

MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
22 February 2023

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application	
PREMISES : Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP	
WARD : Haselbury	

1 LICENSING HISTORY & CURRENT POSITION - LN/201500538:

- 1.1 The premises has been previously operated as a dry cleaners/laundrette, then a fishmonger, then was an off licence known as Med Off Licence before being named Late Night Food Off Licence.
- 1.2 On 24 September 2015, a new premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Ismail Acay as the Premises Licence Holder (PLH) and Mr Aydin Guven Acay as the Designated Premises Supervisor (DPS).
- 1.3 On 2 December 2016, a non-duty paid tobacco test purchase was attempted at Med Off Licence and a packet of non-duty paid Marlboro cigarettes was sold. On 6 December 2016, this premises was searched for counterfeit and non-duty paid alcohol and tobacco. The following non-duty paid items were found and seized by HMRC Officers: 1480 cigarettes and 1kg of Hand Rolling Tobacco. As a result, Licensing Enforcement requested that Mr Ismail Acay submitted a minor variation to add conditions to prevent similar unlawful activity regarding nonduty paid alcohol/tobacco.
- 1.4 On 4 January 2017, a transfer application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Hasan Alokmen as the Premises Licence Holder (PLH), and also became the DPS.
- 1.5 Mr Alokmen subsequently honoured the minor variation request, and on 7 February 2017, the minor variation application, which was not subject to any representations, was granted by officers in accordance with delegated powers, and additional licence conditions were attached to the premises licence for the reasons set out above.
- 1.6 Since January 2017, this premises licence has been transferred three times, and subject to two vary DPS applications. The last transfer application was granted on 6 May 2020, which was not subject to any representations, therefore granted by officers in accordance with delegated powers, naming

Mr Shadov Zomorodian as the Premises Licence Holder (PLH). Mr Erhan Sabri was still the DPS (since 10 April 2017).

- 1.7 On 31 October 2022, a vary DPS application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Shadov Zomorodian as the DPS (so now both the PLH and DPS).
- 1.8 The premises licence LN/201500538 has not been subject to a review application previously.
- 1.9 The current Premises Licence LN/201500538 permits:
 - 1.9.1 Hours the premises are open to the public: 07:00 to 01:00 daily.
 - 1.8.2 Supply of alcohol (off supplies only): 07:00 to 01:00 daily.
 - 1.9.2 A copy of Part A of the current premises licence LN/201500538 is produced in Annex 1.

2.0 THIS APPLICATION:

- 2.1 On 30 December 2022 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201500538 and is produced in Annex 2, including the Appendices to support that review.
- 2.2 The Licensing Authority have produced additional information to support the review application, which is produced in Annex 3.
- 2.4 The review application has been submitted as the Licensing Authority believes that Mr Shadov Zomorodian is not promoting the prevention of crime and disorder licensing objective. A wide range of unlawful activity has taken place whilst Mr Zomorodian has been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity includes:
 - illicit tobacco has been found on the premises on three occasions;
 - breaches of licence conditions.
- 2.5 The review application seeks to revoke the premises licence in its entirety.
- 2.6 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.7 Each of the Responsible Authorities were consulted in respect of the application.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 No representations have been received from any of the Responsible Authorities in response to this review application.

3.2 **Premises Licence Holder** – No representation has been made by Mr Shadov Zomorodian in response to this review application at the time the report was prepared, but from speaking to Mr Zomorodian, he will be submitting written representation shortly, which will be circulated in a supplementary report, if received.

4.0 PROPOSED LICENCE CONDITIONS:

4.1 If the Licensing Committee is not minded not to revoke the licence in its entirety, the Licensing Authority has proposed one additional condition be added to the premises licence.

4.2 The premises licence holder, Mr Shadov Zomorodian, has not indicated whether that condition is agreed, at the time this report was prepared.

4.3 A copy of the proposed conditions arising from the review application can be seen in Annex 4.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

5.1 The paragraphs below are extracted from either :

5.1.1 the Licensing Act 2003 ('Act'); or

5.1.2 the Guidance issued by the Secretary of State to the Home Office of December 2022 ('Guid'); or

5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('Pol').

General Principles :

5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

5.3.4 the protection of children from harm [Act s.4(2)].

5.4 In carrying out its functions, the Sub-Committee must also have regard to :

5.4.1 the Council's licensing policy statement; &

5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review:

5.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].

5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision:

5.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

5.9.1 to modify the conditions of the licence;

5.9.2 to exclude a licensable activity from the scope of the licence;

5.9.3 to remove the designated premises supervisor

5.9.4 to suspend the licence for a period not exceeding three months;

5.9.5 to revoke the licence [Act s.52].

5.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. [Guid s.11.20].

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 0208 1322 128

Licensing Act 2003



PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

Location	Whole premises
Activity	Open to the Public
Sunday	07:00-01:00
Monday	07:00-01:00
Tuesday	07:00-01:00
Wednesday	07:00-01:00
Thursday	07:00-01:00
Friday	07:00-01:00
Saturday	07:00-01:00
Non-Standard Timings & Seasonal Variations	

Location	Off supplies
Activity	Supply of Alcohol
Sunday	07:00-01:00
Monday	07:00-01:00
Tuesday	07:00-01:00
Wednesday	07:00-01:00
Thursday	07:00-01:00
Friday	07:00-01:00
Saturday	07:00-01:00

Non-Standard Timings & Seasonal Variations	
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Part 2

Name and (registered) address of holder(s) of premises licence:

Name:	Mr Shadv Zomorodian
Address:	[REDACTED]

Registered number of holder (if applicable):	Not applicable
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Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name:	Mr Shadv Zomorodian
Address:	[REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number:	[REDACTED]
Issuing Authority:	Brent Council

Signed [REDACTED]

Date: 31 October 2022

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. 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.**
- 2. 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.**
- 3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises.**
- 4. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 5. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 6. 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.**
- 7. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.**
- 8. 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.**
- 9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse or glass bottles outside between 23:00 hours and 08:00 hours.**
- 10. Deliveries will not be made to/from the premises between 20:00 hours and 08:00 hours.**
- 11. The premises shall install and maintain a comprehensive CCTV system.**

- (1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.
- (2) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (3) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
- (4) The CCTV system should be updated and maintained according to police recommendations.
- (5) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (1). All crimes reported to the venue
- (2). All ejections of patrons
- (3). Any complaints received
- (4). Any incidents of disorder
- (5). All seizures of drugs or offensive weapons
- (6). Any faults in the CCTV system
- (7). Any visit by a relevant authority or emergency service

13. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme ie. Stickers.

14. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.

15. Alcohol and tobacco stock shall only be purchased from registered wholesalers.

16. 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.

17. 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.

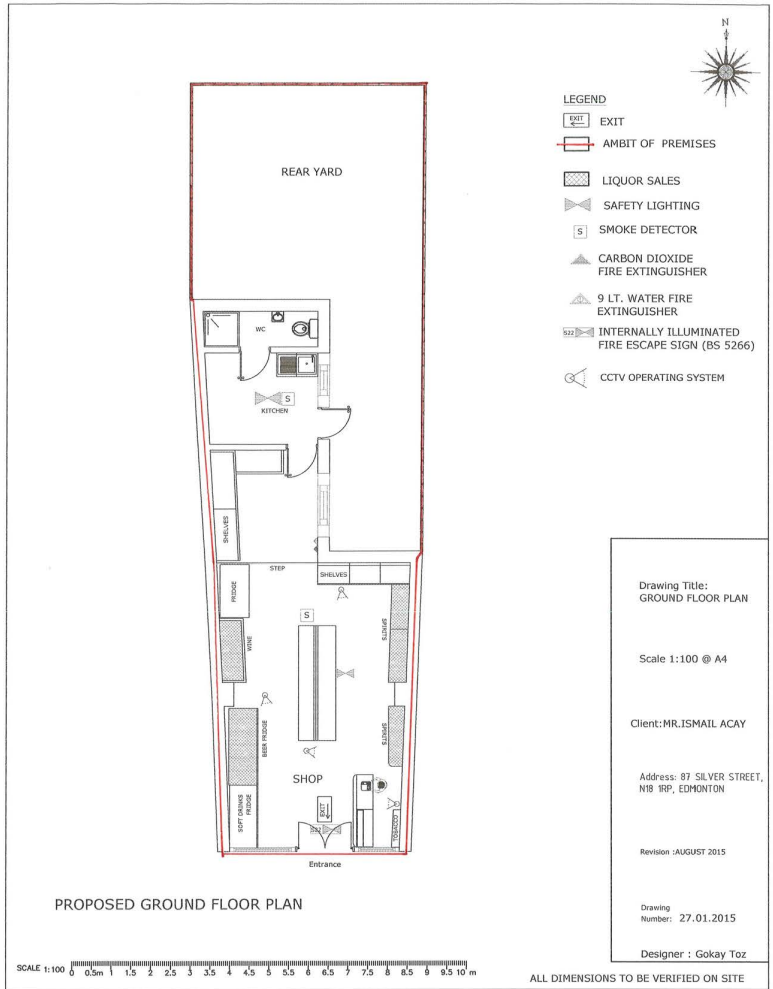
18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans

Annex 4 – Plans



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

These Mandatory Conditions form part of the Operating Schedule of your licence. You must ensure that the operation of the licensed premises complies with these Mandatory Conditions, as well as the Conditions stated in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to:
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

London Borough of Enfield

**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
(Insert name of applicant)

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	
Late Night Food Off Licence, 87 Silver Street	
Post town Edmonton	Post code (if known) N18 1RP

Name of premises licence holder or club holding club premises certificate (if known)
Mr Shadov Zomorodian

Number of premises licence or club premises certificate (if known)
LN/201500538

Part 2 - Applicant details

I am

Please tick ✓
yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

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 ✓ yes

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

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Charlotte Palmer, Licensing Team B Block South, Civic Centre, Silver Street, Enfield, EN1 3XA	
Telephone number (if any):	██████████
E-mail address:	████████████████████

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

- | | Please tick one or more boxes ✓ |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that smuggled goods have been found on the premises three times i.e. non-duty paid cigarettes and hand rolling tobacco. The licence holder has also failed to demonstrate compliance with many of the licence conditions.

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.**

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

Premises Licence LN/201500538 – Background History:

The licence for this premises was first granted on 24/09/2015.

On 07/02/2017 a minor variation to strengthen the licence conditions was granted. That application was submitted at the request of the Licensing Authority following the seizure of illicit tobacco. The licence was held by someone else at that time.

The licence was transferred to the current Premises Licence Holder on 06/05/2020 and a vary Designated Premises Supervisor application was granted on 31/10/22. The Premises Licence Holder is now also the DPS.

The licence currently permits the following activities:

Licensable Activity	Permitted Days & Timings
Open	07:00 – 01:00 everyday
Sale of alcohol (off supplies)	07:00 – 01:00 everyday

26/06/21 – The Council's Food Team received a complaint alleging that out-of-date beer was sold to a customer. The complainant advised that they did not notice until they got home and that they tried to speak to the staff about it but they were rude to him.

24/09/21 – Complaint received alleging the premises sells cigarettes and vapes to children in school uniform.

25/08/22 – Complaint received alleging there is woman (name not given) and a man (Ali) who work at the premises and sell vapes to children as young as 11 years old. They allegedly tell children to go behind the counter to choose which vape flavour they want. The complainant also alleged that they sell foreign cigarettes for as little as £6 a packet. The complainant alleged staff at the shop have sold vapes to their child and her friends and that children from all over the borough go there to buy vapes and that they let them off paying if they don't have enough money.

07/09/22 – Trading Standards sent an advice letter to the Premises Licence Holder setting out the law in relation to e-cigarettes, under age sales and the sale of illicit tobacco. An advisory leaflet relating to inhaling tobacco was included. **See**

Appendix 1a-b.

Another letter was also sent to the premises advising that any Vapeman Branded Products needed to be removed from sale. **See Appendix 2.**

04/10/22 – Trading Standards Officers (AB/ABT) visited the premises to check whether the premises was selling any Vape products that did not comply with legislation. As well as seizing some Vapes the officers seized non-duty paid cigarettes that were behind the shop counter namely 6 packets of 20 Marlboro Gold cigarettes and 10 packets of 20 Marlboro Touch cigarettes. Inspection Report, Seizure Notice, advice letter and advice leaflets were given to the staff. **See Appendix 3 a-e.**

12/10/22 – The Licensing Team sent a letter to the Premises Licence Holder advising them that the licence annual fee had not been paid since 2020 and that if not paid the licence would be suspended. **See Appendix 4.**

13/10/22 - The Principal Licensing Officer (EVG) emailed the Premises Licence Holder a further copy of the letter advising them that the licence annual fee had not been paid since 2020 and that if not paid the licence would be suspended. They also advised the licence holder how to amend the licence if their name was incorrectly spelt and queried whether or not the named Designated Premises Supervisor (DPS) still worked at the premises. **See Appendix 5.**

13/10/22 – Trading Standards Officers arranged for illicit tobacco test purchases to be carried out at a number of premises in the borough one being this premises. One packet of no duty paid Parliament Night Blue cigarettes was sold. **See Appendix 6.**

18/10/22 - Vary DPS application received.

23/11/22 - 11:40 - 12:15 - Senior Licensing Enforcement Officer (CPX) visited the premises to carry out a full licence inspection. There was one male and one female member of staff on the premises. Male confirmed Premises Licence Holder's (PLH) name is spelt Shadov Zomorodian as now shown on Premises Licence. The officer spoke to PLH on the phone as staff were unsure about the conditions of the licence and where records were kept. The officer told him that the visit was following the seizure of illicit tobacco and he said that the items taken were his, for his personal use and that he gets through a packet of cigarettes a day.

Condition 2,3,4 - PLH claimed training records were at head office - requested copies be emailed to officer and kept on premises in future.

Condition 5 - Think 25 posters not on display – officer advised they would email them one.

Condition 6 - Refusal book not available - advised must be kept on site so that staff can fill it in when information is fresh in their mind.

Condition 8 - Leave quietly poster not displayed - officer advised they would email them one.

Condition 11 - Unable to check 31 days of footage as staff aren't able to use the system. - further visit required.

Condition 12 - Incident book not available - must be on premises - copy to be emailed to officer.

Condition 13 - Can marking scheme not in place - set up or apply to have condition removed - will need to check with police whether they would agree to this.

Condition 16 - Receipts for last 3 months not on site - only ones for November seen. Given 7 days to comply. **See Appendix 7.**

During the visit a male came in and appeared to leave without buying anything saying he would come back later. A male and female also came in together wanting 2 packets of cigarettes. The female member of staff showed them a packet and the female customers said 'only one then' then changed her mind and said they would come back later. As they left the shop the female customers said 'it's because that lady is there'. Apart from the staff the officer was the only other person in the shop. The officer raised this with the staff and told them that they were aware that illicit tobacco had been seized from the premises recently. The female denied that the customers had come in looking for illicit cigarettes and that the first male wanted cigarettes papers and would come back with the money later and the other two had an issue with her as she had made them leave the premises before. She said the comment they made was not about the officer's presence. The officer told both members of staff that selling illicit tobacco or alcohol could result in the licence being taken away.

24/11/22 – Trading Standards Officer visited the premises to see if there was any illicit cigarettes or tobacco on site. They seized 48 packets of 20 cigarettes and 1 pouch of Hand-rolling tobacco from behind shop counter. **See Appendix 8a-b**

28/11/22 – Senior Licensing Enforcement Officer (CPX) emailed licensing resources to the Premises Licence Holder to assist them in complying with their licence conditions.

01/12/22 – Trading Standards received a complaint alleging that the premises sells vapes to under-age children.

16/12/22 – Senior Fair Trading Officer (ABT) sent a formal warning letter and Transfer of Property Disclaimer to the PLH following the seizure of illicit tobacco on 24/11/22. **See Appendix 9.**

19/12/22 - 15:27 - 15:53. Senior Licensing Enforcement Officer (CPX) visited the premises to check the outstanding licence conditions.
Condition 2, 3, 4 - Staff training records not available
Condition 7 - Only one member of staff working at time of officer visit - condition states there must be 2. The member of staff who was there advised that her colleague had gone to a local pizza place to collect a pizza. However, she phoned him to see if he knew where the training records might be and when she got off the phone, she advised the officer that her colleague had been rushing and had a car accident. She advised he would not be long, but he had not returned by the time the officer had finished the inspection.

Condition 11 - CCTV - Unable to check CCTV was recording. Staff member advised that her colleague could now access it via his phone but as he was not there this could not be checked.

Condition 12 - Incident logbook required. Officer advised that a diary could be used to record incidents but that it would need to be labelled as an incident book, so it was clear to staff and officers what it was for.

Condition 13 - No can marking scheme in place.

Refusal's book seen - this was a notebook that had dates hand written in it like a diary but did not go beyond 9th December 2022. Details of refusals were very short – officer recommended time of refusal be noted in case they need to look back at CCTV and also who made the refusal. Diary seen ready to use as a refusal book for 2023.

Think 25 poster and leave quietly posters now on display.

Advised that as Trading Standards have seized illicit tobacco twice a licence review will be submitted. Given 7 days to comply. Email address given and officer requested evidence of compliance with all conditions be sent to them.

See Appendix 10

During the visit a number of people entered the premises and left empty handed.

15:26 - male walked into the shop just ahead of officer. Female member of staff who was in attendance last time the officer visited was serving behind the counter, recognised officer and said hello. The officer advised her they could wait until she had served the customer. The male asked her for 3 single cigarettes. The member of staff advised him that they do not sell singles and he left.

15:28 - A female entered and left empty handed.

15:30 - Male entered looked around the shop, said he'll come back when he's cashed up and left.

Another male entered and left empty handed, and another.

15:41 - Young-looking boy (under 14) popped his head in the door and looked at the member of staff. The officer did not see what she did or hear what she said but he made an 'Oh!' expression and left. When the officer asked the member of staff who the boy was, she claimed not to have seen him.

The member of staff then locked the shop door. The member of staff told the officer that they always lock the door when the schools finish. She went to the back of the premises leaving the officer alone in the shop whilst they completed their inspection report. Three or four people tried to gain access to the shop and the officer shouted through to the member of staff telling her that people were trying to get in. She advised that she was making her lunch and asked the officer if they wanted any or a drink. The officer thanked her and said no. The member of staff did not let the customers in and said she was closing the premises whilst she had her lunch. The officer could see that she had made herself some food.

At some point before the shop was closed a young-looking couple also entered and stood around for a while. The officer told them they were not in the queue and the male said they didn't know what they wanted and were still trying to decide. He eventually approached the counter and asked for a Vape - the member of staff asked him if he had ID and checked it before serving him.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (December 2022) (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 licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are 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:

Complaints have been received alleging that this premises sells age restricted goods to children and non-duty paid goods. When the investigation began the premises licence annual fee had not been paid, the Premises Licence Holder had failed to notify the Licensing Team that his name was spelt incorrectly on the licence and it appears that the named Designated Premises Supervisor (who, guidance states (10.27) will normally have been given day to day responsibility for running the premises by the premises licence holder) no longer worked there.

Despite advice letters having been sent to the Premises Licence Holder, officer visits resulted in the sale of or seizure of illicit tobacco on three separate occasions in less than two months.

Licence inspections have shown a failure to comply with licence conditions. Staff working at the premises appear to be unfamiliar with the licence conditions. During officer visits an unusually high number of customers have been seen to leave the premises empty handed, some saying they will come back later.

The Licensing Authority has no confidence in the premises licence holder/designated premises supervisor and therefore recommends the licence for this premises be revoked.

If the Licensing Committee is not minded to revoke the licence in its entirety then the Licensing Authority would recommend that the Committee consider suspending the premises licence until such time as full compliance with the licence conditions has been demonstrated by the Premises Licence Holder and that the following condition be added to the premises licence:

- A personal licence holder shall be on duty and supervise all sales throughout the permitted sale of alcohol hours.

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

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 premises please state what they were and when you made them

Please tick ✓ yes

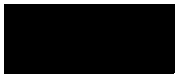
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, 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 note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 30/12/22

Capacity Senior Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

E-mail 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.



Shadov Zomorodian- Company Director of
Late Night Food Ltd
t/a Late Night Food Off Licence
87 Silver Street
LONDON
N18 1RP

Please reply Amanda Butler
to: Trading Standards, Civic Centre, Silver
Street, Enfield, EN1 3ES
E-mail : [REDACTED]
My Ref : [REDACTED]
Your Email :
Date :

Dear Shadov Zomorodian- Company Director of Late Night Food Ltd

Alleged Sale of Age Restricted Goods E.g. Vape Products
Alleged sale of Illegal cigarettes/tobacco
Nicotine Inhaling E-Liquids- The Nicotine Inhaling Products (Age if Sale and Proxy
Purchasing) Regulations 2015
The Tobacco and Related Products Regulations 2016
The Standardised Packaging of Tobacco Products Regulations 2015
Trade Marks Act 1994
Licensing Act 2003

Enfield Council has received an enquiry alleging sales of Nicotine containing liquid i.e. Vapes to underaged persons i.e. persons under the age of 18 years old and sales of illegal cigarettes/tobacco from Late Night Food Ltd t/a Late Night Food Off Licence, 87 Silver St, London, N18 1RP

The following outlines the legislation pertaining to the sale of Nicotine Inhaling Products i.e. Vape Products: -

The Legislation- The Sale of Nicotine Inhaling Products

- The Nicotine Inhaling Products (Age if Sale and Proxy Purchasing) Regulations prohibits a person who sells a nicotine inhaling product to someone under the age of 18 years old commits an offence. This is a strict liability offence. i.e. the owner of the business can be held responsible as well as the member of staff who made the sale.
- There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent that the product is authorised.

IMPORTANT – Are you Registered to Vote? Do you want to vote by post? Apply early.
To find out more go to www.gov.uk/register-to-vote

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3ES

Website: www.enfield.gov.uk



If you need this document in another language or format contact the service using the details above.

- If you sell e-cigarettes and associated devices you might want to place a poster advising customers that you will not sell to persons under the age of 18 years old.

If you sell e-cigarettes and associated devices you might want to place a poster advising customers that you will not sell to persons under the age of 18 years old.

**If I sell e-cigarettes
or nicotine refills to
people under 18
TRADING
STANDARDS WILL
PROSECUTE ME**

Note: unlike the tobacco poster, this is not a legal requirement and is simply suggested wording.

Proxy purchase of tobacco and nicotine inhaling products

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under the age of 18 years old commits an offence. This is called 'proxy purchasing'.

It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. It is advisable to refuse such sales.

Age of the person making the sale

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under the age of 18 years old. Taking 'all reasonable steps' means asking the person for evidence of their age. If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under the age of 18 years old. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

Persistent sales to persons under the age of 18 years old

If you are convicted of selling tobacco or nicotine inhaling products to persons under the age of 18 years old and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

How to avoid selling age-restricted products to underage persons

You may wish to consider the following steps to help avoid selling age-restricted products to persons underage:

- Implement a Challenge 21 or Challenge 25 policy. This means that if the person appears to be under the age of 21 or 25 years old, they will be asked to verify that they are 18 years old or over by showing valid proof of age.
- Display posters showing age limits in the sales area, which contain a statement regarding the refusal of such sales. This may deter potential purchasers and act as a reminder to staff. You may also wish to display notices in staff areas, perhaps with warnings about the potential consequences of selling tobacco to children.
- Ensure new and existing staff are properly trained and that all staff are regularly reminded about the legislation. Keep records of any training, and when that training was carried out.
- Ensure you have a method of documenting refused sales for example a “refusal book or diary.” This should be kept at the point of sale or recorded electronically on the till. This should be completed on each separate occasion that an individual is refused a sale of a tobacco product. A specimen of a refusals log is at:
<https://www.businesscompanion.info/sites/default/files/Underage-sales-refusals-log-Nov-2021.docx>
- It is also suggested that the person monitoring the use of the refusals book to sign and date when their checks have been made. This will help to demonstrate that it is being monitored and used properly.

- Ensure your staff are clear about how to deal with attempted purchases by underage persons and are able to refuse sales when necessary. Have a clear policy such as asking for photo identification if there is any doubt about the person's age. You might want to consider taking a 'no ID, no sale' approach to age-restricted products. Acceptable proof of age cards contains the PASS (Proof of Age Standards Scheme) hologram, which provides a guarantee that the card is authentic. Schemes include Citizen Card, Validate UK and the Portman Card. Passports and Photocard Driving licences are also acceptable means for proof of age. You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards, so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on. If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office guidance:

<https://www.gov.uk/government/publications/false-id-guidance>

- If you possess an EPoS system, then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes. You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Place) (England) Regulations 2010 as the scan and prompt takes place after the place has been made.

Age-restricted products to persons underaged persons:

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence.

For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under the age of 18 years old. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

To comply with age restricted legislation and satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and place to persons under the age of 18 years old. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers.

Please find enclosed business advisory guidance to assist you with complying with The Nicotine Inhaling Products (Age if Sale and Proxy Purchasing) Regulations 2015.

The Legislation- The sale of Illegal/Non-Duty Paid Tobacco/Alcohol

Trade Marks Act 1994

All products that belong to a registered brand holder (trade mark) must be purchased from a reputable supplier. This includes cigarettes/tobacco and alcohol.

Tobacco Products

All tobacco products must comply with The Tobacco and Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and Licensing Act 2003.

Traceability

General Food Regulations states that all businesses are required to have a system and procedures in place to identify the person from whom they have been supplied food, drinks and/or tobacco. The purchase of these products must be "traceable" and should be evidenced by documentation/receipts which must be available for inspection upon request.

Licensing Act 2003

Home Office Guidance states that there are certain criminal activities that may arise in connection with licensed premises, whereby the Secretary of State considers to be treated particularly seriously. This includes the sale or storage of smuggled/non-duty paid tobacco and alcohol. Your retail premises license may be at risk if you are found to be breaching your premises license conditions.

Enforcement

Trading Standards regularly ask youngsters to attempt to buy age restricted products from businesses to check that they are abiding by the legislation and offenders could be prosecuted. Please be advised that the volunteer may lie about their age.

This letter has been compiled from CTSI Business Companion advisory leaflets pertaining to Age restricted products legislation. It is not an authoritative document on the legislation and is only intended for guidance. If you would like to discuss how to comply with the legislation pertaining to age restricted products, please email Enfield Council at [REDACTED] or refer directly to the legislation.

Yours sincerely

[REDACTED]
Amanda Butler

Senior Fair Trading Officer

CTSI Business advisory leaflet: Tobacco & Nicotine Inhaling Products

businesscompanion

trading standards law explained

Tobacco and nicotine inhaling products

In the guide

What is meant by tobacco, tobacco products and nicotine inhaling products?

Age restriction on the sale of tobacco products

Age restriction on the sale of nicotine inhaling products

Age of the person making the sale

Persistent sales to under-18s

Proxy purchase of tobacco and nicotine inhaling products

Is it legal to sell single cigarettes?

Can tobacco be sold from vending machines?

Display and price marking of tobacco products

Cigarette lighter refills

Matches and lighters

Defences

Keeping within the law

- Age verification checks

- Operate a Challenge 21 or Challenge 25 policy

- Staff training

- Maintain a refusals log

- Till prompts

- Signage

- Closed circuit television (CCTV)

- Online sales

Packaging, labelling, advertising and tracking

Trading standards

Key legislation

This guidance is for England

Certain products cannot be sold to persons below a legal minimum age; for tobacco and nicotine inhaling products this legal minimum age is 18.

A packet of cigarettes must contain a minimum of 20 cigarettes and must only be sold in its original packaging. A notice must be displayed stating 'It is illegal to sell tobacco products to anyone under the age of 18'.

Tobacco products must not be on display in-store and there are also restrictions on how prices and price lists are displayed.

Young people should always be asked for proof of their age.

What is meant by tobacco, tobacco products and nicotine inhaling products?

'Tobacco' is defined as including cigarettes, any product containing tobacco for oral or nasal use (for example, snuff) and smoking mixtures used as a substitute for tobacco (for example, herbal cigarettes). 'Cigarettes' include cut tobacco rolled up in paper, tobacco leaf and other material in a form that is capable of being immediately used for smoking.

A 'tobacco product' is defined as "a product consisting wholly or partly of tobacco and intended to be smoked, sniffed, sucked or chewed".

A 'nicotine inhaling product' means a nicotine inhaling device (used to inhale nicotine through a mouth piece), nicotine cartridge (contains nicotine and forms part of a nicotine inhaling device) or nicotine refill substance (generally known as e-liquid). Nicotine inhaling devices are commonly referred to as 'e-cigarettes' or 'vapes' and the law covers both disposable and rechargeable types.

Age restriction on the sale of tobacco products

The law states that it is an offence for any person to sell any tobacco products (including cigarette papers) to a person under 18, whether or not it was for their own use. This is a strict liability offence, which means the owner of the business can be held responsible as well as the member of staff who made the sale. If you are charged with this offence, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. This is commonly known as the 'due diligence' defence. The '**Keeping within the law**' section of this guide includes steps that can be taken to provide a 'due diligence' defence.

You must display a notice that states:

IT IS ILLEGAL TO SELL TOBACCO PRODUCTS TO ANYONE UNDER THE AGE OF 18

The notice must be displayed in a prominent position and be easily visible at the point of sale. The notice must be no less than 297 mm x 420 mm (A3) and the characters must be no less than 36 mm in height. Your local trading standards service or your tobacco supplier may be able to provide a notice for you to use. It is an offence if you do not have the required notice on display, although the 'due diligence' defence is available to you.

Age restriction on the sale of nicotine inhaling products

A person who sells a nicotine inhaling product to someone under 18 commits an offence. This is a strict liability offence; the owner of the business can be held responsible as well as the member of staff who made the sale.

There is an exception for nicotine inhaling products that are licensed as medicines or medical devices. This exemption only applies to the extent to which the product is authorised.

If you sell e-cigarettes and associated devices you might want to display a poster advising customers that you will not sell to under-18s:

If I sell e-cigarettes or nicotine refills to people under 18 TRADING STANDARDS WILL PROSECUTE ME

Note: unlike the tobacco poster, this is not a legal requirement and is simply suggested wording.

Additional guidance for pharmacies (and other retailers that have not traditionally sold age-restricted products) has been produced by the Department of Health and Social Care (which was known simply as the Department of Health at the time), the Medicines and Healthcare products Regulatory Agency and the Chartered Trading Standards Institute.

Age of the person making the sale

If you employ children in your business, it is not illegal for them to sell tobacco products, provided of course that the customer is not under 18. However, leaving unsupervised children selling tobacco is not recommended as they may find it difficult to refuse customers in their own age group.

Persistent sales to under-18s

If you are convicted of selling tobacco or nicotine inhaling products to persons under 18, and at least two other offences occurred in the preceding two years relating to the same premises, trading standards can make an application to a Magistrates' Court for a restricted premises order and/or a restricted sales order.

A restricted premises order prohibits the sale from the premises of any tobacco, cigarette papers or nicotine inhaling products to any person, by you or any of your staff for a period of up to one year. You are entitled to make representations to the court as to why they should not grant the order.

A restricted sales order prohibits a specified person who has been convicted of a tobacco or nicotine offence from selling any tobacco, cigarette papers or nicotine inhaling products to any person and from having any management function related to the sale of tobacco, cigarette papers or nicotine inhaling products for a period of up to one year.

Offences are committed if a person sells tobacco, cigarette papers or nicotine inhaling products when a restricted premises order is in place or if a person fails to comply with a restricted sales order.

Proxy purchase of tobacco and nicotine inhaling products

An adult who buys or attempts to buy tobacco, cigarette papers or nicotine inhaling products on behalf of someone under 18 commits an offence. This is called 'proxy purchasing'.

It is the buyer and not the trader who commits an offence under these circumstances. However, be aware of young people loitering outside your premises; they may ask adult customers to buy tobacco, cigarette papers or nicotine inhaling products for them. It is advisable to refuse such sales.

Is it legal to sell single cigarettes?

No. A packet of cigarettes must contain a minimum of 20 cigarettes. It is an offence to sell cigarettes to any person other than in their original package. This means you must not split a pack and sell in lesser quantities.

Can tobacco be sold from vending machines?

No. Under the Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010, the sale of tobacco from an automatic vending machine is prohibited. If a sale takes place, the person who

controls, or is concerned with the management of the premises where the automatic vending machine is located, commits the offence.

Any machines still on the premises can only be used for storage where the public do not have access to them (such as behind the bar) and must not display any advertising material.

Display and price marking of tobacco products

Under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010, you are required to cover your display of tobacco products. It is an offence to display tobacco products unless a specific request to purchase tobacco has been made to you by a person aged 18 or over.

It is not an offence to display tobacco-related accessories such as cigarette papers.

If you are charged with an offence where a requested display was to a person under 18, you have the defence that you believed the person was 18 or over and you had taken all reasonable steps to establish their age or from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and the evidence would convince a reasonable person. If you are charged with an offence of causing the display of a tobacco product, you have the defence available that you exercised all due diligence to avoid committing the offence.

There are also strict requirements relating to the manner in which tobacco products are price-marked, as set out in the Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010; there are only three forms of lists and labels that are allowed (see paragraphs 49-62 of the detailed guidance linked to below).

There are specific rules for bulk and specialist tobacconists (see paragraphs 38-39 and 60-62 of the detailed guidance).

Detailed guidance has been produced by the Department of Health and Social Care (DHSC, which was known simply as the Department of Health at the time) and the Chartered Trading Standards Institute to assist you in compliance.

A Q&A document from DHSC and CTSI is also available.

Cigarette lighter refills

Under the Cigarette Lighter Refill (Safety) Regulations 1999 it is an offence to supply any cigarette lighter refill canisters containing butane to anyone under 18. This is because of the potential for abuse by 'sniffing' the gas, which can be extremely dangerous. See 'Cigarette lighter refills' for further details.

Matches and lighters

It is not illegal to sell matches or lighters to children. However, it is recommended that you do not sell these items to children, who are unlikely to have a legitimate use for them.

Defences

If you are charged with any of the offences detailed above, you have the defence that you took all reasonable precautions and exercised all due diligence to avoid committing the offence. For age-restricted products such as tobacco this generally means that you believed the person was aged 18 or over and you had taken all reasonable steps to establish their age or that from their appearance no-one could reasonably have suspected that the person was under 18. Taking 'all reasonable steps' means asking the person for evidence of their age and that the evidence would convince a reasonable person.

Keeping within the law

In order to keep within the law and therefore satisfy the legal defences, you should introduce an age verification policy and have effective systems to prevent sales and display to under-18s. These systems should be regularly monitored and updated as necessary to identify and put right any problems or weaknesses, and to keep pace with any advances in technology.

Key best practice features of an effective system include the following.

Age verification checks

Always ask young people to produce proof of their age. The Chartered Trading Standards Institute, the Home Office and the National Police Chiefs' Council support the UK's national Proof of Age Standards Scheme (PASS), which includes a number of card issuers. You can be confident that a card issued under the scheme and bearing the PASS hologram is an acceptable proof of age.

A passport or UK photocard driving licence is also acceptable but make sure that the card matches the person using it and the date of birth shows they are 18 or over. Military identification cards can be used as proof of age but, as with other forms of identification, make sure that the photo matches the person presenting the card and check the date of birth. Be aware that military identification cards can be held by 16 and 17-year-old service people.

You do not have to accept all of the above forms of identification and it may be best to exclude any type of document that your staff are not familiar with.

Some young people may present false identification cards so it is advisable to also check the look and feel of a card. For example, the PASS hologram should be an integral part of a PASS card and not an add-on.

If the person cannot prove that they are at least the minimum legal age - or if you are in any doubt - the sale should be refused.

Please see the Home Office *False ID Guidance* for more information.

Operate a Challenge 21 or Challenge 25 policy

This means that if the person appears to be under 21 or 25, they will be asked to verify that they are 18 or over by showing valid proof of age.

Staff training

Make sure your staff are properly trained. They should know which products are age restricted, what the age restriction is and the action they must take if they believe a person under 18 is attempting to buy. It is important that you can prove your staff have understood what is required of them under the legislation. This can be done by keeping a record of the training and asking the member of staff to sign to say that they have understood it. These records should then be checked and signed on a regular basis by management or the owner.

Maintain a refusals log

All refusals of tobacco and tobacco products should be recorded (date, time, incident, description of potential buyer). Maintaining a refusals log will help to demonstrate that you actively refuse sales and have an effective system in place. Logs should be checked by the manager / owner to ensure that all members of staff are using them.

A specimen refusals log is attached.

Some tills have a refusals system built in. If using a till-based system, you should ensure that refusals can be retrieved at a later date. You should also be aware that some refusals are made before a product is scanned.

Till prompts

If you possess an EPoS system then it may be possible to use it to remind staff of age restrictions via a prompt. Alternatively, stickers can be used over certain product barcodes.

You should note that till prompts will not help you prevent offences under the Tobacco Advertising and Promotion (Display) (England) Regulations 2010 as the scan and prompt takes place after the display has been made.

Signage

You must display the legally required tobacco notice (see '**Age restriction on the sale of tobacco products**' above). It is not a legal requirement but you can, if you wish, display a poster advising customers that you will not sell e-cigarettes or nicotine refills to under-18s (see '**Age restriction on the sale of nicotine inhaling products**' above). These should deter potential purchasers and act as reminders to staff.

Closed circuit television (CCTV)

A CCTV system may act as a deterrent and reduce the number of incidents of underage sales.

Online sales

If you sell by distance means, such as online or via a catalogue, you should set up an effective system capable of verifying the age of potential purchasers. Please see 'Online sales of age-restricted products' for more information.

Packaging, labelling, advertising and tracking

For information on the requirements regarding packaging etc, see 'Tobacco etc: packaging, labelling, advertising and tracking'.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

Key legislation

Children and Young Persons Act 1933

Children and Young Persons (Protection from Tobacco) Act 1991

Cigarette Lighter Refill (Safety) Regulations 1999

Tobacco Advertising and Promotion Act 2002

Protection from Tobacco (Sales from Vending Machines) (England) Regulations 2010

Tobacco Advertising and Promotion (Display) (England) Regulations 2010

Tobacco Advertising and Promotion (Display of Prices) (England) Regulations 2010

Children and Families Act 2014

Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015

Standardised Packaging of Tobacco Products Regulations 2015

Last reviewed / updated: November 2021

In this update

No major changes

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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Source URL:

<https://www.businesscompanion.info/en/quick-guides/underage-sales/tobacco-and-nicotine-inhaling-products>

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Company Director of
Late Night Food Ltd
t/a Late Night Food Off Licence
87 Silver Street
LONDON
N18 1RP

Please reply to: Amanda Buter

E-mail: 

Phone: 

Textphone:

Fax:

My Ref: Vapeman Branded Products

Your Ref:

Date: 07/09/2022

Dear Shadov Zomorodian- Company Director of Late Night Food Ltd

Warning Letter: Urgent Action Required.

**Re: Sale of Vapeman Branded vapes/e-cigarettes.
Tobacco and Related Products Regulations 2016: Part 6: Regulation 35**

The Tobacco and Related Products Regulations 2016 requires all electronic cigarettes and refill containers to be notified to the MHRA (Medicines and Health Care Products Regulatory Agency). The product cannot be exposed for sale until the information submitted by the producer has been published by the MHRA.

An authorised representative is any natural or legal person established within the UK who has received a written mandate from a manufacturer to act on his behalf in relation to specified tasks.

The authorised representative for Vapeman products has not completed the notification process and the products are therefore deemed 'unnotified' and must not be offered for sale.

MHRA have required a recall of the products, please advise if you have received a recall notification.

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

www.enfield.gov.uk

What you need to do.

1. Remove all Vapeman vapes/e-cigarettes/refill products from sale immediately.
2. Seek assistance from your supplier regarding disposal/return of the product. Report any lack of assistance to us including copies of all correspondence and invoices.
3. If you are a wholesaler or cash and carry you must instigate a localised recall of the products. You must contact you customers who have purchased the product and ask them to return to you. You must also place a recall notice up in your business premises advising your customers of the recall.

Enfield Council's Trading Standards will be carrying out compliance visits to premises we suspect of selling Vapeman branded products. If you are found to have Vapeman branded products exposed for sale, these will be seized and enforcement action may be considered against you. Please be advised this can include prosecution, and you should consider this letter as a warning letter for urgent action.

Should you wish to discuss this matter please do not hesitate to contact me.

Yours faithfully



Amanda Butler
Senior Fair Trading Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

CONSUMER PROTECTION TEAM – TRADING STANDARDS PREMISES INSPECTION REPORT

WK:	Ward:
TRADING NAME: <i>Late night food</i>	DATE OF INSPECTION: <i>04/10/23</i>
ADDRESS: <i>79 Silver Street W18 1RP</i>	TIME INSPECTION COMMENCED: <i>13.35</i>
Tel/mobile	EMAIL:
REGISTERED OFFICE/	NUMBER OF PAGES: <i>1</i>
HOME ADDRESS:	

Person(s) Seen / *Au Ghani* Responsibility in business :

Owner (if different from above) *Shabour Zamorathon*

Type of Premises: *off licence* Type Activities: Retail/Importer/other *Demat/Rainbow*

General Comments:

RandM 2376 Bag number 10821005296

Elux 132

Vape products removed from sale

25 packets of Shisha removed from sale

6 packets of 20 Marlborough Gold seized upk

10 packets of 20 Marlborough Touch seized upk

Further information can be found at <https://www.businesscompanion.info/>

AREAS INSPECTED	Whole of Premises <input type="checkbox"/> Yes/No	Part of Premises <input type="checkbox"/> Yes/No
Details of Samples procured: <input type="checkbox"/> Yes/No	Details:	Details:

Records / Documents Examined:

Technical File <input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No
Test Certificates <input type="checkbox"/> Yes/No	<input type="checkbox"/> Yes/No	:

Action to be taken by Authority:

Full report to follow: Yes/No

Revist Yes/No

Date: _____

Seizure/Suspension: Yes/No

Voluntary/Formal: Yes/No

THIS REPORT ONLY COVERS THE AREAS SEEN AND DISCUSSED AT THE TIME OF THE INSPECTION. IT REMAINS THE RESPONSIBILITY OF THE BUSINESS (Ltd Co/Director/Sole Trader) TO COMPLY WITH THE LEGISLATION. Other legal requirements are listed in the attached report and must also receive your attention and I advise that you carry out the recommendations

THIS INSPECTION WAS CONDUCTED UNDER: Consumer Rights Act 2015.

other *Tobacco & Related Products Regs*

IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).

Issued by *Ann Bowes* Designation *Trading Standards/Fair Trading Officer* Telephone No. 020 8379

Received By (Name in Block Capitals) *Shabour Zamorathon* Signature *[Redacted]*

Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3XD

Email: Tradingstandards@enfield.gov.uk / enfield@enfield.gov.uk

Worksheet: *MIRA*

Property: *Tobacco*

advisory letter for vape leaflets sent

TS INSP 1

NOTICE OF SEIZURE

APPENDIX 3b

No 2302

ENFIELD
Council



Owner: Shabir Zomrodian
Name: Hot Night Food Off Licence

Address: 87 Silver St
N18 1RP

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XA

trading.standards@enfield.gov.uk

4/10/2022

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

Consumer Protection Act / Tobacco Related
Standardised Packaging Products Rego
of Tobacco Products Regulations

x6 packets of 20 Marlboro Gold Cigarettes
x10 packets of 20 Marlboro Touch Cigarettes
Sealed into evidence bag no:
M08214005296

Cigarettes seized as alleged breach
of Consumer Protection Act

Consumer Rights Notice issued via
Inspection Sheet

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: Amanda Butler Date: 4/10/2022
Senior Team Trading Officer

Signature: [Redacted]

Direct Dial: [Redacted]

Received by: [Signature]

Position in Business: Director

Please reply to: Trading Standards
Business Regulation, Civic Centre,
Silver Street, Enfield, EN1 3ES
E-mail : Trading.standards@enfield.gov.uk
My Ref : WK/
Your Ref :
Date :

Dear Proprietor

**Electronic Cigarettes(E-Cigarettes) and Nicotine containing E-liquid products
Tobacco and Related Products Regulations 2016
Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit)
Regulations 2020**

This is an advisory letter for retailers and producers of e-cigarette and Nicotine containing e-liquid products with the aim to ensure compliance with Part 6 of the Tobacco and Related Products Regulations 2016 /Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020.

An e-cigarette is defined as any product used for the consumption of vapour containing nicotine via a mouth piece.

Medicinal products or devices are regulated separately by the Medicines and Healthcare Products Regulatory Agency (MHRA) who are also the Competent Authority for the notification scheme for e-cigarettes and refill containers in Great Britain.


When purchasing e-cigarettes or nicotine e-liquid products, ask your supplier to confirm that the product complies with product safety legislation such as the Tobacco and Related Products Regulations 2016, Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 and that the product has been notified to the MHRA.

As a retailer, you do not need to notify any e-cigarette/Nicotine containing e-liquid products to the MHRA **unless you are also a 'producer'** of the product. Although, retailers would need to ensure that they sell compliant e-cigarette/e-liquid products.

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
Website: www.enfield.gov.uk


EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT
EXCELLENT

 If you need this document in another language or format contact the service using the details above.

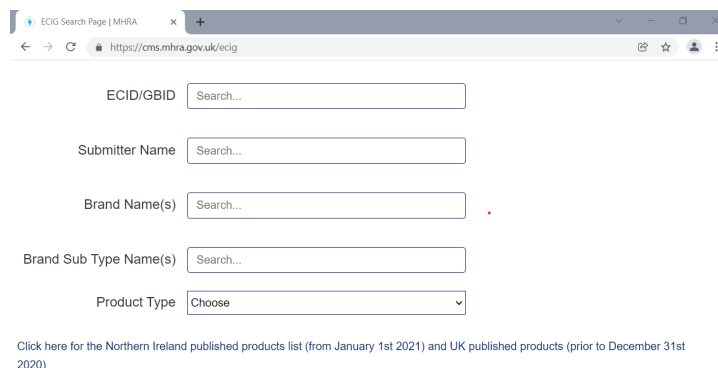
Producers of E-Cigarette/E-Liquids

A producer is anyone who manufactures or imports e-cigarettes or refill container products and anyone who re-brands them as their own.

Therefore, prior to purchasing e-cigarette/e-liquid products, retailers must ensure that the product complies with the afore-mentioned legislation and that the supplier/producer checks the MHRA website <https://cms.mhra.gov.uk/> by selecting the “ECIG” page, outlined as: -



This will provide direct access to the MHRA’s Great Britain notified products list, published since 1 January 2021, by typing the product criterion into the following: -

A screenshot of a web browser showing the "ECIG Search Page | MHRA" at the URL "https://cms.mhra.gov.uk/ecig". The page features a search form with the following fields: "ECID/GBID" (Search...), "Submitter Name" (Search...), "Brand Name(s)" (Search...), "Brand Sub Type Name(s)" (Search...), and "Product Type" (Choose). Below the form, there is a link: "Click here for the Northern Ireland published products list (from January 1st 2021) and UK published products (prior to December 31st 2020)".

If you are classified as a producer, please see the guidance for Producers of E-cigarettes and Nicotine containing e-liquid products : - <https://www.gov.uk/guidance/e-cigarettes-regulations-for-consumer-products>

If a producer of an E-cigarette/E-liquid product has not notified the product to the MHRA or if the product does not comply with the afore-mentioned Regulations, **then they must not** supply it to you, as it would be illegal to sell to consumers in the UK.

E-cigarette producers should notify the MHRA of non-compliant E-cigarettes via email: - TPDsafety@mhra.gov.uk

E- Cigarettes and Nicotine containing e-liquid products may be seized by Trading Standards Officers and forfeited by the Magistrates courts. Upon conviction, the Magistrates courts may impose a fine or two years imprisonment or both.

The following summarises how to comply with legislation pertaining to E-Cigarettes and Nicotine containing E-liquids: -

If you cannot answer yes to the following legislative requirements, then it is illegal to sell the product and therefore non-compliant E-Cigarettes and Nicotine containing E-liquids products must be removed from sale immediately.

Legal requirements – devices and liquids	Yes	No
If not already stated on the actual product, vaping devices and e-liquids must be supplied with an information leaflet with prescribed safety instructions, warnings, contact details of the producer and if the producer is not based in a member State, contact details of person within a member State.		
The product safety instructions/ leaflet must include a statement that the product is not recommended for use by young people and non-smokers		
Liquid containing nicotine presented for sale must be in: a dedicated refill container with a maximum 10ml volume or; a disposable electronic cigarette, a single use cartridge, or a tank, in a volume not exceeding 2 millilitres		
The capacity of the tank of a refillable electronic cigarette must not exceed 2 millilitres		
The liquid containers in devices and refills must be child-resistant, tamper-evident and be protected against breakage and leaking		
Nicotine-containing liquid that is presented for retail sale in an electronic cigarette or refill container must not contain nicotine in excess of 20 millilitres		
Nicotine containing liquid must not contain prohibited additives such as caffeine/taurine or other additives or stimulant that are associated with energy and vitality		
Legal requirements – labelling and warnings etc.	Yes	No
<p>The front and back of each pack (as presented for retail sale) must be labelled: 'This product contains nicotine which is a highly addictive substance' in black Helvetica bold type font on a white background which must cover 30% of both the front and back surfaces</p> <p><i>The warning statement 'this product contains nicotine which is a highly addictive substance' must still be applied to E-cigarette products that do not contain nicotine when sold but can be used to contain nicotine. To provide clarity for consumers, adjacent wording is suggested namely (not part of the boxed warning) so that the warning applies when the product is used as designed and charged / filled with nicotine-containing liquid. The warning statement should be</i></p>		

<i>included on all notified e-cigarette producer.</i>		
Ingredients must be listed in descending order of weight		
A batch number must be labelled		
A recommendation to keep the product out of reach of children must be present		
The nicotine content of the product and the delivery per dose must be labelled		
Legal requirements – electrical safety and age restrictions	Yes	No
Electrical products must be UKCA marked and comply with safety regulations, any mains chargers must be supplied with an approved UK 3 pin plug		
You must not sell nicotine inhaling products to anyone under the age of 18		
Adults must not purchase a nicotine inhaling product for anyone under the age of 18		

For the full requirements, please see Regulation 36 and 37 of the Tobacco and Related Products Regulations 2016, the MHRA guidance leaflet pertaining to E-cigarettes and E-Liquids products.

What happens if these requirements are not complied with?

Failure to comply with the Tobacco and Related Products Regulations 2016/ Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020 is a criminal offence. Depending on the type of breach, both Retailers and Producers in the supply chain could be prosecuted.



Example of e-liquids and vaping device with the mandatory warning statement.
 This advisory leaflet is not intended to be a definitive guide to, nor substitute for, the relevant legislation. Independent legal advice should be sought where appropriate.

Please also see advisory leaflets pertaining to compliance with the General Product Safety Regulations 2005 (GPSR) <https://www.businesscompanion.info/en/quick-guides/product-safety/general-product-safety-distributors> and guidance to comply with the Classification, Labelling and Packaging of Chemicals Regulations 2017 (CLP):- <https://www.hse.gov.uk/chemical-classification/legal/clp-regulation.htm>.

If you would like to discuss the contents of this letter, please telephone Enfield Council- 0208 132 1000.

Yours faithfully,

**Encl. MHRA advisory leaflet
CTSI Business Advisory Leaflet re: Age restricted sales of E-cigarette/Nicotine E-Liquids**

businesscompanion

trading standards law explained

Tobacco etc: packaging, labelling, advertising and tracking

In the guide

Country definitions

The law

General labelling requirements

- General conditions for all health warnings

- General rules about the presentation of all tobacco products

Labelling requirements by product

- Tobacco products for smoking

- Large cigars and individually wrapped cigars and cigarillos

- Smokeless tobacco products

- Herbal products for smoking

Standardised packaging requirements

Other requirements

- Images of tobacco products aimed at consumers

- No vitamins, colourings or prohibited additives in tobacco products

- No flavoured cigarettes or hand-rolling tobacco

- Product requirements

- Information and labelling

- Product presentation

- E-cigarette advertising

- Notification of tobacco products and herbal products for smoking

- Notification of nicotine-containing e-cigarettes and refill containers

Track and trace

Offences and defences

- Tobacco and Related Products Regulations 2016

- Standardised Packaging of Tobacco Products Regulations 2015

Underage sales

Further information

Trading standards

Key legislation

This guidance is for England, Scotland and Wales

There are Regulations in place that are designed to reduce the appeal of tobacco products (particularly to young people), to prevent misleading claims about the benefits of tobacco products and to make the required health warnings more noticeable. The overall aim is to reduce rates of smoking.

In order to address the problem of illegal trade in tobacco products, there are Regulations that require

systems of traceability and security features to be implemented.

Country definitions

The following terms are used throughout this guidance:

- United Kingdom (UK): England, Scotland, Wales and Northern Ireland
- Great Britain (GB): England, Scotland and Wales
- Northern Ireland (NI)
- European Union (EU): there are 27 Member States of the EU, including Ireland but not any of the UK countries

The law

The Tobacco and Related Products Regulations 2016 deal with the manufacture, presentation and sale of tobacco and related products, including herbal products for smoking, e-cigarettes and refill containers as well as smokeless and novel tobacco products.

These Regulations have been amended to reflect differences in how they apply in GB and NI after 1 January 2021.

Note: in English and Welsh law, the term 'nicotine inhaling products' is used to describe e-cigarettes and associated products, and in Scottish law they are known as 'nicotine vapour products'; the generic term 'e-cigarettes' is used in this guide.

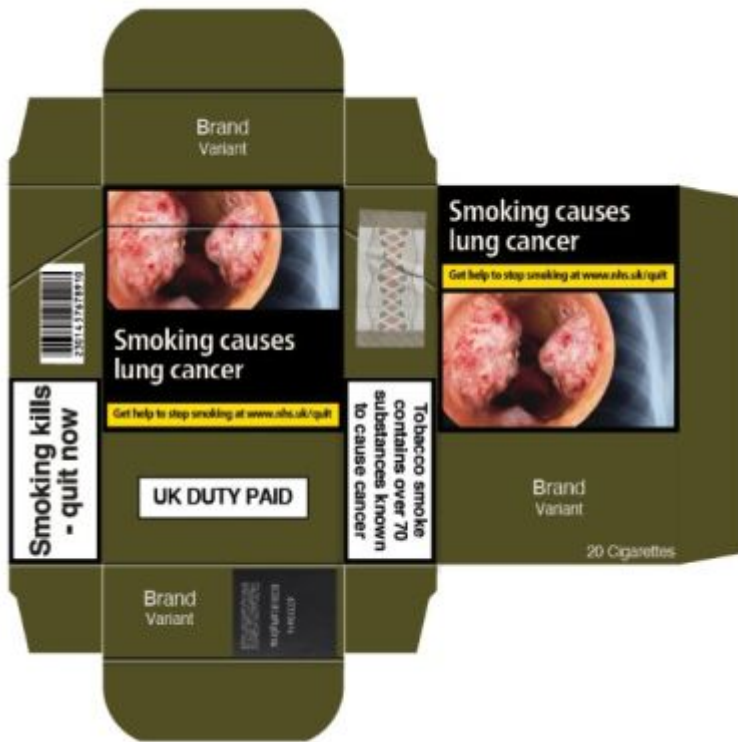
The Standardised Packaging of Tobacco Products Regulations 2015 standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour; all other colours, trademarks, logos and promotional graphics are prohibited.

This guide will help you to understand your obligations to ensure that all tobacco and related products that you offer for supply or sale in the UK comply with both sets of regulations. There are some general rules that apply to all tobacco products, which you will find at the beginning of the guide. For ease of reference, the other key requirements of both sets of regulations have been combined in a way that clearly identifies how they apply to each type of product.

The Tobacco Products (Traceability and Security Features) Regulations 2019 deal with traceability and security features systems for tobacco products. Details can be found in the '**Track and trace**' section towards the end of this guide.

It may be useful for you to refer to the illustration below, which shows one of the new graphic health warnings for tobacco products on sale in GB. Tobacco products that display EU picture warnings and were produced and first supplied on the GB market before 1 January 2021, can continue to be supplied until they reach their end user. To help you check your stock, all the new GB images can be seen in the tobacco packaging guidance produced by the Department of Health and Social Care (DHSC). Products sold in NI continue to use the EU images.

Note: in the example, unique identifiers are not shown.



General labelling requirements

General conditions for all health warnings

Warnings on tobacco products make users aware of the health risks associated with smoking. There are rules that apply to all health warnings on tobacco products:

- a health warning must cover the entire area that is reserved for it and must not be commented on or altered in any way
- it must be in English, fully visible, permanent, irremovably printed on the pack and surrounded by a black border. For a unit pack of a tobacco product other than cigarettes or hand-rolling tobacco in a pouch, the warning may be printed on a sticker fixed to the pack as long as the sticker is irremovable
- a health warning must remain intact when the pack is opened. However, the combined health warning (described in more detail below) may be split in the case of a unit pack with a flip-top lid. This is fine as long as the graphical integrity, visibility of the text and smoking cessation information remains in place

A health warning must not:

- be partially or totally hidden or interrupted by wrappers, jackets or boxes (except when a unit pack is inside a container pack)
- be partially or totally interrupted by any other item, such as a tax stamp, price mark or security feature
- partially or totally hide or interrupt any tax stamp, price mark, tracking and tracing mark, security feature or any other mark required by law

General rules about the presentation of all tobacco products

These are rules that prohibit the packaging of tobacco products from misleading consumers.

No one may produce or supply a tobacco product where the package labelling or the product itself contains the following elements or features (including texts, symbols, names, trade marks, figurative signs and other types of sign):

- promotion of a tobacco product or encouraging its consumption by creating a false impression about its characteristics, health effects, risks or emissions
- information about the nicotine, tar or carbon monoxide content
- suggestion that the tobacco product:
 - is less harmful than others
 - aims to reduce harmful effects of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties, or has other health or lifestyle benefits
- reference to taste, smell, flavourings or additives or their absence (flavours are permitted in tobacco products other than cigarettes and hand-rolling tobacco, but these are *not* permitted to be depicted or mentioned on the packets)
- resemblance to a food or a cosmetic product
- suggestion that a particular product has improved biodegradability or other environmental advantage
- printed vouchers or offer discounts, free distribution, two-for-one or similar offers

Labelling requirements by product

Tobacco products for smoking

(does not include large cigars, individually wrapped cigars or cigarillos)

Combined health warnings:

- a unit pack (single pack) and any container pack (multi-pack) of a tobacco product for smoking must carry a combined health warning consisting of a text warning and a corresponding colour photograph as listed in the picture library in Schedule A1 to the Tobacco and Related Products Regulations 2016 (see the link in '**Key legislation**' below), as well as the smoking cessation statement 'Get help to stop smoking at www.nhs.uk/quit'
- there is one set of pictures (no rotation between sets)
- it must appear on the front and back surfaces of the unit pack as well as any container pack using the same warning and photograph on each surface; it must be in a format that includes the requirement to cover 65% of the area of the surface on which it appears
- the technical specifications for the layout, design and shape of the combined health warnings are set out in Schedule A1 to the Tobacco and Related Products Regulations 2016

General warnings and information messages:

- a unit pack and any container pack of a tobacco product for smoking must carry the general health warning, 'Smoking kills - quit now', and an information message, 'Tobacco smoke contains over 70 substances known to cause cancer'
- the format for the health warning includes a requirement that it must cover 50% of the area of the surface on which it appears:

- on most unit packs of cigarettes this means the general warning must appear on one secondary surface of the pack and the information message must appear on the other secondary surface
- on a unit pack of cigarettes or hand-rolling tobacco in a shoulder box, the general warning and the information message must be complete on the larger of the two split parts of the box
- on a cylindrical unit pack of hand-rolling tobacco that has a lid, the general warning must appear on the outside of the lid and the information message must appear on the inside surface of the lid
- there are specific rules that apply to the general warning and information message that appears on a unit pack of hand-rolling tobacco in the form of a rectangular pouch

Large cigars and individually wrapped cigars and cigarillos

The Regulations only apply to a unit pack or container pack that contains a single cigar or cigarillo, or two or more cigars each with a unit weight of more than three grams.

A unit pack and any container pack must carry the general health warning 'Smoking kills - quit now' and one of the text warnings that is listed in Annex I to Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products* (see the link in '**Key legislation**' below). The text warnings listed in Annex I continue to apply to these products.

There are rules that cover the rotational use of text warnings by producers.

The format for the general health warning includes a requirement that it must appear on the most visible surface of the pack and cover 30% of that area.

The text warning must appear on the next most visible surface (or if the pack has a hinged lid, the surface that appears when the pack is opened) and cover 40% of that area.

Smokeless tobacco products

This means a tobacco product that is consumed in a way that does not involve a combustion process. It includes chewing tobacco and nasal tobacco.

Health warnings:

- a unit pack and any container pack of a smokeless tobacco product must carry the health warning 'This tobacco product damages your health and is addictive'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the pack and covers 30% of that area

Herbal products for smoking

A herbal product for smoking is defined as "a product based on plants, herbs or fruits which contains no tobacco and that can be consumed via a combustion process". The Standardised Packaging of Tobacco Products Regulations 2015 do not apply to herbal products for smoking but the Tobacco and Related Products Regulations 2016 contain requirements as set out below.

Health warnings:

- a unit pack and any container pack of a herbal product for smoking must carry the health warning 'Smoking this product damages your health'
- the format for the health warning includes a requirement that it appears on both the front and back surfaces of the unit pack and any container pack and covers 30% of that area

A unit pack and any container pack of a herbal product for smoking must not state that it is free of additives or flavourings. Nor must it include any element or feature (including texts, symbols, names, trade marks, figurative signs or other types of sign) that:

- promotes or encourages the consumption of a herbal product for smoking by creating a false impression about its characteristics, health effects, risks or emissions
- includes any information about nicotine, tar or carbon monoxide content
- resembles a food or cosmetic product
- suggests a particular herbal product for smoking:
 - is less harmful than other herbal products for smoking
 - aims to reduce the effect of some harmful components of smoke
 - has vitalising, energising, healing, rejuvenating, natural or organic properties
 - has other health or lifestyle benefits

Standardised packaging requirements

Cigarette packs, individual cigarette sticks and hand-rolling tobacco packs must be produced and supplied in standardised packaging, which means they have to meet requirements laid down in the Standardised Packaging of Tobacco Products Regulations 2015.

Cigarette packs:

- the only permitted colour for the external packaging of a unit or container packet of cigarettes is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets must be made of carton or soft material and cuboid in shape (bevelled or rounded edges are permitted)
- the packaging's surface must be smooth and flat and have no irregularities of shape or texture
- flip-top or shoulder boxed lids are permitted
- slim packets are prohibited but slim individual cigarette sticks are allowed
- inserts and additional material are prohibited
- any internal lining must be silver coloured foil (with no variation in tone or shade) with a white paper backing
- wrappers must be clear and transparent, not coloured or marked (except for any black marks required to cover a barcode), smooth and flat with no irregularity of shape or texture

A unit packet of cigarettes must contain a minimum of 20 cigarettes.

Individual cigarette sticks:

- cigarette paper, filter, casing or other material forming part of a cigarette must be plain white with a matt finish, apart from the end of the cigarette, the colour of which can imitate cork
- brand and variant names are permitted on the cigarette itself, subject to conditions

Hand-rolling tobacco:

- the only permitted colour or shade for the external packaging of a unit or container pack of hand-rolling tobacco is Pantone 448C (drab dark brown) with a matt finish
- the internal packaging must be either white or Pantone 448C with a matt finish
- unit packets may be cuboid (bevelled or rounded edges are permitted), cylindrical or take the form of a pouch
- packets must be smooth and flat (if cuboid in shape) with no irregularities of shape or texture
- wrappers must be clear and transparent and not coloured or marked with no irregularities or shape or texture
- the internal packaging must be either white or Pantone 448C with a matt finish
- inserts and additional materials are prohibited, except for cigarette papers or filters as long as they are not visible before the packet is opened
- any tabs for resealing the packet must be clear and transparent and not coloured or marked
- any foil seal that forms part of the internal packaging must be silver coloured with no variation in tone or shade

A unit packet of hand-rolling tobacco must contain at least 30 g of tobacco.

The packaging of cigarette packs, individual cigarette sticks or hand-rolling tobacco must not make a noise, nor contain or produce a smell that is not normally associated with the product. In addition, packaging must not change after retail sale; this means that features such as heat activated inks, inks that appear fluorescent in certain light and removable tabs are not allowed.

The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode, and calibration mark are permitted on the packaging but must be in a standardised format and the UK duty-paid mark must be displayed.

Take note that whilst large cigars, individually wrapped cigars and cigarillos must carry health warnings, the standardised packaging requirements do not apply to cigars and cigarillos, nor are there any restrictions on the number of these products in a unit packet.

Other requirements

Images of tobacco products aimed at consumers

Be aware that if you publish an image of a unit or container pack of a tobacco product (when it is lawful to do so according to tobacco advertising rules), the pack must comply with all the labelling and packaging requirements set out in both the Standardised Packaging of Tobacco Products Regulations 2015 and the Tobacco and Related Products Regulations 2016.

No vitamins, colourings or prohibited additives in tobacco products

No one may produce or supply a tobacco product containing:

- vitamins or other additives that create an impression that it has health benefits or reduces health risks
- caffeine, taurine or other additives or stimulants that are associated with energy and vitality
- additives that give colouring effects to any emissions
- additives that aid inhalation or nicotine uptake in the case of tobacco products for smoking

- additives with CMR properties or that can affect CMR properties (carcinogenic, mutagenic or toxic for reproduction)

No flavoured cigarettes or hand-rolling tobacco

Cigarette packs, individual cigarette sticks or hand-rolling tobacco - including any filter, paper, package or capsule component of the product - must not be produced or supplied with a characterising flavour. A filter, paper or capsule must not contain tobacco or nicotine; technical features that would modify the smell, taste or smoke intensity of a product are not allowed.

Product requirements

The Tobacco and Related Products Regulations 2016 set out rules covering e-cigarettes. 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 or in a disposable e-cigarette, single-use cartridge or a tank in a maximum volume of 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

Nicotine-containing liquid must:

- be manufactured using only ingredients of high purity
- not contain certain additives (see the '**No vitamins, colourings or prohibited additives in tobacco products**' section of this guide) but can contain flavours
- not contain substances other than the ingredients that were part of the formal notification process laid down in the Regulations
- not include ingredients (except nicotine) that pose a risk to human health

In normal use the e-cigarette must deliver a consistent dose of nicotine.

An e-cigarette or refill container must be child-resistant and tamper-evident, protect against breakage and leakage and have a mechanism to ensure that refilling can take place without leakage (this does not apply to disposable e-cigarettes).

Information and labelling

No one may produce or supply an e-cigarette or refill container unless it meets the requirements set out below:

- each unit packet of the e-cigarette or refill container must include a leaflet with the following information:
 - instructions for storage and use, including a reference that the product is not recommended for use by young people and non-smokers
 - contra-indications
 - warnings for specific risk groups of people
 - possible adverse effects

- addictiveness and toxicity
- the producer's contact details
- each unit packet of the e-cigarette or refill container must include:
 - a list of all ingredients in descending order by weight
 - nicotine content and delivery per dose
 - batch number
 - recommendations to keep the product out of reach of children
- each unit packet and any container pack must carry the health warning 'This product contains nicotine which is a highly addictive substance'. It must appear on the front and back surfaces and cover 30% of that area

Product presentation

An e-cigarette or refill container must meet the following requirements before it is produced or supplied. The unit packet and any container pack may not include any element or feature (including text, symbols, names, trademarks, figurative or other types of sign) which:

- promotes or encourages consumption by creating a false impression about its characteristics, health effects, risks or emissions
- suggests it is less harmful than other e-cigarettes or refill containers, has vitalising, energising, healing, rejuvenating, natural or organic properties or has other lifestyle benefits
- refers to taste, smell or other additives (except flavourings) or their absence
- suggests that a particular e-cigarette or refill container has improved biodegradability or other environmental advantage
- must not contain printed vouchers, offer discounts, free distribution, two-for-one or other similar offers

E-cigarette advertising

E-cigarettes and refill containers cannot be advertised or promoted, directly or indirectly:

- on TV or on-demand TV
- on radio
- through internet advertising, commercial email and any other information society services
- in certain printed publications, such as newspapers, magazines and periodicals

The following activities are also prohibited:

- sponsorship of television and radio programmes that promote e-cigarettes
- product placement of e-cigarettes

The rules on advertising do not prevent you from supplying information about e-cigarettes and refill containers as long as it is supplied at the request of a consumer and given in a non-promotional manner.

The requirements of the Standardised Packaging of Tobacco Products Regulations 2015 do not apply to e-cigarettes or refill containers.

Notification of tobacco products and herbal products for smoking

All producers of tobacco products and herbal products for smoking to be sold in GB must provide Public Health England (PHE), using the GB Domestic Tobacco Products Notification System, with certain product information before they can supply them; this includes ingredients and emissions information, market research and sales data. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase tobacco products, that they have been properly notified and not subsequently been withdrawn; this particularly applies to products like shisha, blunts and chewing tobacco. Retailers can do this by checking the list of notified tobacco or herbal products for smoking published on the GOV.UK website (withdrawn products do not appear on the list of notified products; there is no separate list of withdrawn products) or perhaps by obtaining written assurances from their suppliers. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by trading standards.

Notification of nicotine-containing e-cigarettes and refill containers

All producers of nicotine-containing e-cigarettes and refill containers must submit information about their products to the Medicines and Healthcare Regulatory Agency (MHRA), using a GB portal. This includes ingredients and emissions information, toxicology data, information on the nicotine dose and uptake when used normally and a description of the components of the product. Producers must also notify of the withdrawal of a product from the market.

Retailers should ensure, before they purchase these products, that they have been properly notified and not subsequently withdrawn. They can do this by checking the list of submitted e-cigarette products on the GOV.UK website or, if they cannot find them on the list, they should ask their supplier to confirm they comply with the requirements of the regulations and have been notified to MHRA. Products that have not been notified or have been withdrawn cannot be supplied and may be seized by trading standards.

Track and trace

Under the Tobacco Products (Traceability and Security Features) Regulations 2019, unit packets of cigarettes and hand-rolling tobacco that have been manufactured in or imported into the UK must:

- have unique identifiers (UIDs) on the packaging
- have packaging to which five specific security features have been applied
- be scanned at particular points in the supply chain

The rules will apply to all tobacco products from 20 May 2024.

Traders that manufacture, import, store, transload (move from one vehicle to another) and sell tobacco products must register with an ID issuer for business and product IDs.

Offences and defences

Tobacco and Related Products Regulations 2016

A person is guilty of an offence if they breach a provision of the Tobacco and Related Products Regulations 2016.

There is a general defence available to suppliers of tobacco or other related products that they exercised all due diligence to avoid committing the offence. The same defence is available to anyone who has committed an offence related to advertising and sponsorship. There are further defences available to anyone who has committed offences relating to e-cigarette advertising: that they did not know and had no reason to suspect that the advertisement was an e-cigarette advertisement or that the newspaper, periodical or magazine contained an e-cigarette advertisement.

Standardised Packaging of Tobacco Products Regulations 2015

A person who produces or supplies a tobacco product in breach of the Standardised Packaging of Tobacco Products Regulations 2015 is guilty of an offence. It is a defence if the person neither knew nor had reasonable grounds for suspecting that the tobacco product was supplied in breach of the 2015 Regulations.

Underage sales

Information on underage sales of tobacco etc can be found in 'Tobacco and nicotine inhaling products' (nicotine vapour products in Scotland).

Further information

Detailed tobacco packaging guidance and guidance on the distribution and advertising of e-cigarettes has been produced by the DHSC.

HM Revenue and Customs has produced guidance on tobacco product traceability.

Trading standards

For more information on the work of trading standards services - and the possible consequences of not abiding by the law - please see 'Trading standards: powers, enforcement and penalties'.

In addition to the information covered in the above guide, under the Tobacco Products (Traceability and Security Features) Regulations 2019, HM Revenue and Customs officers can issue a notice requiring compliance where requirements of the Regulations have not been met and non-compliant products can be seized and may be liable to forfeiture.

Key legislation

Directive 2014/40/EU *on the approximation of the laws, regulations and administrative provisions of the Member States concerning the manufacture, presentation and sale of tobacco and related products*
Standardised Packaging of Tobacco Products Regulations 2015

Tobacco and Related Products Regulations 2016

Tobacco Products and Nicotine Inhaling Products (Amendment etc) (EU Exit) Regulations 2019

Tobacco Products and Nicotine Inhaling Products (Amendment) (EU Exit) Regulations 2020

Last reviewed / updated: May 2021

In this update

An update to the DHSC guidance contains all of the graphic health warnings that appear on GB packaging

Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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Source URL:

<https://www.businesscompanion.info/en/quick-guides/miscellaneous/tobacco-etc-packaging-labelling-advertising-and-tracking>



Advice for retailers of e-cigarettes and nicotine-containing e-liquids

This advice is issued by [MHRA](#) to help retailers to check e-cigarette and e-liquid products for compliance with the [Tobacco and Related Products Regulations 2016](#).

Product requirements

These apply to e-cigarettes (including rebuildable devices, those sold without nicotine content and components and replacement parts) and to e-liquids (refill containers for e-cigarettes):

- Maximum tank size of an e-cigarette, 2ml (when assembled if necessary)
- Maximum strength of nicotine-containing liquid if present, 20mg/ml nicotine
- Maximum volume of a nicotine-containing refill container, 10ml
- Tamper-evident and child-resistant packaging

Labelling requirements

On pack as sold (must be on bottle or device if no outer packaging):

- List of ingredients in nicotine-containing liquid, if present
- Indication of nicotine content and delivery per dose
- Batch number
- Recommendation to keep the product out of the reach of children
- Prominent health warning in black text on a white background on front and back - "This product contains nicotine which is a highly addictive substance"
- Prohibited on packs – offers and discounts, product safety / health claims

Unless all these details are included on the pack, an accompanying leaflet must include:

- Instructions for use and storage, including instructions for refilling where appropriate
- Contra-indications, warnings for specific risk groups and possible adverse effects, addictiveness and toxicity
- Contact details of the producer; also a contact within the UK if the producer is based outside the UK (this may be an EU contact for products supplied in Northern Ireland)

Exceptions where these are not required

- Identical replacement parts where you and the consumer can clearly identify from the labelling the notified e-cigarette product for which the part is a replacement
- Parts such as battery units that do not come into contact with nicotine-containing liquid when in use
- A disposable e-cigarette or e-liquid product containing 0mg nicotine when sold

Notification requirements

Always check with your supplier that the products you are offered have been notified to MHRA. You can verify this by checking our published [lists of notified products](#), updated weekly. If a product has not been notified the manufacturer or importer may not supply it to you.

Are you a producer?

You are a producer if you manufacture, import into the UK or add different branding to an e-cigarette or e-liquid product. Information for producers on product notification requirements is available [here](#).

Product safety issues

Side effects and safety concerns with e-cigarettes or e-liquids (refill containers) can be reported to MHRA through the [Yellow Card](#) reporting system.

Products suspected to be defective or non-compliant to local Trading Standards or to TPDsafety@mhra.gov.uk.

Do feel free to pass this message on to consumers on your website and in your shop.

Further advice

More detailed information is available on our web [page](#) together with links to advice on other areas not the responsibility of MHRA such as advertising and cross-border selling.

Additional advice may be available from your local Trading Standards team or by contacting MHRA at info@mhra.gov.uk.

MHRA / August 2021



Mr Shadow Zanolodian



Please reply to: Licensing Team,
P O Box 57, Civic Centre, Silver Street,
Enfield, EN1 3ES
E-mail: licensing@enfield.gov.uk
My Ref: LN/201500538
Your Ref:
Date: 12 October 2022

Dear Premises Licence Holder

Re: Notice of Suspension of Premises Licence LN/201500538 due to non-payment of Annual Fee

At Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP

You have previously received a reminder to make payment of the annual fee due for your premises licence, by 24/09/2020.

By law, there is a 21-day grace period after the annual fee was due before the premises licence can be suspended.

This grace period has now passed, and the Licensing Team have not received the Annual Fee Information Form or any annual fee payment to date.

We are therefore giving you notice that your premises licence LN/201500538 will be suspended in three days-time from the date of this letter.

You will not receive any further correspondence on this.

This matter will be referred to Licensing Enforcement who will undertake checks to ensure no unauthorised licensable activities are being provided from the premises.

You are advised that providing any unlicensed activity is a criminal offence under the Licensing Act 2003 and if found guilty, there is an unlimited fine and/or up to 6 months imprisonment.

If you are able to pay the annual fee now, you must follow these instructions:

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Website: www.enfield.gov.uk



If you need this document in another language or format contact the service using the details above.

Online Payments

Follow the step-by-step procedure below:

- Open Council website at new.enfield.gov.uk;
- Select 'All Services';
- Scroll down to 'Business and Licensing';
- Under 'Business Licensing' click on 'Licensing fees';
- Click on 'pay all other licence fees';
- Select Sign in or Continue as a guest;
- Select this option from the drop-down menu:
 - Premises Licensing;
- In response to 'Do you have a reference number?', select 'Yes';
- Enter LN/201500538 into the reference number box;
- Enter £540.00 (amount due) into the Payment amount box (follow this [link](#) to check licensing fees);
- Complete payment details;
- Email online payment confirmation and the completed Renewal/Annual Fee Information form to licensing@enfield.gov.uk
- Only online payments are accepted, and we can only receive applications emailed to licensing@enfield.gov.uk or through the www.gov.uk website. Cash, cheques and postal applications will be returned to sender.

It is your responsibility to ensure we have the most up to date email address for you, as annual fee reminders are now only sent out via email from the automated system.

Furthermore, if the name does not appear correctly for you as the premises licence holder, and/or if your home address has changed, you must follow the online instructions above for payment, but pay £10.50 for change of name/address, then email the proof and an accompanying email with the new details.

Your sincerely

Licensing Team

**LICENSING ACT 2003 - ANNUAL FEE INFORMATION FORM
PREMISES LICENCE**

Licence No:	LN/201500538
Licence Holder:	Mr Shadow Zanorodian
Email*:	[REDACTED]
Premises:	Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP
Date fee must be paid by:	Within the next 3 days
Annual Fee:	£180.00 for licence period 24/09/2020 to 23/09/2021 AND £180.00 for licence period 24/09/2021 to 23/09/2022 AND £180.00 for licence period 24/09/2022 to 23/09/2023 TOTAL = £540.00
Premises Band/Rateable Value**:	B £4301- £33000

* Enter your email address above if not stated. Please note all future annual fee reminders will only be sent via email.

** If this is blank, enter the premises band/rateable value. If the information is given but is incorrect, you must enter the most up to date information.

**You must now return this Annual Fee
Information form with your online payment
confirmation to licensing@enfield.gov.uk .**

Licensing Queries - Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP. - Message (HTML)

File Message Help **Attachments** Tell me what you want to d

Remove Attachment Save As Save All Attachments Upload Upload All Attachments Select All Copy Show Message

Licensing Queries - Late Night Food Off Licence, 87 Silver Street, LONDON, N18 1RP.



Ellie Green

To [Redacted]

Reply Reply All Forward ...

Thu 13/10/2022 16:32

Notice of Suspension Late Night Food Off Licence 12.10.22.pdf .pdf File

Dear Mr Zanorodian

I refer you to your premises licence LN/201500538 for the above address.

First of all, you should have received a notice of suspension as the annual fee has been overdue since 24 September 2020 – see attached again for your information. Your licence will be suspended shortly if all fees are not brought up to date.

On our records, the premises licence holder recorded as Shadow Zanorodian.

I am aware my colleagues in Trading Standards visited the premises recently and a different first name/spelling was provided. If Shadow is not correct, but needs amending to a correct spelling, you need to make an online payment for £10.50, following the same online payment instructions as that included in the attached letter.

You then need to forward the proof of payment email to licensing@enfield.gov.uk along with your premises licence number and what name changes you wish to make.

If the licence is not accurate, is it deemed invalid.

Finally, I note the Designated Premises Supervisor (DPS) for this licence is Mr Erhan Sabri, and has been DPS since 3/4/17, even though there have been two transfers since. Is Mr Sabri still active in his role as DPS?

If not, a vary DPS application is required for £23, see [this link](#) to our website for the application forms and more information. Again the proof of online payment is required to be submitted with the completed Vary DPS application to licensing@enfield.gov.uk.

I look forward to hearing from you regarding these matters.

Yours sincerely

Ellie Green (she/her)

Licensing Team Manager

Windows taskbar with icons for File Explorer, Edge, Chrome, and other applications. System tray shows time 15:30, date 21/12/2022, and notification area with 28 notifications.

TRADING STANDARDS TOBACCO TEST PURCHASE OPERATION		
1	Date of visit:	13/10/22
2	Time of visit:	1125hrs
3	Premises Name:	Late Night Food Ltd.
4	Premises Address:	87 Wilton Street N18 1EP
5	What did you ask for?	Any cigarettes cheaper than £10.00.
6	What was said in response?	He said 'I have a couple' and then showed me 3 different types. I chose Parliament. (PTO)
7	Description of seller? M/E Age: Height: Weight: Hair type: Facial hair: Ethnicity:	30's medium medium long dark — Turkish, 1 & 2.
8	Tobacco item purchased:	5 pack Parliament cigarettes
9	Was any other item purchased with the tobacco? Details:	No
10	Exhibit Reference given to Tobacco purchased:	SIN on 5/11.
11	Bag / Seal Number:	M26807376
12	Price charged for the tobacco item:	£1.00
14		

	Where was tobacco obtained from?	<i>Under counter</i>
15	If there were other customers present did you see them purchase illicit tobacco -yes or no?	<i>No.</i>
	Additional Notes; <i>I asked how much they were and she said '£7-00'. I said give me those. She asked me where I was from. I said 'Bosnia.' She then handed me the pack. I paid & left.</i>	

REF: WK/

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night Food Off Licence	
Premises Address	87 Silver Street London, N18 1RP	
Time of Visit:	Start: 11-40	Finish: 12-15

During an inspection of your premises on Wed... 23rd NOV.....2022....., the following was checked:

Part B of Premises Licence displayed? Yes No Displayed during visit.
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	full licence inspection
C2, 3, 4.	PLH spoken to via phone. Claimed training records are at head office - email copies please. keep on premises
C5	Trunk 25 poster not displayed - officer will email copy.
C6.	Refusals book not available - to be kept on premises
C8	Leave quietly poster not displayed - officer will email.
C11	Unable to check 31 days of footage/time/date - future visit to be arranged.
C12	Incident book not available - to be kept on premises - email copy.

Any other matter(s) that need addressing:

C13 - Can marking scheme not in place - set up or apply to remove condition. C16 - Receipts for 3 months need to be on the premises - only ones for November seen.

You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: CHARLOTTE PAULER	Signature: [Redacted]
[Redacted]	Print Name & Position: Ali Khani
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel:

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



NOTICE OF SEIZURE

No 2359



Name: LATE NIGHT STORK

Address: 87 SILVER STREET

N18 1RP.

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XA

trading.standards@enfield.gov.uk

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

CONSUMER RIGHTS ACT

CONSUMER PROTECTION ACT

TRADING PROTECTION ACT

10 x MARLBORO GOLD

8 x KENT

6 x PARLIAMENT BLUE

10 x RICHMOND

4 x MARLBORO TOUCH

1 x AMBER LEAF H.A.T.

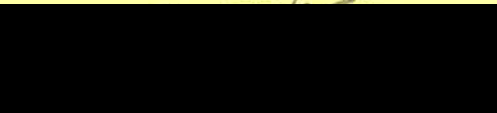
2 x MARLBORO GOLD

8 x MARLBORO TOUCH

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: C. WALLACE

Date: 24/11/2022

Signature: 

Direct Dial:

Received by: SARA RAZAY

Position in Business: HELPER





Late Night Food Off Licence











Please reply to: Amanda Butler

Shadov Zomorodian
 Company Director of
 Late Night Food Ltd
 87 Silver St
 London
 N18 1RP

Email: [REDACTED]

Phone:

Textphone:

Fax:

My Ref: [REDACTED]

Your Ref:

Date: 16th December 2022

WARNING LETTER

Dear Shadov Zomorodian Company Director of Late Night Food Ltd

The Tobacco and Related Products Regulations 2016
The Standardised Packaging of Tobacco Products Regulations 2015
Trade Marks Act 1994
Licensing Act 2003

Alleged Offence(s):

On 4th October 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP, did knowingly keep or allow to be kept goods namely 16 packets of 20 cigarettes that have been imported without payment of duty or which have otherwise been unlawfully imported.
Contrary to Section 144 of the Licensing Act 2003

On 4th October 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP, did have in possession for supply tobacco, namely 16 packets of 20 cigarettes that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015 in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and/or that failed to comply with the requirements of Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling and/or health warnings on the packaging was not in English **Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco products Regulations 2015 and Contrary to Regulation 48 of the Tobacco & related Products Regulations 2016**

On 13th October 2022, x1 packet of Parliament Night Blue Cigarettes were purchased from Late Night Food Ltd, 87 Silver St, London N18 1RP. The cigarette packaging did not display the requisite colour namely Pantone 448c and the labelling and/or health warnings on the packaging was not in English. **Contrary to Section 15(1) of the Standardised Packaging of Tobacco Products Regulations 2016 and Regulation 48 of the Tobacco & related Products Regulations 2016**

On 24th November 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP you did have in possession for supply tobacco, namely 48 packets of 20 cigarettes and 1 pouch of hand-rolling tobacco that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015 in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and/or

that failed to comply with the requirements of Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling and/or health warnings on the packaging was not in English **Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco products Regulations 2015 and Regulation 48 of the Tobacco & related Products Regulations 2016**

On 24th November 2022 at Late Night Food Ltd, 87 Silver St, London N18 1RP you did knowingly keep or allow to be kept goods namely 16 packets of 20 cigarettes that have been imported without payment of duty or which have otherwise been unlawfully imported.
Contrary to Section 144 of the Licensing Act 2003

Trade Marks Act 1994

All products that belong to a registered brand holder (trademark) must be purchased from a reputable supplier. This includes cigarettes/tobacco and alcohol.

Tobacco Products

All tobacco products must comply with The Tobacco and Related Products Regulations 2016, The Standardised Packaging of Tobacco Products Regulations 2015 and Licensing Act 2003.

Traceability

General Food Regulations states that all businesses are required to have a system and procedures in place to identify the person from whom they have been supplied food, drinks and/or tobacco. The purchase of these products must be "traceable" and should be evidenced by documentation/receipts which must be available for inspection upon request.

After careful consideration of the evidence, whilst there is enough evidence to consider prosecution pertaining to the seized tobacco, in this instance, Enfield Council are issuing this warning letter regarding the afore-mentioned non-duty paid/illegal cigarettes.

However, Enfield Council requires you to sign over the non-duty paid /illegal cigarettes, for disposal in accordance with the Consumer Protection Act.

Please sign and date the Voluntary Surrender form and return the afore-mentioned form to amanda.butler@enfield.gov.uk **within 7 days**.

If you do not agree to sign over the non-duty paid tobacco, then Enfield Council will apply to the court for forfeiture and seek to recover the costs of doing so from Maxi Food & Wine.

Please consider this letter to be a warning as to your future conduct of your retail premises namely Late-Night Food Ltd, 87 Silver St, London N18 1RP.

From the issuing of this warning letter, should smuggled goods be discovered in your licensed premises or motor-vehicles associated with your licensed premises, then Enfield Council's Trading Standards Authority shall consider prosecution of any subsequent seizures of illegal tobacco.

Enfield Council will continue to conduct test-purchasing sessions and Illegal Tobacco inspections to your retail premises and retailers within the Borough of Enfield.

Yours sincerely



Amanda Butler
Senior Fair Trading Officer

To:

Shadov Zomorodian
Company Director of
Late Night Food Ltd
87 Silver St
London
N18 1RP

ENFIELD
Council

www.enfield.gov.uk



Consumer Protection
PO Box 57, Civic Centre
Silver Street
Enfield, Middlesex EN1 3X
Tel: [REDACTED]

[REDACTED]

16th December 2022

TRANSFER OF PROPERTY DISCLAIMER

I hereby transfer to the London Borough of Enfield all rights and property in the following articles which were in my possession, custody or control

At: Late Night Food Ltd, 87 Silver St, London N18 1RP:-

On 4th October 2022, 16 packets of 20 cigarettes were seized from Late Night Food Ltd, 87 Silver St, London N18 1RP namely, x6 packets of 20 Marlboro Gold cigarettes, x10 packets of 20 Marlboro Touch cigarettes.

On 13th October 2022, x1 packet of Parliament Night Blue Cigarettes were test-purchased from Late Night Food Ltd, 87 Silver St, London N18 1RP.

On 24th November 2022, Late Night Food Ltd, 87 Silver St, London N18 1RP was inspected by Officers from Enfield Council’s Trading Standards Department, along with a sniffer dog and a dog handler with the aim to crackdown on the sale of illegal tobacco, namely cigarettes and hand-rolling tobacco. Officers seized x48 packets of 20 cigarettes and x1 pouch of hand-rolling tobacco.

The cigarettes and hand-rolling tobacco that were seized did not comply with the Tobacco and Related Products Regulations 2016 and/or Standardised Packaging of Tobacco Products Regulations 2015 and/or 144 of the Licensing Act 2003.

I am authorised to waive all rights from this date, this date being the date of seizure by an officer of this service. I further indemnify the London Borough of Enfield against any claim or encumbrance present or future regarding these goods.

In signing this disclaimer, I understand that no further formal action will be taken against me in relation to these goods.

(signed).....(date).....

(print name).....

for and on behalf of [Insert name of business]

(witnessed

by).....(date).....

(print name).....

Full details of the goods being signed over for disposal are detailed in the attached Schedule

To:
Shadov Zomorodian
Company Director of
Late Night Food Ltd
87 Silver St
London
N18 1RP



Consumer Protection
PO Box 57, Civic Centre
Silver Street
Enfield, Middlesex EN1 3XY

Tel: [REDACTED]
16/12/2022

TRANSFER OF PROPERTY DISCLAIMER – Schedule of Goods

Ref: [REDACTED]

Seal Number	Quantity	Description
[REDACTED]	x6 packets of 20 cigarettes x10 packets of 20 cigarettes	x6 packets of 20 Marlboro Gold cigarettes x10 packets of 20 Marlboro Touch cigarettes
[REDACTED]	x1 packet of 20 cigarettes	x1 Parliament Night Blue
[REDACTED]	x48 packets of 20 cigarettes x1 pouch of Hand-rolling tobacco	x12 packets of 20 Marlboro Gold cigarettes x12 packets of 20 Marlboro Touch cigarettes x 8 packets of Kent cigarettes x 6 packets of Parliament Blue cigarettes x10 packets of Richmond cigarettes x4 packets of Marlboro Touch cigarettes x1 pouch of Amber leaf Hand-rolling tobacco

Human Rights Act 1998

Under Article 1 of the First Protocol of the European Convention on Human Rights every legal or natural person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of International Law. In waiving all rights in the articles listed above I recognise that I have no rights in the intellectual property in any copyright and/or registered trademarks contained on or in those items and that the items would be liable to forfeited by the courts if an application was so made.

LICN_1

REF: WK/ [REDACTED] LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night Food off Licence		
Premises Address	87 Silver St N18 1RP		
Time of Visit:	Start: 15:27	Finish:	15:53

During an inspection of your premises on Mon 19th Dec 2022, the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	Revisit to check C2, 3, 4, 5, 6, 8, 11, 12, 13
C2, 3, 4	Staff training records not available
C7	Only one member of staff working at time of visit. Licence condition states there must be two.
C11	Staff unable to use CCTV - advised owner can access + other staff via his phone
C12	Incident log required - you can use a diary to document any incidents but the book must be labelled so it is clear what it is for.
C13	No car marking scheme in place

Any other matter(s) that need addressing:
 Refusals book seen. Recommend including time of refusal & who made refusal. In case you want to go back and look at CCTV - Book stops 9th Dec 2022. Diary seen ready for 2023. Think 25 posts now on display. Leave quietly poster now on display. As Trading Standards seized tobacco twice. The licence will soon be reviewed.
 You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT Print Name of Officers in Attendance: CHARLOTTE PAWNER	RECIPIENT OF NOTICE Signature: [REDACTED] Print Name & Position: Sara Razi
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel: [REDACTED]

Application forms can be downloaded at: <https://new.enfield.gov.uk/business-and-licensing/>

Send evidence of compliance to: [REDACTED]

METROPOLITAN POLICE
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ENFIELD Council



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Late Night Food Off Licence
87 Silver Street
London
N18 1RP

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 30/12/2022:

30/12/22 – 11:15 – 11:46 Review application delivered to premises, blue notice displayed during visit

The officer checked the outstanding licence conditions:

Condition 2 – Training records were available however the member of staff working at the time had not been trained since 1st July 2022 and the condition requires training every 3 months.

Condition 7 – Only one member of staff working – condition requires two staff.

Condition 11 – CCTV – The member of staff was able to access footage via his phone however it was only stored as far back at 8th December and the condition requires it be stored for 31 days.

Refusal book is now also labelled as the incident book. New price gun seen, 'Late Night' printed on price stickers. Staff advised the cans are labelled at the point of sale. At 11:27 a male entered the premises and asked for cigarettes. The member of staff showed him a packet and told him what ones he had. He chose a packet but looked very confused when he was told the price. He made no attempt to pay and instead looked from the member of staff to the officer several times. The officer asked him if he was looking for non-duty paid cigarettes and the member of staff said no he wants a single cigarette and took one from an open packet. The officer told him the premises was not allowed to sell single cigarettes or no duty paid cigarettes. The male did not appear to want a single cigarette and left empty handed.

The member of staff phoned the premises licence holder (PLH) so that the officer could explain about the conditions and review. The PLH said that they had done everything that was asked of them so the officer went through the requirements of Conditions 2, 7 and 11. The PLH did not think training was needed every 3 months, said he could not afford to pay for 2 staff and that the CCTV should not have to be stored for so long. He seemed very annoyed and asked whether other premises had to do this. The officer explained that each licence is different and that the conditions were on the licence when he took it over. The officer explained that the conditions were legal requirements and he had to comply with all of them. During the conversation the PLH said several times that the conditions were 'stupid' and 'bull sh*t'. The officer explained that a review application had been submitted because of the illicit tobacco that had been seized and/or sold. He claimed that the tobacco had all been for personal use and that he can not be expected to search his staff. The officer advised that a test purchase had also taken place and a sale made. He was advised to get legal advice.

See Appendix 11.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [REDACTED]

Signed: [REDACTED]

Date: 31.01.23

REF: WW/

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Late Night food off licence		
Premises Address	87 silver street, Edmonton, N18 1RP		
Time of Visit:	Start: 11.15	Finish:	11.46

During an inspection of your premises on ... 30th December ... 2022 ... the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	Revisit to check C2, 3, 4, 7, 11, 12, 13 + deliver review
C2	Training records seen but staff member spoken to last trained 1st July 2022 - refresher training required every 3 months.
C7	Only one member staff on site at time of visit.
C11	CCTV - footage shown on phone - only goes back to 8.12.2022. needs to store footage for 31 days
11.27 mob	came in wanting cigs + looked very confused when told the price. Staff then tried to offer him a single cigarette. Officer advised can't sell single cigarettes + that the premises is not allowed to sell non-duty paid cigarettes. make up

Any other matter(s) that need addressing: empty headed.
 C12 Refusals book also now labelled as incident book. Spoke to licence holder on the phone about the review and conditions. - he said the conditions were stupid and bull s**t several times.
 8E71678970 ← Cons. are labelled at the point of sale (C13.)

You are required to have the above matters attended to withindays of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.
 Blue poster displayed during visit.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: CHARLOTTE PAWLER.	Signature: Ali Khan
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Print Name & Position: [Redacted]
	Email/Tel of recipient.

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



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LONDON BOROUGH OF ENFIELD
LICENSING ACT 2003
NOTICE OF APPLICATION FOR A REVIEW OF PREMISES LICENCE

Premises: Late Night Food Off Licence
87 Silver Street London, N18 7RP

Notice is given that application has been made for a review of the premises licence (under s 51(3), s 87(3) or s 161 to the Licensing Act 2003) in respect of the above premises.

The grounds for review are:
The Prevention of Crime and Disorder - following the seizure of illegal non-duty paid tobacco from the retail premises.

The review by the Council's Licensing Enforcement Team seeks to revoke the premises licence (reference LN201500538), which would mean the premises could no longer sell alcohol.

Anyone who wishes to make representations regarding this application must give notice in writing by emailing licensing@enfield.gov.uk. Representations received by post will not be accepted.

Representations must be made between
31 December 2022 and 27 January 2023.

The public register where applications are available to be viewed by members of the public can be accessed online by visiting <https://www.enfield.gov.uk/services/business-and-licensing> and following a link to the Licensing Register. Email licensing@enfield.gov.uk to request a copy of the application within 28 days from the date of this notice.

It is an offence, under section 158 of the Licensing Act 2003, to knowingly or recklessly make a false statement in connection with an application for a premises licence. A person guilty of an offence is liable on summary conviction to a fine not exceeding seven times the standard scale.

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07377505751

UK SHUTTERS
07553 481 994

Skyline SHUTTERS UK
07488 105 805
37940 754 193

QUICK SHUTTERS
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UNIQUE SHUTTERS
07576 881 871

ANY TIME SHUTTERS
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737 688 543

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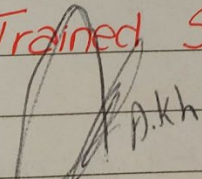
Date : 1 July 2022

Person Trained : Ali khani

Trainer full name : Shadav Zomorodian

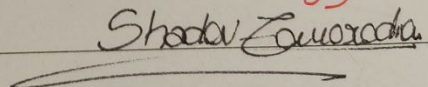
- Children and Under 18s
- Accident Report training
- Retail pricing of each product in sale
- Till training
- Check 25 / check of a valid document
- Fire safety training
- Health and safety training
- Regulation of alcohol consumption
- Selling and storing tobacco products
- Recognising counterfeit banknote

Trained Sign



A.Kh

Trainer Sign



Shadav Zomorodian

Date: 12th September 2022
Person trained: Alibakhshi Mehran
Trainer full name: Shadi Zomorodian

- Regulation of alcohol consumption
- Fire safety training
- Accident Report training
- Children and Under 18s
- Till training
- Check under 25
- How to check a valid document
- Health and safety training
- Retail pricing of product
- Selling and storing tobacco products
- Recognising counterfeit banknotes

Trained

Alibakhshi Mehran

Trainer

Shadi Zomorodian

Date: 29/09/2022

Person trained: Maziar Salehi
Trainer full name: Shadi Zomorodian

- Fire safety training
- Regulation of alcohol consumption
- Alcohol law in UK
- Till Training
- Check 25
- Children and under 18s
- Acceptance of a valid document
- Health and safety Training
- UK retail pricing
- Accident report training
- Selling and storing of tobacco products
- Recognising counterfeit banknotes

Trained

Maziar Salehi

Trainer

Shadi Zomorodian

Date: 5/11/2022

Person trained: Sara Razy

Trainer full name: ZOMERODIAN SHADOV

- Selling and storing Tobacco product
- Fire safety training
- Health and safety training
- Till Training
- Check Under 25
- Children and Under 18s
- Accident Report training
- How to check a valid document
- Recognising counterfeit banknote
- Retail pricing
- Regulation of alcohol consumption
- Selling

Trained

Trainer

Shadav Zomerodian

Date: 1/12/2022

Person trained: Amir Zomerodian

Trainer full name: Zomerodian Shadav

- Fire Safety Training
- Till Training
- Check Under 25 or 21
- Children and Under 18s
- Accident report training
- Check a valid document
- Recognising counterfeit banknote
- Retail pricing
- Regulation of alcohol consumption
- Health and Safety training
- Selling and storing tobacco product.

Trained

AS

Trainer

Shadav Zomerodian

Annex 4

Proposed Conditions arising from the Review Application

Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. 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.
2. 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.
3. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises.
4. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
5. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
6. 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.
7. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.
8. 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.
9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse or glass bottles outside between 23:00 hours and 08:00 hours.

10. Deliveries will not be made to/from the premises between 20:00 hours and 08:00 hours.

11. The premises shall install and maintain a comprehensive CCTV system.

(1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.

(2) All recordings shall be stored for a minimum period of 31 days with date and time stamping.

(3) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.

(4) The CCTV system should be updated and maintained according to police recommendations.

(5) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

(1). All crimes reported to the venue

(2). All ejections of patrons

(3). Any complaints received

(4). Any incidents of disorder

(5). All seizures of drugs or offensive weapons

(6). Any faults in the CCTV system

(7). Any visit by a relevant authority or emergency service

13. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme ie. Stickers.

14. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.

15. Alcohol and tobacco stock shall only be purchased from registered wholesalers.

16. 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.

17. 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.

18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

PROPOSED BY LICENSING AUTHORITY:

19. A personal licence holder shall be on duty and supervise all sales throughout the permitted sale of alcohol hours.