

## **THE LICENSING ACT 2003 - REPRESENTATION FROM RESPONSIBLE AUTHORITY**

### **LANCASHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE**

I am Jason Middleton, Principal Officer employed by Lancashire County Council Trading Standards Service.

I have delegated authority to exercise the County Council's powers and duties under relevant Trading Standards related Acts of Parliament and in this capacity to provide written and oral representations on behalf of the Lancashire County Council Head of Service for Trading Standards.

I make this statement using facts and matters within my own knowledge. Any facts and matters that are not within my own knowledge are true to the best of my knowledge and belief.

Lancashire County Council Trading Standards Service wishes to make representations in support of the application from Lancashire Police to review the premises licence at Nawaz Food Stores and Off Licence, 1 Edleston Street, Accrington BB5 0HG.

Trading Standards' have had the following dealings with the premises since 2019:

- 08/01/2019 – Inspection of premises. 35 packs of illicit Rothmans and 1 pack of illicit Marlboro cigarettes seized from a black bag behind the counter in the shop. Asif Nawaz was present behind the counter and he informed officers that his father, Mohammed Nawaz, was the owner of the business. Asif Nawaz was interviewed on 22<sup>nd</sup> February 2019 where he stated that the tobacco products belonged to him. He admitted to selling the goods in the shop but claimed to only be selling the Marlboro cigarettes. Asif Nawaz had been previously prosecuted by Lancashire Trading Standards in 2016 following an inspection in 2015 where 124 packs of illicit tobacco products were found at the premises.
- 14/02/2019 – A test purchase of a pack of illicit cigarettes was attempted (using an adult test purchaser). No sale made.
- 01/03/2019 – Complaint received from a member of the public alleging the sale of non duty paid cigarettes and alcohol at the premises.
- 01/04/2019 – Anonymous complaint received relating to the sale of coca cola which was 3 years past the best before date. The complainant also claimed that the premises was selling counterfeit cigarettes.
- 04/04/2019 – A test purchase of a pack of illicit cigarettes was attempted (using an adult test purchaser). No sale made.

- 15/04/2019 - A test purchase of a pack of illicit cigarettes was attempted (using an adult test purchaser). No sale made. The member of staff asked the test purchaser questions including whether they were local to the area.
  - 16/05/2019 – Anonymous complaint received relating to illicit tobacco sales. Received via the Trading Standards online anonymous reporting tool.
  - 27/06/2019 – Information received from Lancashire Police about possible underage sales of alcohol occurring at the store.
  - 11/09/2019 – Allegation of illegal cigarettes being sold to underage children.
  - 10/12/2019 – Inspection of premises carried out. Asif Nawaz and Mohammed Nawaz were present. 83 packs of illicit tobacco / cigarettes were seized from a bag hanging on a coat rack. These consisted of 10 pouches of Golden Virginia tobacco, 5 packs Rothmans cigarettes, and 68 packs of Capstan Pall Mall cigarettes.
  - 18/03/2020 – Member of the public reported the shop for the sale of cigarettes to underage children.
  - 28/08/2020 – Report received from Lancashire Police about the possible sale of nitrous oxide to young people.
  - 08/09/2020 – Mohammed Nawaz and Asif Nawaz were prosecuted for the illicit tobacco offences committed on 8<sup>th</sup> January 2019 and 10<sup>th</sup> December 2019. Mohammed Nawaz was fined £133, ordered to pay £300 in costs and a £32 victim surcharge. Asif Nawaz was fined £180, ordered to pay £450 in costs and a £32 victim surcharge.
  - 02/11/2020 – Test purchasing operation carried out using a 14 year old female volunteer. Mohammed Nawaz sold a pack of Lambert & Butler cigarettes to the child. An officer was present in the shop and witnessed the sale take place. No questions were asked as to the age of the child or to request any identification.
- Mohammed Nawaz was prosecuted for this offence on 25<sup>th</sup> May 2021. He was fined £200 and ordered to pay £200 in costs.
- 24/11/2020 – A test purchase of a pack of illicit cigarettes was attempted (using an adult test purchaser). No sale made.
  - 12/07/2021 – Complaint received from a member of the public about a 50p surcharge being added to the transaction cost due to paying by card. A letter was sent to the business with advice and guidance.
  - 15/10/2021 – Underage test purchasing operation conducted by Lancashire Trading Standards and Lancashire Police. A pack of JPS Players cigarettes was sold to the underage test purchasers. The seller was Mohammed Nawaz.

- 15/12/2021 – Complaint received from a member of the public about payment surcharges, the sale of single cigarettes, the sale of cigarettes and alcohol to underage children, and the sale of out of date food.
- 17/01/2022 – Information received via Lancashire Police about the sale of e-cigarettes to underage children.
- 01/02/2022 – Report of illicit tobacco sales from Lancashire Police.
- 02/02/2022 – A test purchase of a pack of illicit cigarettes was attempted (using an adult test purchaser). No sale made.
- 06/06/2022 – Inspection carried out. Advice was given in relation to food past the use by dates. 16 e-cigarettes were seized due to incorrect safety labelling. It was noted by the Trading Standards Officer leading the inspection that there were no refusals logs available in relation to underage sales, and no written training records. The shop was noted as having a Check 21 policy but there was no signage in place. Advice was given in relation to adopting Check 25.
- 08/07/2022 – Test purchasing operation for alcohol carried out using two 14 year old volunteers. A can of Stella Artois was sold to the test purchasers. The seller was Mohammed Nawaz. Mr Nawaz initially denied selling the alcohol. It was only after the CCTV was viewed in front of Mr Nawaz that he accepted that he made the sale and a fixed penalty ticket was issued by Police.
- 19/07/2022 – Test purchasing operation with Lancashire Police using a 16 year old male volunteer and a 14 year old female volunteer. Test purchase of alcohol attempted. Sale refused.
- 26/10/2022 – Test purchasing operation conducted by Lancashire Trading Standards and Lancashire Police using 4 underage test purchasers. Mohammed Nawaz sold a bottle of Kopparberg cider to a 16 year old.
- 09/12/2022 – Trading Standards were notified of an application to review the premises licence by the Police. Supporting representations were provided by Trading Standards.
- 18/05/2023 – Complaint received from a member of the public in relation to card payment surcharges.
- 14/08/2023 – A visit was carried out to the premises by an officer from Trading Standards who advised on Check 25 and provided written information and guidance. Asif Nawaz was present. The officer noted a small amount of illegal vapes on display and provided advice in relation to these.
- 10/10/2023 – Information received from Lancashire Police about the possible sale of vapes containing THC to school children.

- 24/01/2024 – Information about the sale of alcohol and e-cigarettes being sold to underage children received from Hyndburn Borough Council Licensing department.

- 06/03/2024 - Test purchasing operation for alcohol using 14 year old volunteer. No sale made.

- 12/03/2026 – Inspection of premises carried out together with Lancashire Police. Asif Nawaz was present and stated that the business was owned by his father, Mohammed Nawaz.

The tobacco gantry behind the counter was fully open, with the tobacco stock inside being fully visible to customers. Mr Nawaz was advised that the display of tobacco products was prohibited. He claimed that his gantry was broken and he couldn't close the door. The officer later checked this and found the gantry doors to be working normally.

Three open packs of cigarettes, comprising of two different brands, were found under the counter. All three had more than half their cigarettes missing. These were suspected of being sold singularly. The sale of single cigarettes is prohibited.

An illicit pack of Lambert & Butler cigarettes was found under the counter.

Asif Nawaz claimed that the packs under the counter belonged to him for his personal use.

A quantity of prescription medication was found behind the counter and seized by police. Asif Nawaz was arrested by the police and taken away from the premises. Following his arrest, the police officers searched the entire property, including the upstairs living quarters and Mr Nawaz's home a couple of doors down the road at 8-10 Edleston Street.

353 packs of illicit cigarettes were found in the flat above the shop, comprising of 6 different brands. These items were seized.

141 packs of illicit cigarettes and tobacco, comprising of 4 different brands, were found at 8-10 Edleston Street and seized.

Relevant information:

- The **Trade Marks Act 1994** - Supplying (including possessing for supply) counterfeit tobacco products bearing trademarks without the consent of the proprietor of the mark is an offence under Section 92 of this Act.

- **The Standardised Packaging of Tobacco Products Regulations 2015** – Supplying (including possessing for supply) tobacco products which are not in plain packaging is an offence.

- Section 3 of **The Children and Young Persons (Protection from Tobacco) Act 1991** states that it is an offence for a person carrying on a retail business to sell

cigarettes that are not in their original packaging. Therefore, cigarettes must not be sold singularly. The law applies to all sales, regardless of the age of the customer.

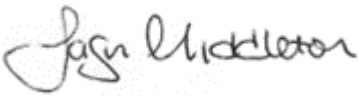
- The **Tobacco Advertising and Promotion Act 2002** and the **Tobacco Advertising and Promotion (Display) (England) Regulations 2010** require that tobacco products are kept out of sight of the customer. The measures aim to reduce smoking uptake amongst children whilst supporting those people who smoke and want to quit.

- Section 144 of the **Licensing Act 2003** makes it an offence to knowingly keep or allow to be kept on licensed premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

In the opinion of Lancashire County Council Trading Standards Service the information presented is evidence that the protection of children from harm, and the prevention of crime and disorder licensing objectives have been disregarded at the premises.

I reserve the right to bring further evidence to any hearing, should any arise between now and then.

I believe the contents of this statement to be true.

Signed: 

Date: 26/05/2026

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