarette would provide 600 puffs or the equivalent of 20 cigarettes.

There is no charge for this advice. We recognise that consumer law can be daunting to even the most experienced businesses.

Trading Standards experts can also offer complex legal advice about Trading Standards and consumer protection legislation, tailored to suit a particular query you have. This complex tailored advice can help you get it right first time and prevent costly mistakes. There may be a charge for this to cover our costs in providing this further advice. You can telephone us on 0116 3058000 or email tradingstandards@leics.gov.uk to discuss your trading standards law queries and any advice fees that may be applicable.

For further information regarding our business advice service please see our Business Advice policy on the business pages of Leicestershire County Council website, or use the link https://www.leicestershire.gov.uk/business-and-consumers/trading-standards/business-advice

If you have any queries in relation to the contents of this letter, please do not hesitate to contact me. My contact details are at the top of this letter.

Yours sincerely

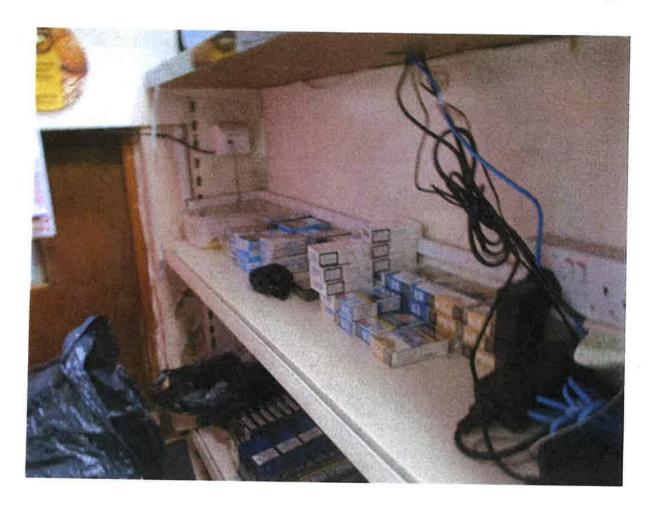
Ali Walker Trading Standards Officer Leicestershire Trading Standards Service



Acknowledgement of receipt of letter:

Signed:	Dated:
Print name:	Date of birth:
Witness:-	
Signed:	Dated:
Print name:	Position:

















(AW11)



















Environmental Health

Licensing

Please ask for: Tonya Cooper Telephone: 01530 454528 Our Ref: NWL20455 Date: 15 March 2023

Mr Fakheraddin Qazizadeh European Supermarket 14 - 16 Jackson Street Coalville Leicestershire LE67 3LT

Dear Mr Qazizadeh

LICENSING ACT 2003 EUROPEAN SUPERMARKET, COALVILLE, LE67 3LT

I write regarding the European Supermarket premises licence and conditions following a visit by Licensing and Trading Standard officers on 8 March 2023.

As the premises licence holder, I must draw your attention to the following premises licence conditions which were breached upon inspection of the premises:

Annex 2 - Conditions consistent with the Operating Schedule

2. Training will be provided for all staff before they are allowed to sell alcohol and will include Challenge 21, proof of age, management conflict and refusals and records. The training will be documented. The Premises Licence Holder or Designated Premises Supervisor will check that training has been understood. The training will be repeated at least every 6 months. Records of training will be provided to Responsible Authorities and the Licensing Authority on request.

It was noted that there was a staff training log at the premises, however no training was recorded apart from one signature. There was no date next to the signature to indicate when the training took place nor was there a signature from the person who provided the training. No updated training has ever been completed.

3. The Premises Licence Holder shall operate and maintain an up-to-date record of refused alcohol, indicating the time, date, reason for refusal and the person refusing. The record shall be reviewed at least once a month by the Designated Premises or the premises licence holder. The person carrying out the review shall look for patterns and inconsistencies that may indicate that an individual is not complying with the system or that additional support is required at certain times of the day. The reviewer shall sign and date the record once checked and record any action taken as a result of the review. This information shall be made available upon request of the Licensing or Responsible Authorities.

When asked to see the refusals log, a log (issued by TS) was provided. It was noted that the last refusal logged in the book was from March 2022. It was queried as to why there had not been a refusal logged over the past year. You stated via telephone that sometimes you forget to log refusals in the book. In fact, you stated that you refused a sale 2 to 3 weeks ago and forgot to write it down. It was reiterated



that as part of the conditions on the licence that it needed to be updated by the end of the day when a refusal had been made.

5. A Personal Licence Holder will be on duty at the premises at all times the premises are open.

Upon entering the premises, we asked Yousef (cousin of the Premises Licence Holder) if he held a personal licence to which he replied that he did not. When we asked you if you employed any other employees, he stated that Yousef was not an employee and that he was just helping as he was unable to be at the store that day. You also stated that you employ one other person by the name of Awareh Azazi who also does not hold a personal licence. We advised you that as part of the conditions of the licence that no alcohol should be sold unless the premises licence holder himself is on site as neither Yousef or Awareh hold a personal licence.

6. Every member of staff that does not hold a Personal Licence must have written authority to sell alcohol, provided by the Designated Premises Supervisor. Such written authority must be displayed at all times. Ant person that does not have a personal license and is not named on such a written authority must not be involved in the sale of alcohol.

No written authorisations were displayed nor were they produced as part of the inspection.

7. The refusals log will be kept on the premises, updated by the end of the day when a refusal has been made and it is to be retained for 6 months once completed and made available immediately for inspection by Police or Officers of any Responsible Authority.

As above, it was noted that the refusals log was not updated on a regular basis and the last recorded refusal was from March 2022.

8. Full staff records will be kept at the premises. The records will show the full name, date of birth and address of each staff member. No person will be permitted to work at the premises (for payment or otherwise) without such a record being completed. In the event that a number of staff ceases to work at the premises, the record will be kept for a minimum of 28 days after their last day at the premises. All staff to have knowledge of where the record is kept, to have success to this record and make available immediately for inspection by Police or Officers of any Responsible Authority upon request.

There were no staff records on site. The records should show the full name, date of birth and address for each staff member. No person should be permitted to work without such a record being completed. It was again reiterated that there should be a record for anyone who works at the premises, including both Awareh and Yousef who work behind the till and serve customers. Again, at the time of inspection, staff were unable to produce such records.

9. A CCTV system with recording equipment shall be installed, operated and maintained at the premises to the satisfaction of Leicestershire Constabulary and will record at all times. All public areas within the shop shall be covered by at least one camera including the till area. All recordings shall be of evidential quality, indicate the correct date and time, be retained for a minimum period of 28 days, be made available or inspection and copying upon request by an Authorised Officer of a Responsible Authority or the Licencing Authority in accordance with the principles of the Data Protection Act 2018, as soon as reasonably practicable and in any case within 24 hours. There will be staff trained in the operation of the system, to ensure compliance with any such request.

CCTV appeared not to be in working order. I previously visited the premises in October 2022 with regards to the CCTV not working and have seen first-hand what it looks like when your CCTV is not working. I counted 9 cameras and not one of them appeared to be working. There are also 2 screens that when working properly as noted in my follow up visit last year show the various areas of the store. The screens were not on. Yousef was unable to get it working and unable to turn the screens on to show that it was currently in operation. CCTV must be installed, maintained and operated at the premises and record at all times. Recordings shall be kept for 28 days. The staff must also be trained in the operation of the system. Yousef did not know how to operate the CCTV and asked me if I could get the screens to turn on.

Breaching any of the conditions listed on a premises licence is a serious offence. It can lead to an unlimited fine, six months imprisonment, or both in respect of each offence.

A responsible authority or interested party can also apply to review a premises licence if they can provide evidence that the licensing objectives are not being addressed by breaches of conditions.

You should know that this could end in revocation, suspension or loss of hours or licensable activities.

Should you wish to discuss the contents of this letter further, please do not hesitate to contact me direct on 01530 454528 or alternatively via email at tonya.cooper@nwleicestershire.gov.uk

Yours sincerely

Tonya Cooper

Licensing Enforcement Officer