

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 **Ann Bowes Senior Fair Trading 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 Sarge Off Licence – 240 Fore Street, Edmonton N18 2QD	
Post town Enfield	Post code (if known) N18 2QD

Name of premises licence holder or club holding club premises certificate (if known) Mr Rajasingam Sundaramoorthy

Number of premises licence or club premises certificate (if known) LN/201200255

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

Ann Bowes
Trading Standards
London Borough of Enfield
PO Box 57
Civic Centre
Silver Street
EN1 3XH

Telephone number: 020 8132 0684

E-mail address: Ann.bowes@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 trading standards 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:

On **29/10/19** - Officers from Enfield Council's Trading Standards & Licensing Enforcement Team, the Police Licensing Officer, 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 Sarge Off Licence 240 Fore Street, Edmonton N18 2QD

At the time of the visit there was one member of staff on the premises, a male. Mr Jesi PATHI

The premises was searched and a total of 260 packets of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

18 packets 50g each of hand rolling tobacco all of which were non – duty paid. The packets had foreign labelling and were non – duty paid.

Officers found the following cigarettes behind the shop counter:-

22 x B & H Cigarettes	20 cigarettes	440 sticks
2 x Marvel Cigarettes	20 cigarettes	40 sticks
10 x Victory Blue	20 cigarettes	200 sticks
78 x Victory Gold	20 cigarettes	1560 sticks

7 x Marlboro Touch 20 cigarettes	140 sticks
9 x Jin Ling 20 cigarettes	180 sticks
7 x Marlboro Blue 20 cigarettes	140 sticks
80 x Marlboro Gold 20 cigarettes	1600 sticks
14 x L & M 20 cigarettes	280 sticks
3 x Marvel 20 cigarettes	60 sticks
22 x Marlboro Gold 20 cigarettes	440 sticks
6 x Marlboro Touch 20 cigarettes	120 sticks

260 Packets in total

18 x Amber leaf 50g hand rolling tobacco 900g

31 single cigarettes

The documents issued on 29/10/19 are produced at **Appendix 1 & 2**, and the photos of the seized are produce at **Appendix 3**.

Other

Previous History

On the 3rd December 2019 covert test purchasing of illicit tobacco was conducted by Enfield Trading Standards department. An attempt to purchase such tobacco was made at Sarge Off Licence 240 Fore Street Edmonton. N18 2QD. The attempt to purchase such goods failed.

No other previous history on the trader. No variations on the licence have been made.

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 and trading standards is of the opinion that given the large volume of cigarettes seized it is appropriate to recommend that this licence be revoked.

The cigarettes and rolling tobacco were found behind the counter. Despite the excessive quantity being seized and the numerous different brands seized the premises licence holder / designated premises supervisor claimed they were all for personal use. He informed us that his customers had given all the cigarettes to him as gifts and he cannot keep these at his home. If this is the case they should have been kept in a place that is not commercial licensed premises. Trading Standards has a lack of confidence in the explanation offered by those involved in running the business.

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

1. Full compliance with the licence conditions has been demonstrated.

Trading Standards would also recommend the following conditions be added to the licence:

- 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.

Trading Standards 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: 22nd January 2020

Capacity: Senior Fair Trading 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.