

Annex 1

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 Heena Kanani Principal Trading Standards 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 Carpathina Ltd 337 Bowes Road, N11 1BA	
Post town Enfield	Post code (if known) N11 1BA
Name of premises licence holder or club holding club premises certificate (if known) Mr Iulian Frasinescu	
Number of premises licence or club premises certificate (if known) LN/201700925	

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

Telephone number: 020 8132 0687

E-mail address: heena.kanani@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 Carpathina Ltd 337 Bowes Road, N11 1BA. At the time of the visit there was one member of staff on the premises, a female. Ms Cocuta GAFITA

The premises was searched and a total of 203 packets of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

The following cigarettes above an industrial fridge freezer (with a small number behind the counter):-

- 8 x Parliament cigarettes (20 sticks)
- 7 x Pall Mall cigarettes (20 sticks)
- 7 x Sobranie Cigarettes (20)
- 77 x Dunhill cigarettes (20s)
- 52 x Marlboro Red Cigarettes (20s)
- 52 x Kent cigarettes (20s)
- 203 x 20 = 4060 sticks

The paperwork from 29/10/2019 can be viewed in Appendix 1 and 2 and the photos of the products can be viewed in Appendix 3.

Other

On **22/11/19**, Licensing officers carried out a licence inspection.

The following conditions were not in compliance:

Condition 4 – refresher training not carried out every 3 months (no training taken place in 2019).

Conditions 7 & 8 – refusals book available on site but not completed.

Condition 12 – no up to date invoices available at time of visit.

It was requested that these conditions brought into compliance within 7 days (ie. By **29/11/19**).

Further checks required.

An inspection report of these outstanding conditions was completed, signed by and a copy issued to Mr John Gherman loans, cashier. (Now known to be Ion GHERMAN)

The premises licence holder/DPS was not present at the time of the visit.

Previous History

07/08/18 :-

The premises was searched and a total of 387 packets (of 20 cigarettes) of non-duty paid items were found and seized. The packets had foreign labelling and were non duty paid.

64 x Marlboro Red

171 x Rothmans

115 x Kent

37 x Sobranie

The premises licence holder/DPS was not present at the time of any of the visits.

A minor variation was agreed and amended licence issued in 3 October 2018. LN2017000925 this can be found at **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:

This is not 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 fact that the named Premises Licence Holder (who is also the DPS) is rarely at the premises, and undertakes minimal supervision relaying on 'trust' and given the licence breaches, trading standards has a lack of confidence in those 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.
2. The named DPS demonstrates a thorough understanding of the licence conditions and discusses with the licensing authority his intention to fully supervise and record compliance with the conditions or a Vary DPS application has been granted to a DPS who is capable of doing so.

Trading Standards make no recommendation regarding amendments to the licence conditions, these had already been varied in October 2018 and have been demonstrated as not being adhered to. They contain the most appropriate and up to date conditions consistent with the Operating Schedule.

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 trading standards 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: 17 January 2020

Capacity: Principal Trading Standards 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.