

Annex 2

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 **Charlotte Palmer Senior Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Pravalia De Acasa, 428 Green Lanes	
Post town Enfield	Post code (if known) N13 5XG

Name of premises licence holder or club holding club premises certificate (if known) Mrs Irina Anchidim

Number of premises licence or club premises certificate (if known) LN/201200420

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
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

- 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
Charlotte Palmer
Licensing Authority
London Borough of Enfield
PO Box 57
Civic Centre
Silver Street
EN1 3XH

Telephone number: 020 8379 3965

E-mail address: charlotte.palmer@enfield.gov.uk

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

Please tick one or more boxes

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

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

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises ie. non-duty paid cigarettes.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background:

14/08/12 - The licence for this premises was granted to Mrs Irina Anchidim. No changes have been made to the licence since that time.

03/07/19 - Police received an allegation that the premises was selling 'contraband' cigarettes.

06/08/19 - Officers from Enfield Council's Licensing Enforcement Team, the Police Licensing Officer, HMRC Officers and a dog handler and dogs from Wagtail International carried out a day of unannounced visits to shops in the borough in a crackdown against the sale of illicit tobacco.

One of the premises visited was Pravalia De Acasa, 428 Green Lanes, N13 5XG.

At the time of the visit there was one member of staff on the premises, a female. An Officer (CPX) explained why they were there and the female made a phone call, she did not appear to speak English. The Officer asked to speak to the person on the phone and was handed the phone. The Officer explained to the male on the phone why they were there. The male advised he would attend the premises and the Officer advised that they would start the search whilst they waited for him. The premises was searched and the following non-duty paid items were found and seized;

Davidoff Magenta 160 sticks
Davidoff White 120 sticks
Davidoff Gold Slimline 660 sticks
Davidoff Gold 960 sticks
Dunhill Fine Cut (blue packet) 3620 sticks
Dunhill Fine Cut (black packet) 3000 sticks
Karelia Slims Menthol 40 sticks
Kent Switch 1400 sticks
Kent Nano 800 sticks
Kent 100's 340 sticks
Kent Core 5420 sticks
Marlboro Touch 600 sticks
Marlboro Gold 300 sticks
Marlboro Red 200 sticks
Pall Mall Extra 560 sticks
Pall Mall Click On 480 Sticks
Sobranie 500 sticks
Sobranie Evolve 520 sticks
Vogue Lilas 680 sticks
Vogue Bleue 400 sticks
Vogue Verte 280 sticks

The products were found in bags in the stock room and also in a cabinet which formed part of the serving counter.

The paperwork from the day can be view in **Appendix 1 and 2** and the photos of the products can be viewed in **Appendix 3**.

The male, who gave his name as Marian Florin, now known to be Mr Marian Florin Nantu arrived at the premises approximately 45 minutes to 1 hour after the officers entered the premises. His vehicle was also checked but was found to be completely empty. Mr Nantu was spoken to by the HMRC Officers and signed the paperwork. He advised that he had bought the premises for his family. The Senior Licensing Enforcement Officer advised Mr Nantu that she would write to the premises once a decision had been made as to what action to take.

12/09/19 – A Senior Licensing Enforcement Officer visited the premises to carry out a full licence inspection. The only member of staff in the premises at the time of the visit was Mr Marian Florin Nantu.

Condition 7 - CCTV only went back to 02/09/19 (10 days) instead of the required 28 days .

Conditions 8 - Officer to send up-to-date Public Space Protections Order Poster to replace Alcohol Control Zone poster that was on displayed. Advised to display it at the door rather than behind counter.

Condition 9 - A Refusals book was found but had not been used. Officer explained how to use it.

Condition 10 and 11 - A Training Handbook and Record book were found but had not been used since 2013 - it had been seen by the same Officer and signed on 12/04/13 and there were no entries since that date.

Conditions 12 - Leave quietly poster to be moved from behind counter to customers exit.

The **plan** attached to the licence was not accurate. The counter was not shown, a door in the main shop area was shown where there was not one, 4 steps leading down from the shop area to the storage area were not shown, a further step leading to the rear of the storage area was not shown and a gap in the wall towards the rear of the storage area was shown where there was not one. Mr Nantu was advised that a Minor Variation application needed to be submitted to update the plan.

The Officer advised Mr Nantu that the Licensing Authority would be submitting a Review application with a view to having the licence revoked because of the smuggled goods found at the premises and that this would be sent to the named Premises Licence Holder. The review process was explained. Mr Nantu advised that the named Premises Licence Holder is his sister in law and that he had bought the premises for her family. He went on to say that she was no longer connected to the premises and that he is the owner and it was him who brought the illicit cigarettes into the premises so the review should be sent to him. He also said that the named Designated Premises Supervisor had not worked at the premises for several months. He was advised that a Transfer and Vary DPS application should have been submitted. Mr Nantu confirmed that he was not a personal licence holder and that he would ask the DPS to return to work at the premises. The Officer agreed to send Mr Nantu a link to the council's website from where the applications could be downloaded. The link was sent later the same day. Inspection Report – **Appendix 4.**

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Although this is the first time that smuggled goods have been found at this premises the Licensing Authority is of the opinion that given the large volume of cigarettes seized it is appropriate to recommend that this licence be revoked even in the first instance.

The fact that the named Premises Licence Holder and DPS no longer work at the premises, the plan is not accurate and given the licence breaches the Licensing Authority has a lack of confidence in those running the business.

If the Licensing Committee is minded not to revoke the licence then the Licensing Authority ask that the licence be suspended until the following actions have been completed:

1. Full compliance with the licence conditions has been demonstrated.
2. The named DPS has been reinstated or a Vary DPS application has been granted.
3. A Minor Variation to update the plan has been granted.

The Licensing Authority would also recommend the following amendments be made to the licence conditions:

Current Conditions:

Annex 2 - Conditions consistent with the Operating Schedule

3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

4. Shutters shall be installed to the front of the premises.

5. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

Update to:

A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

6. No child, under the age of 18 years, shall be permitted to enter the premises unless accompanied by an adult.

Remove – This is a mini market that closes at 8pm.

7. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 28 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

8. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be should not be taken off the outside seating area and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Update to:

Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

9. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

10. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

11. All training relating to the sale of alcohol and times and conditions of the licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Add the following conditions:

- Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
- Alcohol and tobacco stock shall only be purchased from registered wholesalers.
- The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.
- All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

The Licensing Authority reserve the right to add any additional information to support this review application.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	

A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance the Licensing Authority feels it is appropriate to seek total revocation of the premises licence.

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

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

N/A

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:

Date: 16th September 2019

Capacity: Senior Licensing Enforcement 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.