

## MUNICIPAL YEAR 2023/24 REPORT NO.

**COMMITTEE :**  
**Licensing Sub-Committee**  
**26 July 2023**

**REPORT OF :**  
**Ellie Green, Licensing Team Manager**

**LEGISLATION :**  
**Licensing Act 2003**

Agenda - Part	Item
<p><b>SUBJECT :</b> <b>Review Application</b></p> <p><b>PREMISES :</b> <b>Southgate Food Centre, 30-32 Chase Side, LONDON, N14 5PA</b></p> <p><b>WARD :</b> <b>Southgate</b></p>	

### 1 LICENSING HISTORY & CURRENT POSITION - LN/200501160:

- 1.1 The premises has been previously known as Southgate General Store, and Costcutter before being named Maxi Food & Wine.
- 1.2 On 16 August 2005, a conversion premises licence application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr G Sahar as the Premises Licence Holder (PLH) and also as the Designated Premises Supervisor (DPS).
- 1.3 On 17 April May 2012, a transfer application and vary DPS which were not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Murat Ceviz as the Premises Licence Holder (PLH), and also the DPS.
- 1.4 On 21 May 2019, a transfer and vary DPS application which were not subject to any representations, was granted by officers in accordance with delegated powers, naming Mr Baris Kisa, as the Premises Licence Holder (PLH), and also became the DPS.
- 1.5 On 6 June 2023, Mr Kisa provided the up to date address details to the Licensing Team, and the premises licence was subsequently amended.
- 1.6 The premises has not been subject to any review or formal action under licensing previously.
- 1.7 The current premises licence LN/200501160 permits:
  - 1.7.1 The hours the premises are open to the public: 24 hours daily.
  - 1.7.2 Supply of alcohol (off supplies only): 24 hours daily.
  - 1.7.3 Late night refreshment (indoors): 23:00 to 05:00 daily.
- 1.8 A copy of the current premises licence LN/200600265 is attached as Annex A.

## **2.0 THIS APPLICATION:**

- 2.1 On 30 May 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/200501160 and is produced in Annex B.
- 2.2 Additional Information was provided by the Licensing Authority to further support their representation and a copy is produced in Annex C.
- 2.3 The review application has been submitted as the Licensing Authority believes the four licensing objectives are being undermined as the following unlawful activity is taking place at/from the premises:
- sales of nitrous oxide are being recklessly made from the premises;
  - breaches of licence conditions.
- 2.4 The review application seeks to revoke the premises licence in its entirety.
- 2.5 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.6 Each of the Responsible Authorities were consulted in respect of the application.

## **3.0 RELEVANT REPRESENTATIONS:**

- 3.1 **Other Parties** – Representation was made by a Southgate ward councillor, in support the review, in that they do not believe any of the four licensing objectives are being upheld. A copy of this representation can be seen in Annex D.
- 3.3 **Premises Licence Holder** – No representation has been made by Mr Kisa in response to this review application at the time the report was prepared.

## **4.0 PROPOSED LICENCE CONDITIONS:**

- 4.1 Conditions arising from this review application are set out in Annex E.

## **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 April 2018 ('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].

#### **Nitrous Oxide:**

5.9 See the review application for the legal background on the sale and consumption of nitrous oxide.

#### **Decision:**

5.10 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 :

5.10.1 to modify the conditions of the licence;

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

5.10.3 to remove the designated premises supervisor

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

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

5.11 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**

# Annex A

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	00:00-00:00
Monday	00:00-00:00
Tuesday	00:00-00:00
Wednesday	00:00-00:00
Thursday	00:00-00:00
Friday	00:00-00:00
Saturday	00:00-00:00
Non-Standard Timings & Seasonal Variations	

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

<b>Non-Standard Timings &amp; Seasonal Variations</b>	
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<b>Location</b>	<b>Indoors</b>
<b>Activity</b>	<b>Late Night Refreshment</b>
<b>Sunday</b>	<b>23:00-05:00</b>
<b>Monday</b>	<b>23:00-05:00</b>
<b>Tuesday</b>	<b>23:00-05:00</b>
<b>Wednesday</b>	<b>23:00-05:00</b>
<b>Thursday</b>	<b>23:00-05:00</b>
<b>Friday</b>	<b>23:00-05:00</b>
<b>Saturday</b>	<b>23:00-05:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	

**Part 2**

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

<b>Name:</b>	Mr Baris Kisa
<b>Address:</b>	[REDACTED]

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

<b>Name:</b>	Mr Baris Kisa
<b>Address:</b>	[REDACTED]

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

<b>Personal Licence Number:</b>	[REDACTED]
<b>Issuing Authority:</b>	London Borough of Lewisham

**Signe** [REDACTED]

**Date:** 6 June 2023

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.**
- 3. All training relating to the sale of alcohol shall be documented and records kept at the premises. These records shall be made available to the Police and /or Local Authority upon request and shall be kept for at least one year.**
- 4. A Premises Licence summary shall be displayed at each public entrance to the premises.**
- 5. A CCTV system shall be installed, operated and maintained at the premises. CCTV cameras shall monitor all alcohol display areas, the front entrance door and the outside of the premises and the recordings shall be to the agreed image standard. The medium on which the images are recorded shall be clearly identifiable, securely stored and retained for not less than 31-days. Recordings shall be made available to authorised officers on request. The system shall be compliant with the Data Protection Act.**
- 6. Known trouble-makers shall be barred from the premises.**
- 7. Fire, safety and emergency equipment and procedures shall be operated and maintained at the premises.**
- 8. Deliveries shall only be accepted at the premises during the daytime.**
- 9. The current local authority, or similar, proof-of-age scheme shall be operated at the premises and the relevant literature shall be displayed.**
- 10. The rear door of the premises shall be secured and alarmed.**
- 11. A prominent, clear and legible notice shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.**



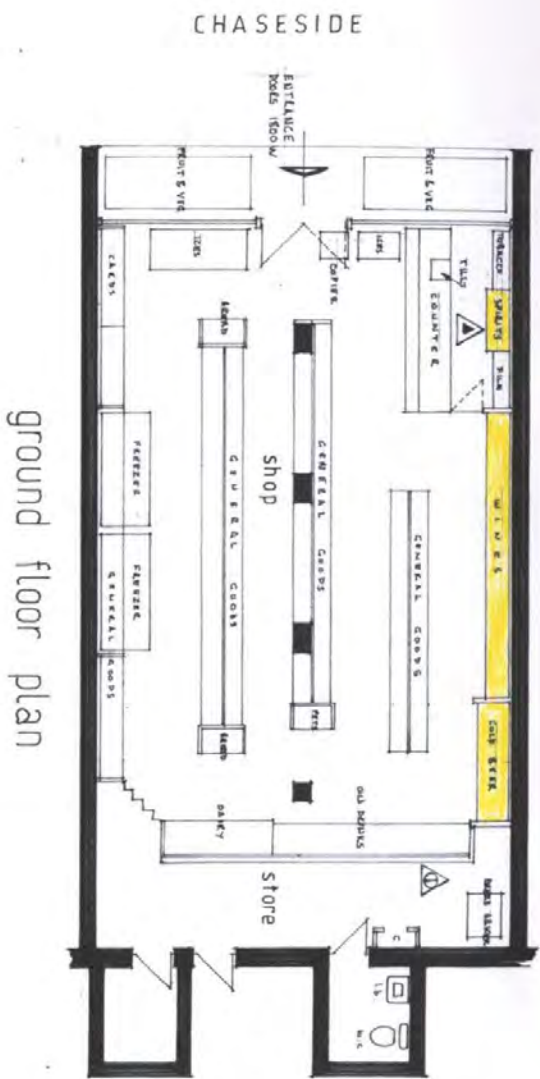
**12. There shall be displayed on the exit doors a sign stating, "you are entering a drinking control area and no open alcoholic drinks are to be taken off the premises".**

**13. Unaccompanied children under 14 shall not be allowed to enter or remain on the premises between the hours of 21:00 and 06:00.**


**Annex 3 - Conditions attached after a hearing by the licensing authority**

**Not applicable**

Annex 4 – Plans



ground floor plan

site COSTCUTTER 30 - 32 CHASESIDE SOUTHCALTE LONDON NW 14		scale 1 : 100		 PDS LICENSING
date • JUNE 05		drg no • 22.05.6		
48 Grosvenor Gardens Grosvenor Middle Street, Uxbridge, Uxbridge Telephone: 01875 8178 0155 Mobile: 07976 510827				

## **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 premises 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**

Southgate Food Centre, 30-32 Chase Side

**Post town**

Southgate

**Post code (if known)**

N14 5PA

**Name of premises licence holder or club holding club premises certificate (if known)**

Mr Baris Kisa

**Number of premises licence or club premises certificate (if known)**

LN/200501160

#### 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 | <b>X</b>                        |
| 2) public safety                        | <b>X</b>                        |
| 3) the prevention of public nuisance    | <b>X</b>                        |
| 4) the protection of children from harm | <b>X</b>                        |



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

Enfield Licensing Authority is seeking a review of this premises licence on the grounds that the premises has been found to be selling nitrous oxide to customers recklessly. This recklessness is in the form of failing to carry out any due diligence checks to ascertain whether the psychoactive substance is likely to be consumed by the person to whom it is supplied for its psychoactive effects. This is despite advice having been provided to the licence holder via letter, phone and in person.

The licence holder has also failed to demonstrate compliance with licence conditions and failed to notify the licensing team of his change of address.

This review is based on all four of the licensing objectives.

The review application is to revoke the premises licence in its entirety.

**What is Nitrous Oxide?**

Nitrous oxide (N<sub>2</sub>O) is a colourless sweet-tasting gas often referred to as 'laughing gas'.

Nitrous oxide has several legitimate uses in medicine, dentistry and also in the catering industry. It is most commonly found in pressurised metal canisters often known as 'cream chargers' and used for producing whipped cream. In order to inhale the gas the canister is opened and the gas transferred into a container (usually a balloon). The gas is then inhaled from the container/balloon. Inhaling nitrous oxide directly from the canister is very dangerous as the gas is under high pressure and the user could stop breathing if there were to do this. Shops that sell nitrous oxide for recreational use therefore often also sell packets of balloons.

FRANK (a national anti-drug advisory service jointly established by the Department of Health and Home Office) lists the following physical health risks of inhaling nitrous oxide:

- It is very dangerous to inhale nitrous oxide directly from the canister, and doing it in an enclosed space is also very dangerous.
- Never place a plastic bag over your head.
- If you take too much nitrous oxide you risk falling unconscious and/or suffocating from the lack of oxygen. People have died this way.
- Dizziness, which might make you act carelessly or dangerously.
- Heavy regular use of nitrous oxide can lead to a deficiency of vitamin B12 and to a form of anaemia. Severe B12 deficiency can lead to serious nerve damage, causing tingling and numbness in the fingers and toes. This can be very painful and make walking difficult. It can even lead to paralysis, and the damage may be lasting.
- Regular use can stop you forming white blood cells properly.
- It can be hard to judge the amount to use safely. If you have too much you can end up fainting, having an accident or worse.

(<https://www.talktofrank.com/drug/nitrous-oxide?a=Nitrous%20oxide#the-risks>)

Figures from the Office of National Statistics state that on average five people a year die after inhaling nitrous oxide and it caused 25 fatalities between 2010 and 2016,. (Reference: <https://www.theguardian.com/society/nitrous-oxide-laughing-gas>, 21st May 2019)

This demonstrates how the sale of nitrous oxide for recreational purposes undermines the Public Safety licensing objective.

Although nitrous oxide can be sold legally when sold for a legitimate use, the supply, or offer to supply or possession with intent to supply for recreational misuse is an offence.

The Psychoactive Substances Act 2016 came into force in May 2016. The act bans psychoactive substances, also known as 'legal highs', in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption.

The supply and offer to supply offences (section 5 of the act) are the most relevant parts of the act for retailers. The offence of supply is outlined below:

- A person intentionally supplies a substance to another person
- The substance is a psychoactive substance
- The person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance
- The retailer knows or is reckless about whether the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects

The use of nitrous oxide is often associated with antisocial behaviour. There are also concerns about the effects of people inhaling nitrous oxide and then driving.

The Government Anti-Social Behaviour Action Plan is due to come into force in 2024 with the aim of cracking down on anti-social behaviour. A press release dated 26/03/23 states:

Under the zero-tolerance approach, Nitrous oxide or "laughing gas" will also be banned to send a clear message to intimidating gangs, that hang around high streets and children's parks and litter them with empty canisters, they will not get away with this behaviour. The drug is now the third most used among 16 to 24-year-olds in England and both the police and public have repeatedly reported links between use of the drug and nuisance or anti-social behaviour.

<https://www.gov.uk/government/news/action-plan-to-crack-down-on-anti-social-behaviour>

This demonstrates how the sale of nitrous oxide for recreational purposes undermines the Prevention of Crime and Disorder licensing objective and the Prevention of Public Nuisance licensing objective.

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

### **Premises Licence LN/200501160 – Background History:**

This premises licence was transferred to the current Premises Licence Holder - Mr Baris Kisa on 21/05/2019. A vary Designated Premises Supervisor application was granted at the same time. The Premises Licence Holder is also the DPS.

The licence currently permits the following activities:

<b>Licensable Activity</b>	<b>Times</b>
Opening Hours	24 hours everyday
Sale of Alcohol (off sales)	24 hours everyday
Late Night Refreshment	23:00 – 05:00 everyday

**27/07/22** – Trading Standards received a complaint alleging that this premises was selling nitrous oxide in large cannisters to members of the public.

**29/07/22** – Trading Standards sent an email to the Premises Licence Holder regarding the allegation received. The email included a letter providing a summary of the legislation regarding the sale of nitrous oxide and how to prevent illegal sales of nitrous oxide. The letter included the following warning:

**'It is a criminal offence for Retailers to sell nitrous oxide to customers of any age where the retailer knows or is reckless about whether the psychoactive substance (e.g. nitrous oxide) is likely to be consumed by the person to whom it is supplied (e.g. persons under the age of 18 years old), or by some other person, for its psychoactive effects. If prosecuted, you may be fined.'**

Also attached to the email was information from the gov.uk website - Psychoactive Substances Act 2016: guidance for retailers. **See Appendix 1.**

**04/08/22** - Whilst conducting an Operation CeCe (illicit tobacco), inspection at a nearby premises Trading Standards Officer saw a nitrous oxide cannister situated on the pavement outside this premises.

**04/10/22** – The premises was visited by Trading Standards Officers as part of Operation Cece. No illicit tobacco seized. However nitrous oxide was found for sale. As part of the visit the owner of the premises was spoken to on the phone by one of the Trading Standards Officers in relation to the sale of nitrous oxide. He was told not to sell it to anyone under the age of 18 years or to anyone who might misuse it. The owner confirmed that he had received the advice letter sent previously. Officers left the following at the premises –

- An advisory letter for retailers and producers of e-cigarette and Nicotine containing e-liquid products.
- A leaflet explaining the law relating to Tobacco packaging, labelling, advertising and tracking.
- A leaflet explaining the law in relation to tobacco and nicotine inhaling products.
- An advice leaflet for retailers of e-cigarettes and nicotine-containing e-liquids from the Medicines and Healthcare Products Regulatory Agency.

**See Appendix 2.**

**21/11/22** - 10:50 - 11:25 – A Senior Licensing Enforcement Officer (CPX) visited the premises and carried out a full licence inspection with the Premises Licence Holder. The following conditions were not being complied with:

**Condition 2&3** - Staff training to be carried out every 3 months and to be documented.

**Condition 4** - Licence summary (Part B) to be displayed.

**Condition 9** - Think 25 poster to be displayed.

**Condition 11** - Leave quietly poster to be displayed.

Many posters had been covered up by stock so could not be seen. Officer agreed to email new posters/training books to premises licence holder. Discussed sale of nitrous oxide - advised illegal to sell for human consumption. Premises Licence Holder claimed he asks customers what they are buying it for and only sells when it's for making cakes. Large cannister seen, kept under the counter - can appears to be for catering purposes - spray cream. Balloons also seen on sale. Photos taken. Premises Licence Holder home address had changed. Advised to contact the licensing team to update his details. The officer advised he would also need to update his personal licence with the borough which issued it. Given 14 days to comply. **See Appendix 3.**

**22/11/22** – Officer (CPX) emailed resources to Premises Licence Holder to assist with licence compliance.

**24/11/22** – Operation Cece inspection conducted by Trading Standards. No illegal tobacco found. Large cannisters of nitrous oxide and small cannisters of nitrous oxide stored behind shop counter. Photos taken. **See Appendix 4.**

**28/11/22** – Resources resent in a different format as Premises Licence Holder unable to open them.

**11/01/23** – A Senior Licensing Enforcement Officer (CPX) wrote to the Premises Licence Holder and asked that, in order to help tackle the problem of anti-social behaviour, they, as a responsible retailer, cease selling all nitrous oxide and amend their premises licence conditions to reflect this. The letter included a document showing suggested amendments and additions to the licence conditions. If agreeable they were asked to apply for a minor variation to amend their licence by Friday 27<sup>th</sup> January 2023. No such application was submitted. **See Appendix 5.**

**17/04/23** – Trading Standards received an allegation that this premises supplies "Fast Gas" nitrous oxide to children and young adults. If true, this undermines the Protection of Children from Harm licensing objective. The complainant supplied photos showing at least nine large cannisters of nitrous oxide on the ground in an alleyway opposite the premises along with empty bottles, bits of burst/deflated balloons and two cardboard boxes which would have contained nitrous oxide cannisters. If sold by this premises this undermines the Prevention of Public Nuisance licensing objective. The complainant also submitted a photo of a vehicle in which nitrous oxide was allegedly being stored. **See Appendix 6.** (The police have confirmed that the vehicle photographed belong to the shop).

**05/05/23** – Trading Standards received a complainant from a local resident regarding noise from youngsters allegedly inhaling nitrous oxide in a loading bay near the front of this premises. The complainant alleged the nitrous oxide was sold by local premises and provided images taken on 04/05/23. In two of the photos the location can be identified as McDonalds and other premises can be seen in the background. **See Appendix 7.**

**10/05/23** – 11:37 – At the direction of Trading Standards an officer entered the premises to see if they would be sold nitrous oxide and whether any checks would be carried out by staff to see why they wanted to buy it. The officer was sold a large cannister of nitrous oxide without question for £20. After the sale the officer went back into the shop and took a photo of the male who served him. The officer later took a photo of the nitrous oxide cannister. **See Appendix 8.** The Licensing Authority is of the opinion that this sale was reckless.

**22/05/23** – 11:40 – 12:25 – Senior Licensing Enforcement Officer (CPX) attended the premises with PC Ewart and PC Haynes from the Police Licensing Team to carry out a full licence inspection.

The following conditions were not being complied with:

**Conditions 2 & 3** – Staff member could not remember when he was last trained or how often it should be done, no training records available.

**Conditions 4** – Part B of licence not on display – 1 page of Part A on the wall.

**Condition 5** – Unable to check CCTV as monitor was not working.

**Condition 9** – Staff not sure what 'Think 25' meant. Poster was on display. Officer explained.

**Condition 11** – Advised to relocate 'Leave Quietly' poster so it was close to the door and so people read it as they leave the premises rather than having it facing outwards.

Premises Licence Holder/DPS still had not updated his address on the Premises Licence. Advised via phone to do so and that due to a recent alleged reckless sale of nitrous oxide a premises licence review would be submitted soon. Advised to get legal advice once received.

Most of the conditions which were not being complied with are the same conditions that were not being complied with when the previous inspection took place in November 2022.

There were five boxes of Fast Gas nitrous oxide behind the counter (six cannisters per box) and four loose cannisters on the shelf opposite. There was also one box of Gold Whip nitrous oxide (six cannisters per box) behind the same counter. There were packets of balloons on a shelf under the counter and also hanging up opposite the counter. The officers spoke at length to a member of staff called Mr Zeek Ahmad about the dangers of nitrous oxide and who it could and couldn't be sold to. At times it seemed he did not understand the seriousness of recklessly selling nitrous oxide. Officers stressed the dangers of inhaling nitrous oxide and also the consequences for the business of recklessly selling nitrous oxide. He said that the council had not warned them of this (you will see from Appendix 2 that Mr Zeek Ahmad was actually the member of staff Trading Standards Officer saw in the premises on 04/10/22 and that he signed the report which mentions concerns around the sale of nitrous oxide). He was advised that letters and information had been sent previously. When asked he said that there was no more nitrous oxide in the premises but when officers looked around five more boxes (six cannister per box) of Fast Gas were found in the toilet area. Empty boxes were being used to store some good near the counter and two flattened box were being used to protect a table at the back the premises.

Whilst in the premises the police officers witnessed a male enter and walk past the packets of party balloons, up to the counter and say to staff "got any balloons mate?" He then saw the police officers and backed up, grabbed a packet of balloons from the display, bought them and as he left said "it's alright mate I'm a chef" and laughed.

**See Appendix 9 for report and photos.**

### **Premises Licence Holder / DPS change of home address**

As shown below section 33 of the Licensing Act 2003 states there is a legal requirement to update name and address details:

#### **33 Notification of change of name or address**

- (1) The holder of a premises licence must, as soon as is reasonably practicable, notify the relevant licensing authority of any change in—
  - (a) his name or address,
  - (b) unless the designated premises supervisor has already notified the authority under subsection (4), the name or address of that supervisor.
- (2) Subsection (1) is subject to regulations under section 55(1) (fee to accompany application).
- (3) A notice under subsection (1) must also be accompanied by the premises licence (or the appropriate part of the licence) or, if that is not practicable, by a statement of the reasons for the failure to produce the licence (or part).
- (4) Where the designated premises supervisor under a premises licence is not the holder of the licence, he may notify the relevant licensing authority under this subsection of any change in his name or address.
- (5) Where the designated premises supervisor gives a notice under subsection (4), he must, as soon as is reasonably practicable, give the holder of the premises licence a copy of that notice.
- (6) A person commits an offence if he fails, without reasonable excuse, to comply with this section.
- (7) A person guilty of an offence under subsection (6) is liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Revised Guidance issued under section 182 of the Licensing Act 2003 (Dec 2022) states:  
'Specification of new designated premises supervisors

4.61 Every premises licence that authorises the sale of alcohol must specify a DPS. This will normally be the person who has been given day to day responsibility for running the premises by the premises licence holder'.

**23/05/23** – A search of Companies House shows that Mr Baris Kisa is the only Director of the business. However it lists his country of residence as Wales. The Licensing Authority would question how he is able to have day to day responsibility for running the premises if he lives in Wales and whether this is the reason he did not update his address details when advised that he must do so. **See Appendix 10.**

### **Conclusion:**

Complaints have been received alleging that this premises sells nitrous oxide to members of the public, including children who then inhale it in the nearby area leaving litter and causing anti-social behaviour.

An advice letter regarding the sale of nitrous oxide was sent to the premises in July 2022, which the premises licence holder confirmed he received. He has also been advised about nitrous oxide over the phone and in person. The licence holder was written to and asked to voluntarily amend his premises licence to add a condition preventing him from selling nitrous oxide in January 2023 which he did not do. Despite all this, a test purchase in May 2023 resulted in the sale of nitrous oxide without any questions being asked by the seller. During the most recent visit officers found a large quantity of nitrous oxide behind the counter and when asked if there was more were lied to by staff. By the end of this visit officers had found 70 cannister of nitrous oxide on the premises. If each cannister is sold for the same price as the cannister sold during the test purchase i.e., £20 these cannisters have a value of £1400. At least five empty nitrous oxide boxes were also seen during the most recent visit.

The Licensing Authority does not believe that the nitrous oxide is being sold for catering purposes. The Licensing Authority is of the opinion that this premises is recklessly selling nitrous oxide for recreational use as a psychoactive drug and that this undermines all four licensing objectives.

Licence inspections have shown a failure to comply with licence conditions and the licence holder has failed to update his home address on the premises licence. These are alleged offences under the Licensing Act 2003.

The Licensing Authority has no confidence in the ability or willingness of the licence holder or his staff to uphold the licensing objectives and therefore recommends that this premises licence 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, his address details have been updated, a new DPS has been named on the licence and that the licence condition be amended as follows:

#### **Current Licence Conditions**

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.

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

4. A Premises Licence summary shall be displayed at each public entrance to the premises.

**Remove – this is already a legal requirement.**

5. A CCTV system shall be installed, operated and maintained at the premises. CCTV cameras shall monitor all alcohol display areas, the front entrance door and the outside of the premises and the recordings shall be to the agreed image standard. The medium on which the images are recorded shall be clearly identifiable, securely stored and retained for not less than 31-days. Recordings shall be made available to authorised officers on request. The system shall be compliant with the Data Protection Act.

6. Known trouble-makers shall be barred from the premises.

7. Fire, safety and emergency equipment and procedures shall be operated and maintained at the premises.

**Remove – this is covered by other legislation.**

8. Deliveries shall only be accepted at the premises during the daytime.

**Amend to:** Deliveries shall only be accepted at the premises between 7am and 7pm.

9. The current local authority, or similar, proof-of-age scheme shall be operated at the premises and the relevant literature shall be displayed.

**Amend to:** A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

10. The rear door of the premises shall be secured and alarmed.

11. A prominent, clear and legible notice shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

12. There shall be displayed on the exit doors a sign stating, "you are entering a drinking control area and no open alcoholic drinks are to be taken off the premises".

**Amend to:** Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that they should not consume alcohol in the street if requested to stop by an authorised person. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

13. Unaccompanied children under 14 shall not be allowed to enter or remain on the premises between the hours of 21:00 and 06:00.

**Add:**

i. Nitrous oxide (laughing gas) shall not be stored or sold to consumers from the premises, or any vehicles or store rooms associated with the premises.

ii. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request of within 48 hours for any online training and shall be kept for at least one year from the date of the last entry.

- iii. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
- iv. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and/or tobacco stock.
- v. Alcohol and tobacco stock shall only be purchased from registered wholesalers.
- vi. 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.
- vii. 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 storeroom or behind the sales counter.
- viii. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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 31/05/23

Capacity Senior Licensing Enforcement Officer

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>E-mail address</b>	

**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.

**Alleged sale of Sale of Nitrous Oxide /Psychoactive Substance Act 2016 [SEC=OFFICIAL - SENSITIVE]**



**Amanda Butler**

To [Redacted]

Reply Reply All Forward

Fri 29/07/2022 08:07

Epress Switch: Unclassified



NITROUS OXIDE ADVISORY LETTER-Southgate Food Centre.pdf



Psychoactive Substances Act 2016\_ guidance for retailers - GOV.UK.pdf

**Classification OFFICIAL - SENSITIVE**

Dear Kha Barin- Company Director of Southgate Food & Wine Ltd /a Southgate Food Centre




Please see letter from Enfield Council pertaining to the alleged sale of Nitrous Oxide.

Yours sincerely,

Amanda Butler  
Senior Pair Trading Officer  
Environment & Operational Services  
Place Directorate  
Enfield Council  
Silver Street  
Enfield  
EN1 3ES

Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)  
Protect the Environment - Think Before You Print.

Kisa Baris- Company Director of  
Southgate Food & Wine Ltd  
t/a Southgate Food Centre  
30-32 Chase Side  
London  
N14 5PA

Please reply to: Amanda Butler  
Trading Standards, Civic Centre  
Silver Street, Enfield, EN1 3ES  
E-mail :   
My Ref :   
Your Email :   
Date : 29 July 2022

**FOR THE ATTENTION OF THE OWNER & DESIGNATED SUPERVISOR**

Dear Kisa Baris- Company Director of Southgate Food & Wine Ltd,

**Sale of Nitrous oxide**  
**Psychoactive Substance Act 2016**

Enfield Council has received an enquiry alleging the sale of nitrous oxide (laughing gas) i.e cream chargers in large cans, have taken place from your premises.

This letter provides a summary of the legislation regarding the sale of nitrous oxide to customers of any age (e.g. Persons under the age of 18 years old) and some suggestions of how to prevent illegal sales of Nitrous oxide.

Nitrous oxide (N<sub>2</sub>O) is a colourless sweet-tasting gas often referred to as 'laughing gas'.

Nitrous oxide has several legitimate uses in medicine and dentistry. It is also used as a fuel additive and as a component of rocket fuel and is sold as an aerosol spray propellant within whipped cream canisters.

Products include small canisters in large packs, each enough for a recreational dose, and paraphernalia such as 'creamers' or 'crackers'. These dispense the gas from canisters into balloons, that are used to inhale the gas.

Retailers should pay particular attention to the potential for abuse of nitrous oxide, especially where customers seek to buy in bulk or large volumes.

**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](http://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](http://www.enfield.gov.uk)

**It is a criminal offence for Retailers to sell nitrous oxide to customers of any age where the retailer knows or is reckless about whether the psychoactive substance (e.g. nitrous oxide) is likely to be consumed by the person to whom it is supplied ( e.g. persons under the age of 18 years old), or by some other person, for its psychoactive effects. If prosecuted, you may be fined.**

### **How to prevent selling Nitrous Oxide**

A retailer should take reasonable steps to make sure they are aware of the potential uses of psychoactive substances products such as Nitrous Oxide.

- warning signs in store or on products themselves
- training to help staff assess the likelihood that products are being bought for their psychoactive effect
- updating training and age-restriction policies (young people are considered to be a particular risk group)
- Limiting quantities of substances to be sold in one purchase
- Is the product being psychoactive substances product purchased known to be misused
- What are the circumstances of the sale, e.g. quantity and time of day
- Consider whether the customer is a repeat purchaser of the psychoactive substance product e.g. (nitrous oxide).
- Consider whether the customer is known for psychoactive consumption. For example, someone buying industrial cleaner on a weekday alongside other household goods differs to young people buying nitrous oxide canisters late on a weekend.
- Staff at the point of sale should consider whether it's likely that a product is being purchased on behalf of another person (by proxy).

**Enforcement** Trading Standards ask persons under the age of 18 to attempt to buy age restricted products from businesses to check they are abiding by the legislation. Please be advised that the volunteer may also lie about their age, the purpose is to ensure the seller asks for photographic identification.

### **Please have regard to the Guidance for Retailers leaflet Psychoactive Substance Act**

This is not an authoritative interpretation of the legislation and is intended only for guidance.

- Legislation may change over time and the advice given in this letter is based on the information available at the time. It is not comprehensive and is subject to revision in the light of further information.

- Only the Courts can interpret statutory legislation with any authority. This advice is not intended to be a definitive guide to, nor substitute for, the relevant legislation. Independent legal advice should be sought where appropriate.

Yours sincerely



Amanda Butler  
Senior Fair Trading Officer  
**Encl. Psychoactive Substance Act -Guidance for Retailers leaflet**

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  4. Health improvement (<https://www.gov.uk/health-and-social-care/health-improvement>)
  5. Drug misuse and dependency (<https://www.gov.uk/health-and-social-care/drug-misuse-and-dependency>)
  6. Psychoactive Substances Act: guidance for retailers (<https://www.gov.uk/government/publications/psychoactive-substances-act-guidance-for-retailers>)
- Home Office (<https://www.gov.uk/government/organisations/home-office>)

Guidance

# Psychoactive Substances Act 2016: guidance for retailers

Published 20 May 2016

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## 1. Introduction

This guidance is to help retailers understand the [Psychoactive Substances Act 2016](http://www.legislation.gov.uk/ukpga/2016/2/contents/enacted/data.htm) (<http://www.legislation.gov.uk/ukpga/2016/2/contents/enacted/data.htm>), which comes into effect on 26 May 2016. The act bans psychoactive substances, also known as 'legal highs', in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption.

This guidance should not be treated as legal advice. If you're a retailer and are uncertain about your rights and duties you should seek independent legal advice.

## 2. Overview of the act

The UK has seen a rise in new substances and products that mimic the effects of traditional controlled drugs such as cannabis, cocaine, amphetamine and MDMA (ecstasy). These are known as psychoactive substances.

These new substances, together with other substances that have been used as intoxicants for many years, eg nitrous oxide are often referred to as 'legal highs'

The main source of supply of psychoactive substances is 'headshops'. These are small and specialised shops which sell legal highs and drugs paraphernalia.

Headshops will be the focus of enforcement monitoring and action. The substances associated with headshops are rarely, if ever, sold by responsible retailers.

The act will also affect responsible retailers who supply products that contain psychoactive substances, eg solvents and butane, but not for human consumption. The supply of many of these were previously covered by the [Intoxicating Substances \(Supply\) Act 1985 \(ISSA\)](http://www.legislation.gov.uk/ukpga/1985/26/contents) (<http://www.legislation.gov.uk/ukpga/1985/26/contents>) which is repealed and replaced by this act.

The [Misuse of Drugs Act 1971](http://www.legislation.gov.uk/ukpga/1971/38/contents) (<http://www.legislation.gov.uk/ukpga/1971/38/contents>) will continue to be the main drug legislation in the UK. The 1971 act controls over 500 psychoactive substances as well as other harmful drugs, eg heroin and cocaine. Substances controlled under the 1971 will not be covered by this act. Where high street retailers are concerned, no non-medicinal products should contain controlled drugs.

The act creates criminal offences covering the supply of a psychoactive substance. These will apply across the UK including:

- producing a psychoactive substance (found in section 4 of the act)
- supplying, or offering to supply, a psychoactive substance (section 5)
- possession of a psychoactive substance with intent to supply it (section 7)
- importing or exporting a psychoactive substance (section 8)
- possessing a psychoactive substance in a custodial institution (section 9)

## 3. What is a psychoactive substance?

The new act captures psychoactive substances that aren't covered by the existing misuse of drugs framework, eg nitrous oxide.

Unlike the Misuse of Drugs Act 1971, this act does not list substances that are affected. Instead it covers those that fit its definitions in a similar, but not identical way to ISSA. There is an understanding of so-called legal highs as replacements for controlled drugs, but the act provides a specific definition based on a substance's effect on people.

A substance must be capable of having a psychoactive effect to be covered by the new legislation. A psychoactive effect is something which affects a person's mental functioning or emotional state by stimulating or depressing their nervous system.

This would include effects that we associate with controlled drugs, including the following:

- hallucinations
- changes in alertness
- perception of time and space
- mood or empathy with others
- drowsiness

This wide definition intends to pre-empt new substances emerging onto the drugs market by defining them by their effects rather than by their chemical structure. This means that it may be difficult for conventional retailers to know if a substance is affected by the act or not.

### 3.1 Exemptions

A large range of substances are exempt from the act because they are already regulated by other laws. This means that nothing should change in the way that they are sold. The exempted substances are:

- food
- medicinal products (defined by Human Medicines Regulations 2012)
- alcohol
- controlled drugs
- nicotine and tobacco products
- caffeine

### 3.2 What should retailers focus on in practice?

All substances that were covered by ISSA will now be covered by this act. They will be the primary focus for conventional retailers and include the following:

- solvent-based glues
- correction fluids/thinners
- marker pens
- any kind of aerosols
- anti-freeze
- nail varnish/nail varnish remover
- nitrous oxide

The age restrictions in the ISSA are replaced by the new offences described in section 4 of this guidance. Retailers should be aware that the offences no longer relate just to the supply to young people but affect supply to people of any age.

As with JSSA, an offence will be committed if the substance is supplied to somebody acting on behalf of someone else who will consume it, known as 'proxy purchasing'.

### 3.3 Nitrous oxide

Nitrous oxide (N<sub>2</sub>O) is a colourless sweet-tasting gas often referred to as 'laughing gas'.

Nitrous oxide has several legitimate uses in medicine and dentistry. It is also used as a fuel additive and as a component of rocket fuel, and is sold as an aerosol spray propellant within whipped cream canisters.

Products include small canisters in large packs, each enough for a recreational dose, and paraphernalia such as 'creamers' or 'crackers'. These dispense the gas from canisters into balloons, which are used to inhale the gas.

Retailers should pay particular attention to the potential for abuse of nitrous oxide, especially where customers seek to buy in bulk or large volumes.

### 3.4 Other substances and uses

The act bans the sale of psychoactive substances which are consumed for their psychoactive effect (as part of the market inappropriately known as 'legal highs'). This means that most psychoactive substances caught by the provisions of the act will not be sold by conventional retailers in the first place.

The act only applies to substances which are supplied for human consumption for their psychoactive effect unless they are exempt. The supply of a psychoactive substance for any other purpose is not caught in the act.

This means that where substances are sold by a retailer for their intended use, eg cleaning, gardening, industrial use, their sale will not be an offence. See the specific offences in part 4 of this guidance for more detail.

The act's criminal offences will apply to all retailers, both the individual employee and members of management as appropriate with offences for management and partners at section 56.

## 4. Offences in the act

The supply and offer to supply offences (section 5 of the act) are most relevant parts of the act for retailers. They are similar to the offences in JSSA.

The offence of supply is outlined below:

### **A person intentionally supplies a substance to another person**

This will require a deliberate action on behalf of the supplier.

### **The substance is a psychoactive substance**

This is described in more detail in part 3 of this guidance.

If a case is prosecuted, the psychoactivity of a substance will need to be forensically proved by the prosecution.

## **The person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance**

The prosecution will need to prove that the individual supplying the product either knew or should have known that the product they were supplying was psychoactive.

This will include considering what the product is, its packaging and whether it had any warning labels or descriptions.

Retailers are not expected to test of substances to confirm whether they are psychoactive.

Considerations will include the type of business that supplied the substance. For example, a worker in a shop that specialises in selling 'legal highs' should know more about the substances they are selling than someone selling thousands of varied products, such as in a supermarket.

They will also consider if an individual has received training from their employer on what the substance is and any restrictions on its sale. This is similar to the ISSA.

This issue will be considered on a case by case basis taking into account individual circumstances.

## **The retailer knows or is reckless about whether the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects**

A retailer should take reasonable steps to make sure they are aware of the potential uses of such products.

These steps are likely to be similar to the steps that retailers have previously taken to comply with ISSA and could include:

- warning signs in store or on products themselves
- training to help staff assess the likelihood that products are being bought for their psychoactive effect
- updating training and age-restriction policies previously used under ISSA (young people are considered to be a particular risk group)
- limiting quantities of substances to be sold in one purchase

The prosecution will need to prove that the retailer knew the purpose of the sale or that they were reckless and did not take reasonable steps to satisfy themselves of the purpose.

A retailer should also consider the following:

- is the product being purchased known to be misused
- what are the circumstances of the sale, eg quantity and time of day
- is the customer a repeat purchaser
- is the customer known for psychoactive consumption

For example, someone buying industrial cleaner on a weekday alongside other household goods differs to young people buying nitrous oxide canisters late on a weekend.

Staff at the point of sale should consider whether it's likely that a product is being purchased on behalf of another person (by proxy).

There is no expectation for a retailer to go above and beyond what is reasonable and it is important to remember that the offences only apply where there is a likelihood of consumption.

## 4.1 Controls and sanctions

Controls and sanctions for offences range from civil notices to criminal prosecutions as follows:

- civil prohibition/premises notices which act as a 'light touch' warning
- civil prohibition/premises orders made by courts which prohibit a person from carrying on a prohibited activity - a breach of a prohibition order is a criminal offence
- criminal prosecution where the maximum penalty on summary conviction for supply is 12 months imprisonment and/or an unlimited fine - on indictment it is 7 years with unlimited fine

The anticipated use of civil powers will enable law enforcement officers and local authority partners to take swift action and also to adopt a proportionate approach to low level offending.

## 4.2 Primary authority

The Psychoactive Substances Act is included in the [Regulatory Enforcement and Sanctions Act 2008](http://www.legislation.gov.uk/ukpga/2008/13/contents) (<http://www.legislation.gov.uk/ukpga/2008/13/contents>). This means that businesses can also draw on the expertise and guidance of primary authorities to ensure they follow the law.

It is envisaged that responsible retailers might agree primary authority relationships covering the act which replace previous agreements covering the sale of intoxicating substances. For example, a retailer might choose to agree guidance with a primary authority outlining how its stores will manage the sale of the products listed in paragraph 5 in compliance with the act.

## 5. Steps retailers can take to follow the law: examples and case studies

### To what extent should retailers know what is and what is not a psychoactive substance in their range of products?

All substances that are covered by ISSA will continue to be in the scope of the act. These are the substances that should be the focus of retailers.

A retailer which sells a wide variety of products entirely legitimately may not be able to find out whether every product they sell might be psychoactive, but they should be aware that some household goods can also be abused. If retailers become aware of this happening they should apply measures which will restrict the opportunity for its abuse.

The Home Office will continue to monitor emerging substances of concern. If it turns out that established household or general retail products are being newly abused the Home Office will provide information about these products.

#### Case study: plants and seeds

A shop selling a range of products stocks a particular species of plant and seeds. It has sold these for a long time.

The plant and its seeds are supplied to the shop with no warnings from the supplier and were not covered by the ISSA.

Evidence later comes to the attention of enforcers that this plant has psychoactive properties.

The retailer won't have committed an offence by supplying the plant because they did not know nor should they have known that the substance they sold was psychoactive.

But once the retailer receives this information they would be expected to take reasonable steps as a result. In practice this would be to agree processes to ensure that the products are only sold for legitimate usage and not for consumption for psychoactive effect.

### **How can retail staff ensure that they are not accused of being reckless?**

This will be similar to the way they assess transactions under ISSA. Whether a person is reckless is subjective and comes down to the following:

- is the cashier aware of a likelihood that the product in question may be consumed for its psychoactive effect
- would it be reasonable in the circumstances for them to supply the product to the customer

While the new legislation does not target sales to people under the age of 18 in the way that ISSA did, retailers might want to maintain the same controls they did under ISSA and give updated training to staff to prevent those at highest risk from gaining access to psychoactive substances.

Where adults buy products containing psychoactive substances, retailers can consider whether they are being bought for human consumption by assessing various factors, including:

- What is the substance? Is it something that has been flagged high risk before, eg a substance covered by ISSA, or something that the Home Office has identified to retailers as being of concern? If not, it is unlikely to be high risk.
- How much psychoactive product is the customer is purchasing, eg a can of deodorant, or a number of canisters of nitrous oxide?
- What else they are buying, eg is this part of a weekly shop or a single purchase of high risk substances?
- What is the time of purchase? A purchase during unsocial hours might be more likely to be high risk.
- What is the physical or mental state of the customer? Are they already drunk/intoxicated, do they have physical symptoms of intoxication such as bad skin, weeping eyes, rash around the nose?
- Is the customer known to the store as having abused substances or been intoxicated before?

If the cashier has suspicions, they could ask the customer why they are buying the product. Does their explanation sound reasonable?

#### **Case study: whipped cream canisters containing nitrous oxide**

A customer who looks over 25 attempts to buy several containers of whipped cream canisters containing nitrous oxide from a shop at 11pm. They are not buying anything else.

The cashier asks the customer why they're buying whipped cream. The customer hesitates in replying and when they do they seem intoxicated, slurring their words.

In this scenario the cashier should consider not selling the goods.

#### **Case study: anti-freeze**

In a motoring supplies store a male who looks in his 50s buys some anti-freeze. He also buys other items related to car maintenance. It's during the day in the middle of the week and he seems sober.

In this scenario and without any further risk factors, the cashier would be justified in assessing this purchase as being unlikely to be for consumption for psychoactive effect.

**Does the new legislation replace the [Cigarette Lighter Refill \(Safety\) Regulations 1999](http://www.legislation.gov.uk/cy/uksi/1999/1844/made?view=plain) (<http://www.legislation.gov.uk/cy/uksi/1999/1844/made?view=plain>)?**

No. The offence in these regulations is not replicated by the Psychoactive Substances Act as they prohibit the sale of butane canisters to anyone under the age of 18, regardless of any intent to consume for psychoactive effects.

### **How can we apply this to self-service checkouts?**

The act can be applied to self-service checkouts, eg:

- continuing to focus on high-risk intoxicating products as they had been under ISSA
- age restrictions can help to limit the exposure of risk groups, eg young people to psychoactive substances

### **What about online purchases?**

Businesses should take all reasonable steps to discharge due diligence in selling online.

This could include considering as much of the context of a purchase as possible, eg:

- is the address for delivery credible, eg if a large quantity of nitrous oxide is being delivered to a catering company then suspicions are likely to be minimal; but if it is to non business address such as student university halls of residence), they may be raised
- what else is the purchaser buying, eg consumption paraphernalia such as balloons with nitrous oxide canisters or crackers, particularly in high volume
- monitoring customer feedback of high risk products (such as nitrous oxide) and taking appropriate preventative action where this suggests misuse

### **Do proxy sales continue to be covered?**

Yes. The offence of supply includes purchases where someone other than the person purchasing the product is likely to consume it. The key element to remember here is the likelihood of consumption.

It can be difficult to assess whether a proxy purchase is being made. The removal of the age restrictions that were in ISSA mean that the likelihood of consumption must be considered in all cases and not just adults, so the tendency towards proxy purchases is likely to be reduced.

However young people or those displaying signs of intoxication already may continue to attempt to circumvent store age-restriction policies. Points to consider include:

- discussion between the purchaser and another about what they want to buy
- suspicious behaviour outside the store, eg seeing children asking adults to buy products

## **6. Further information**

For general enquiries, please email the Home Office Drugs and Alcohol Unit at [psact@homeoffice.gsi.gov.uk](mailto:psact@homeoffice.gsi.gov.uk)

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## **OGI**

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CONSUMER PROTECTION TEAM – TRADING STANDARDS PREMISES INSPECTION REPORT

WK:	Ward:
TRADING NAME: <u>Southgate Food Centre</u>	DATE OF INSPECTION: <u>04/10/22</u>
ADDRESS: <u>30-32 Chase Side W14</u>	TIME INSPECTION COMMENCED: <u>10.5</u>
Tel/mobile: _____	TIME INSPECTION FINISHED: _____
REGISTERED OFFICE/ HOME ADDRESS: _____	EMAIL: _____
	NUMBER OF PAGES: _____

Person(s) Seen / Zeen Ahmed Responsibility in business : Worker

Owner (if different from above) \_\_\_\_\_

Type of Premises: \_\_\_\_\_ Type Activities: Retail/Importer/other Borris visa (owner) Direct

**General Comments:** Amanda spoke with the owner on the phone. Issued verbal advice over the phone concerning (no) gas. water sell to anyone under 18 or anyone who might misuse the products. confirmed re get the advisory letter. ECID number - [redacted] confirmed compliant.

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

**AREAS INSPECTED** Whole of Premises  Yes/No Part of Premises  Yes/No

Details of Samples procured:  Yes/No Details: \_\_\_\_\_ Details: \_\_\_\_\_

**Records / Documents Examined:**

Technical File  Yes/No  Yes/No  Yes/No

Test Certificates  Yes/No  Yes/No

**Action to be taken by Authority:**

Full report to follow:  Yes/No Revisit  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 product Regs.

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

Issued by Am Baver Designation Trading Standards/Fair Trading Officer Telephone No. 020 8379

Received By (Name in Block Capitals) \_\_\_\_\_ Signature \_\_\_\_\_

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

Email: [Trading.standards@enfield.gov.uk](mailto:Trading.standards@enfield.gov.uk) / .....@enfield.gov.uk

Please reply to: Trading Standards  
Business Regulation, Civic Centre,  
Silver Street, Enfield, EN1 3ES  
E-mail : [Trading.standards@enfield.gov.uk](mailto:Trading.standards@enfield.gov.uk)  
My Ref : WK/  
Your Ref :  
Date : 23 May 2023

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](http://www.enfield.gov.uk/connected)

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

Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)



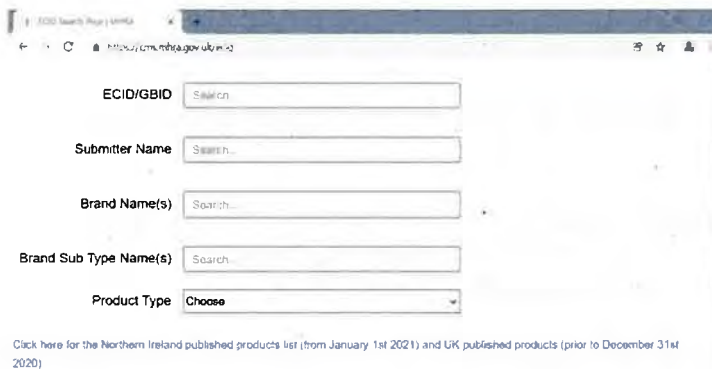
## Producers of E-Cigarette/E-Liquids

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: -



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](mailto: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: <b>'This product contains nicotine which is a highly addictive substance'</b> 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		
<b>Legal requirements – electrical safety and age restrictions</b>	<b>Yes</b>	<b>No</b>
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.

<p><b>Example of e-liquids and vaping device with the mandatory warning statement.</b>          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.</p>		

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**



## **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](mailto: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](mailto:info@mhra.gov.uk).

**MHRA / August 2021**



# businesscompanion

## trading standards law explained

### Tobacco etc: packaging, labelling, advertising and tracking

#### In the guide

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The law

General labelling requirements

- General conditions for all health warnings

- General rules about the presentation of all tobacco products

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- 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

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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](http://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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# businesscompanion

## trading standards law explained

### Tobacco and nicotine inhaling products

#### In the guide

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Packaging, labelling, advertising and tracking

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#### **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.

Disposable, single-use nicotine inhaling products - generally referred to as 'disposable vapes' - are increasingly popular with children, largely due to their bright colours, appealing flavours and price. You and your staff should be alert to attempts by children to buy these products and take extra care to avoid underage sales.

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

## **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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## LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Southgate Food Centre	
Premises Address	30-32 Chase side, London, N14 5PA	
Time of Visit:	Start: 10-50	Finish: 11-25

During an inspection of your premises on 21st November 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
	full licence inspection.
C2 + 3	staff training to be carried out every 3 months + to be documented.
C4	licence summary to be displayed.
C9	Drink 25 poster to be displayed.
C11	Lease security poster to be displayed.
	Many posters have been covered by stock + can't be seen.
	Officer will email posters over. Discussed sale of nitric oxide - advised illegal to sell for human consumption. Large can seen, kept behind counter - can appears to be for catering purposes - spray cream.

Any other matter(s) that need addressing:

PLH address has changed. You must contact [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk) to update details on Premises licence. Please tell them you are the licence holder and DPS. You also need to contact the borough which issued your personal licence to update details with them.

You are required to have the above matters attended to within 14 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 PAUER.	Signature:
	Print Name & Position: OWNER <del>CHARLOTTE</del> JARIS KISA
If you have any queries relating to this report please contact <a href="mailto:licensing@enfield.gov.uk">licensing@enfield.gov.uk</a> *	Email/Tel: [REDACTED]

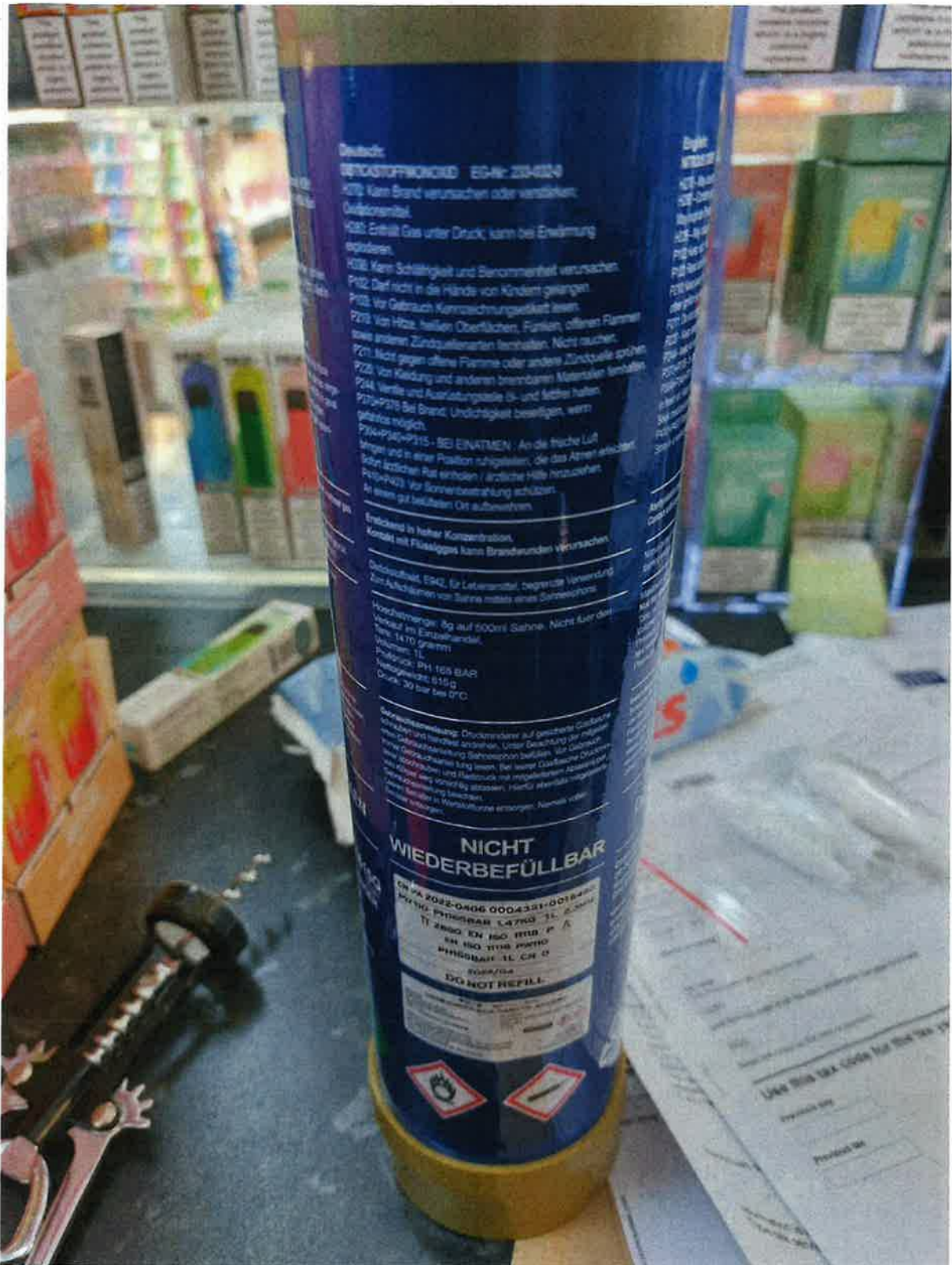
Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



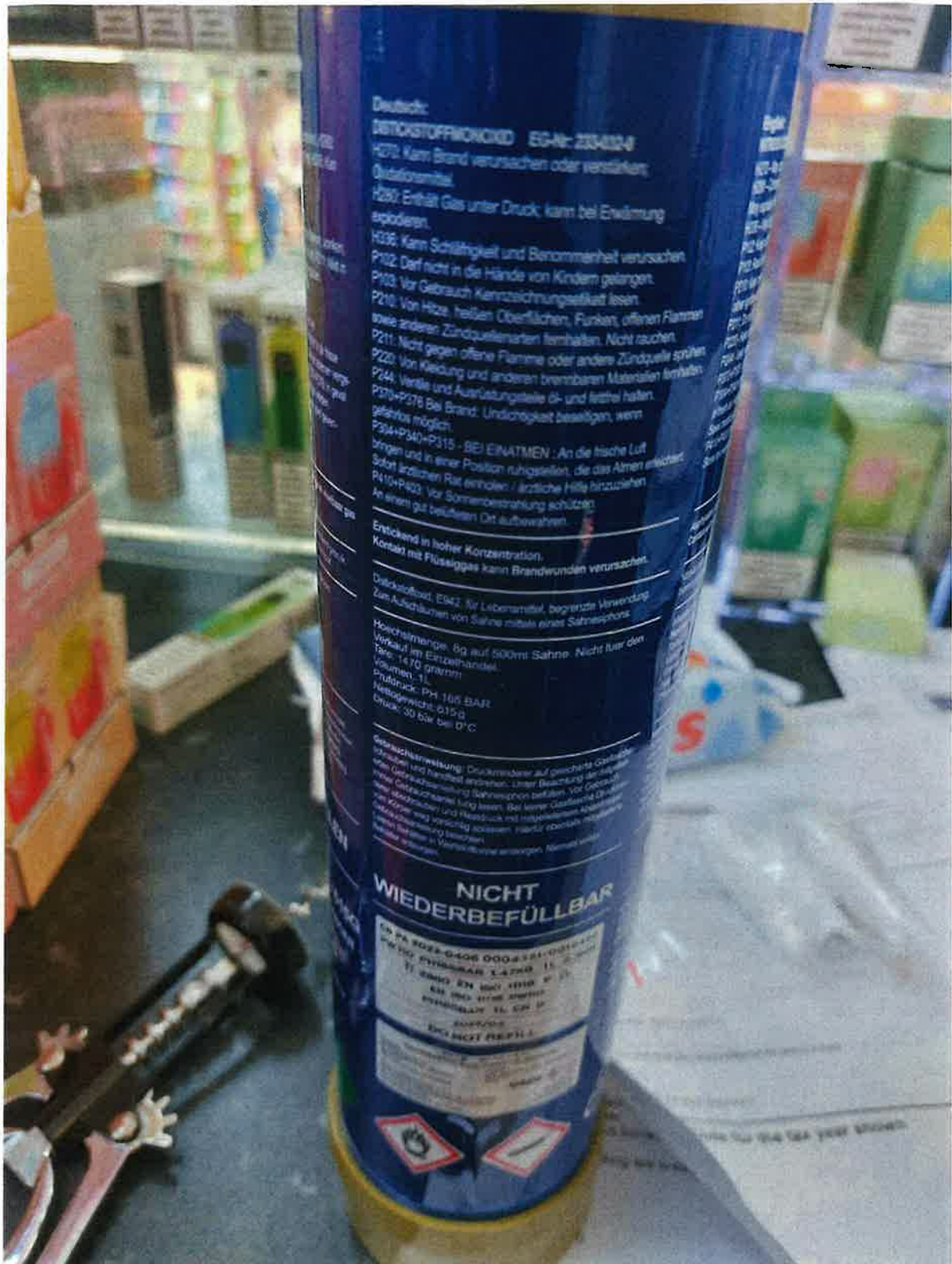


Southgate Food Centre-30-32 Chase Side-London-N14 5PA

















Mr Kisa  
Southgate Food Centre  
30-32 Chase Side  
London  
N14 5PA

Via email: [REDACTED]

Please reply to: Charlotte Palmer

Email: [REDACTED]

Phone: [REDACTED]

Textphone: [REDACTED]

Fax: [REDACTED]

My Ref: [REDACTED]

Your Ref: [REDACTED]

Date: 11<sup>th</sup> January 2023

Dear Mr Kisa

**Southgate Food Centre, 30-32 Chase Side, London, N14 5PA - LN/200500346**

I write to you as the Premises Licence Holder of Southgate Food Centre, 30-32 Chase Side, London, N14 5PA.

Enfield Council's Trading Standards and Licensing Enforcement Teams have received complaints about youngsters purchasing Nitrous Oxide (laughing gas) from premises on Chase Side. It is alleged that these youngsters then remain in the area inhaling the gas causing anti-social behaviour and leaving the empty containers in the street.

Trading Standards Officers visited premises in the area last year to ensure that businesses are aware that it is illegal to sell Nitrous Oxide for human consumption and that it is also illegal to sell it to anyone under the age of 18 years.

Your premises was one of those visited and Nitrous Oxide was found at the premises.

In order to help tackle the problem of anti-social behaviour in your area the Licensing Authority requests that, as a responsible retailer, you cease selling all Nitrous Oxide and amend your premises licence conditions to reflect this.

Attached is a document showing suggested amendments and additions to the licence conditions. If you agree to apply for a minor variation, please submit the application by **Friday 27<sup>th</sup> January 2023**.

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

[www.enfield.gov.uk](http://www.enfield.gov.uk)

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

A minor variation application can be downloaded via:

<https://www.enfield.gov.uk/services/business-and-licensing/premises-licence-and-club-premises-certificate>

The cost of a minor variation is £89.

Please send the completed application and accompanying documents to  
[licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given, please contact me via email:

[charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Yours sincerely

Charlotte Palmer  
Senior Licensing Enforcement Officer

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](http://www.enfield.gov.uk/enewsletters)

**Southgate Food Centre, 30-32 Chase Side, London, N14 5PA**

**LN/200501160**

**Current Licence Conditions**

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.
3. All training relating to the sale of alcohol shall be documented and records kept at the premises. These records shall be made available to the Police and /or Local Authority upon request and shall be kept for at least one year.
4. A Premises Licence summary shall be displayed at each public entrance to the premises.

**Remove – this is already a legal requirement.**

5. A CCTV system shall be installed, operated and maintained at the premises. CCTV cameras shall monitor all alcohol display areas, the front entrance door and the outside of the premises and the recordings shall be to the agreed image standard. The medium on which the images are recorded shall be clearly identifiable, securely stored and retained for not less than 31-days. Recordings shall be made available to authorised officers on request. The system shall be compliant with the Data Protection Act.

6. Known trouble-makers shall be barred from the premises.

7. Fire, safety and emergency equipment and procedures shall be operated and maintained at the premises.

**Remove – this is covered by other legislation.**

8. Deliveries shall only be accepted at the premises during the daytime.

**Amend to:**

Deliveries shall only be accepted at the premises between 7am and 7pm.

9. The current local authority, or similar, proof-of-age scheme shall be operated at the premises and the relevant literature shall be displayed.

**Amend to:** A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

10. The rear door of the premises shall be secured and alarmed.

**Remove**

11. A prominent, clear and legible notice shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

12. There shall be displayed on the exit doors a sign stating, "you are entering a drinking control area and no open alcoholic drinks are to be taken off the premises".

**Amend to:** Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken out of the licensed area to be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

13. Unaccompanied children under 14 shall not be allowed to enter or remain on the premises between the hours of 21:00 and 06:00.

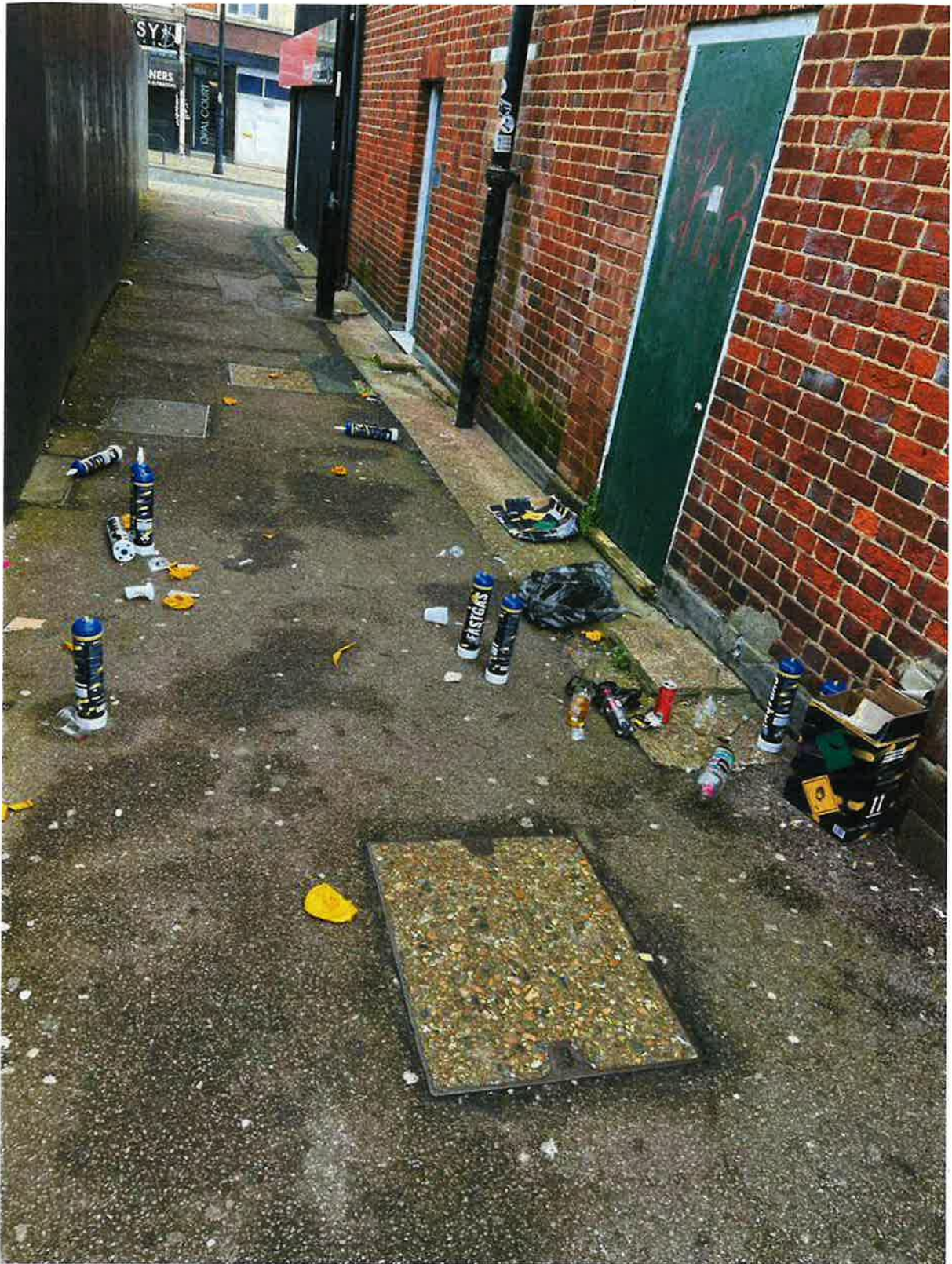
**Add:**

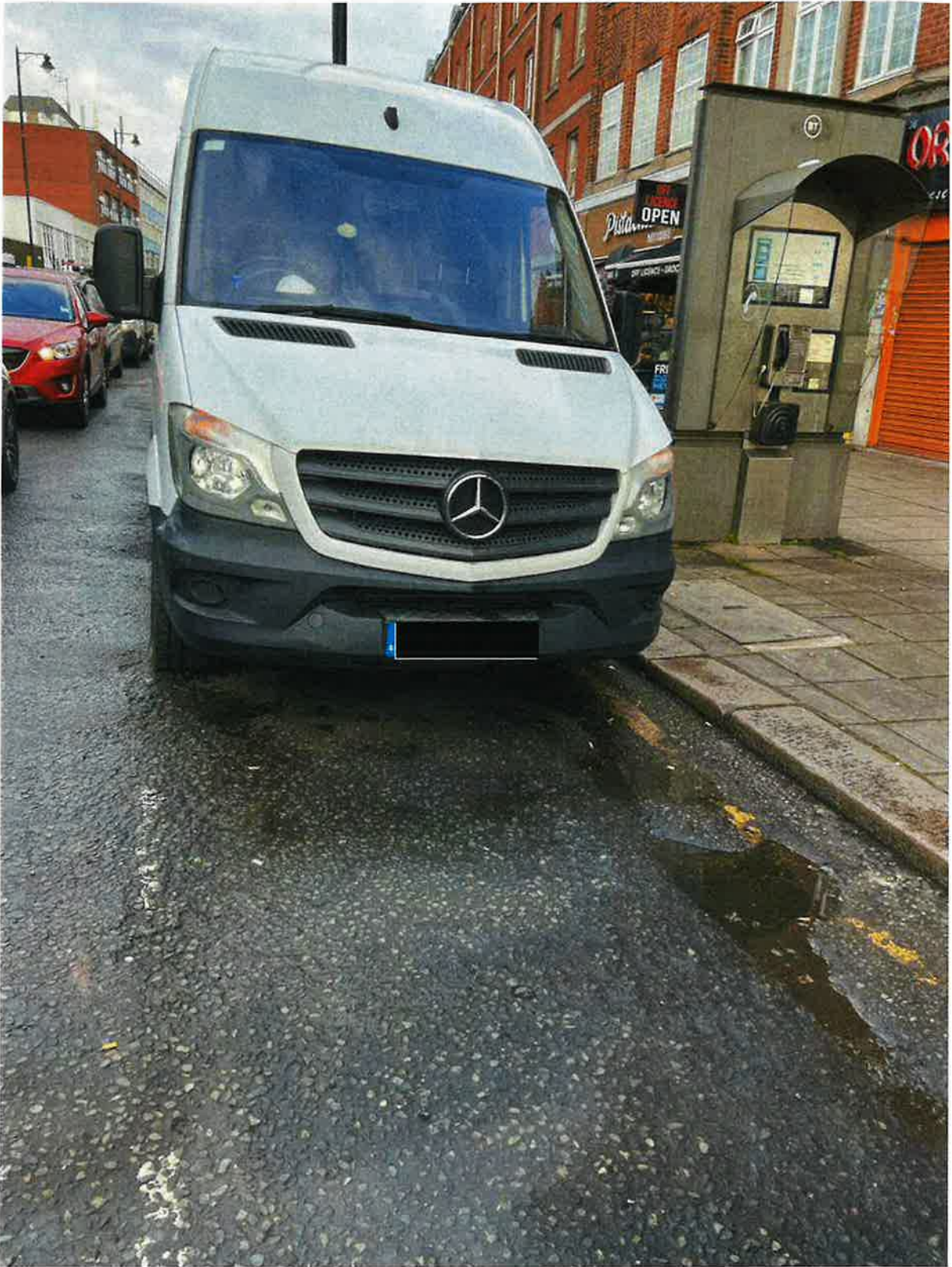
- No Nitrous oxide (laughing gas) shall be stored or sold to consumers.
- A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request of within 48 hours for any online training and shall be kept for at least one year from the date of the last entry.
- The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
- Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.
- Alcohol and tobacco stock shall only be purchased from registered wholesalers.
- The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made



available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

- All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.



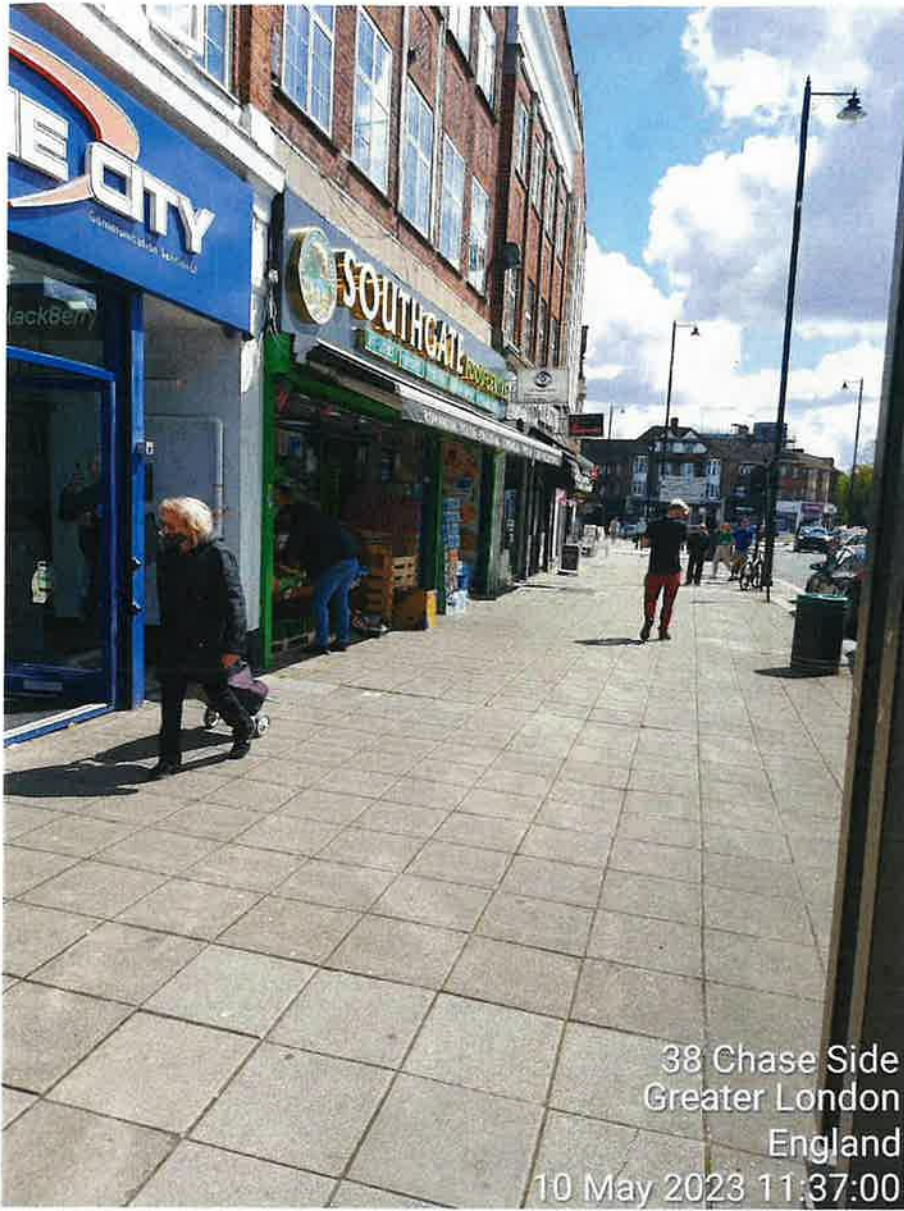


Appendix 7





30A Chase Side  
Greater London  
England  
10 May 2023 11:51:48



38 Chase Side  
Greater London  
England  
10 May 2023 11:37:00



10 May 2023 13:34:12



10 May 2023 13:34:17



REF: WK/LN/2023/01160

LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT


Premises Name	Soutmgate Food Centre		
Premises Address	30-32 Chase Side, Soutmgate, NI4 5PA		
Time of Visit:	Start: 11-40	Finish:	12-25

During an inspection of your premises on Mon 22nd May 2023, the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of FLH & 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
2 & 3	Staff not trained every 3 months and no training records available.
4	Part B of licence not displayed for A - 1 page on display.
5	Unable to check CCTV as monitor was not working.
9	Staff not sure what 'Think 25' means. poster was on display. Officer explained.
11	Advised to relocate 'leave quietly poster' as it can be seen by those leaving.

Any other matter(s) that need addressing:  
 Address to be updated - Premises licence holder and DPS  
 5 boxes of Fair Gas behind counter (.6 per box)  
 1 box of Gold Whip (.6 in box) + <sup>into counter</sup> Balloons on display for sale and opposite counter. Checked storage area after being told there was no more. 5 boxes (.6 per box) fair gas found in boiler area.  
 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.

<b>LICENSING ENFORCEMENT</b>	<b>RECIPIENT OF NOTICE</b>
Print Name of Officers in Attendance: CHARLOTTE PAWER PC EWART PC HAYNES	Signature: 
If you have any queries relating to this report please contact <a href="mailto:licensing@enfield.gov.uk">licensing@enfield.gov.uk</a>	Print Name & Position: <u>Zeek Ahmad</u>
	Email/Tel of recipient:

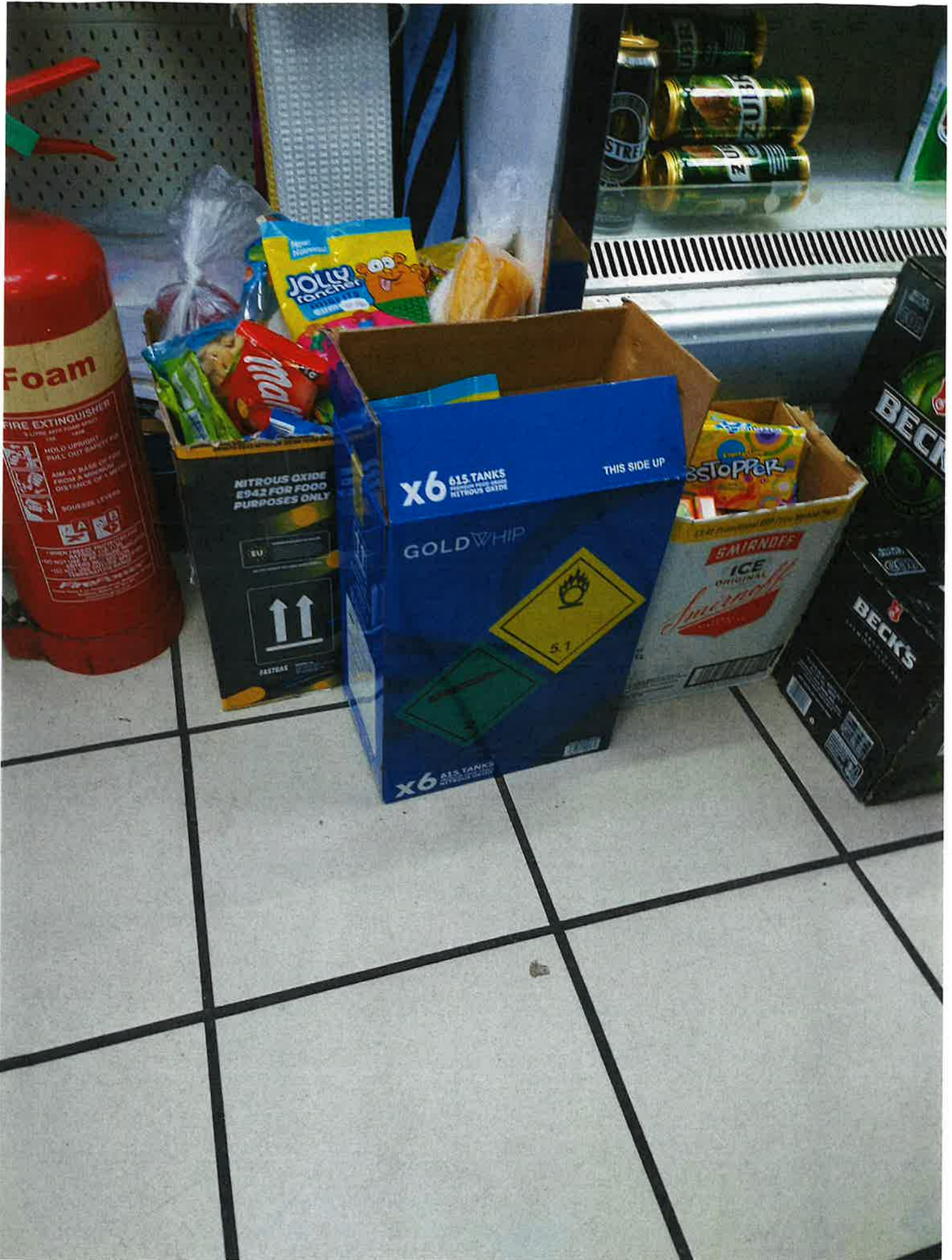
Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>

Explained at length the danger or nitrous oxide.



ZEEK AHMAD





Foam

FIRE EXTINGUISHER  
3 LITRE AFFF FOAM  
100%  
HOLD UPRIGHT  
PULL OUT SAFETY PIN  
AIM AT BASE OF FIRE  
FROM A MINIMUM  
DISTANCE OF 1 METRE  
SQUEEZE LEVERS

NITROUS OXIDE  
E942 FOR FOOD  
PURPOSES ONLY

EU



FASTGAS

x6 615 TANKS  
NITROUS OXIDE

GOLD WHIP

THIS SIDE UP

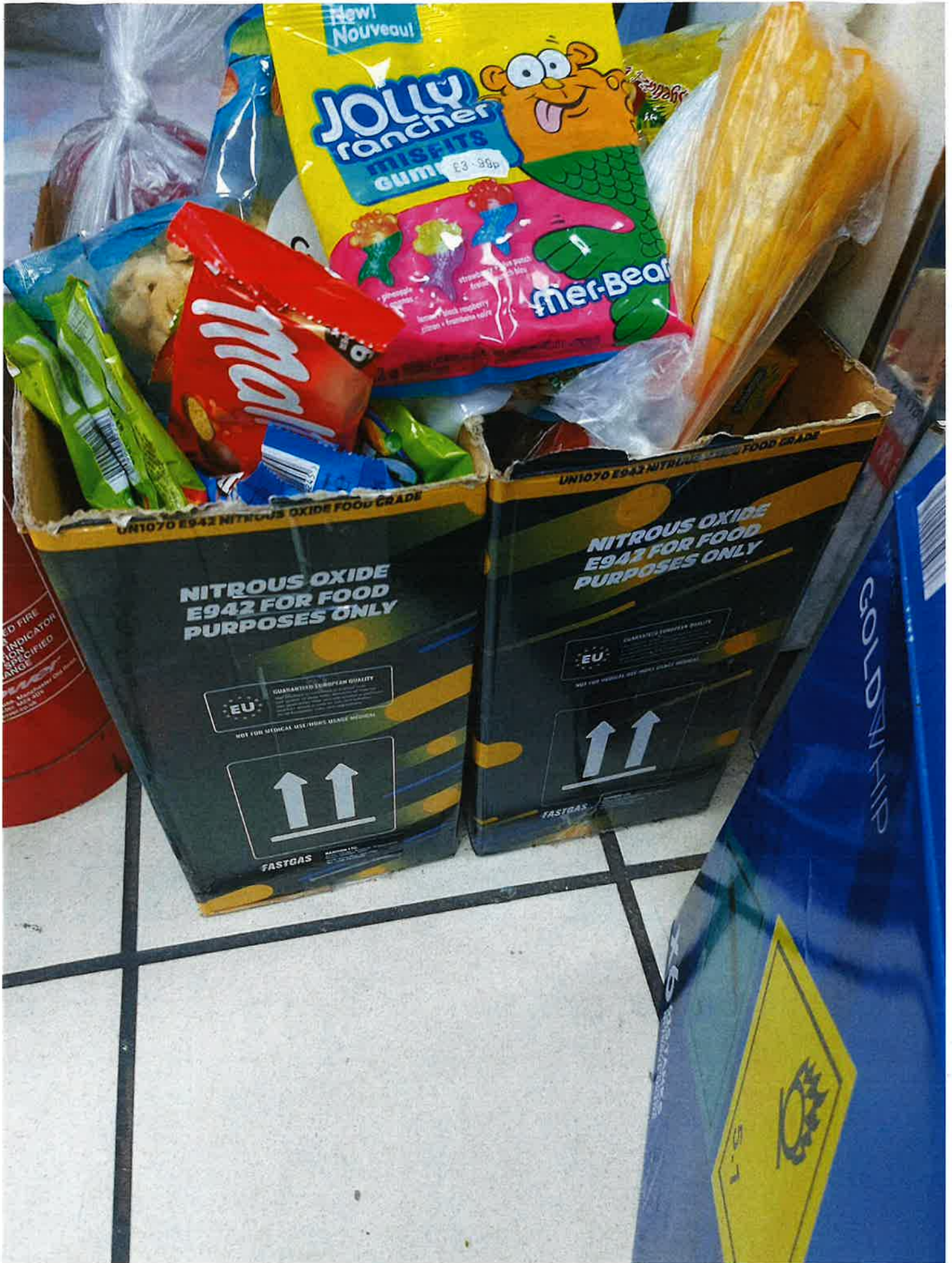


x6 615 TANKS  
NITROUS OXIDE

SMIRNOFF  
ICE ORIGINAL

BECK'S

BECK'S



ED FIRE  
INDICATOR  
SPECIFIED  
RANGE  
Manufacturer's name  
Date 2014

UN1070 E942 NITROUS OXIDE FOOD GRADE

**NITROUS OXIDE  
E942 FOR FOOD  
PURPOSES ONLY**

EU  
GUARANTEED EUROPEAN QUALITY  
NOT FOR MEDICAL USE (INDICATED OTHERWISE)



FASTGAS

UN1070 E942 NITROUS OXIDE FOOD GRADE

**NITROUS OXIDE  
E942 FOR FOOD  
PURPOSES ONLY**

EU  
GUARANTEED EUROPEAN QUALITY  
NOT FOR MEDICAL USE (INDICATED OTHERWISE)



FASTGAS

GOLDEN-KIP



NITROUS OXIDE FOOD GRADE

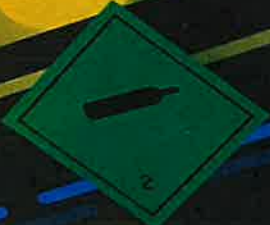
UN1070 E942 NITROUS OXIDE FOOD GRADE

**OVERPACK**

MORE INFORMATION? VISIT [FAST-GAS.COM](http://FAST-GAS.COM)

 **NITROUS OXIDE E942 (FOOD GRADE)** N2O  
Used in cocktails, culinary dishes and cakes

NEW APPROVED CAPACITY  
**640g**  
EUROPEAN QUALITY

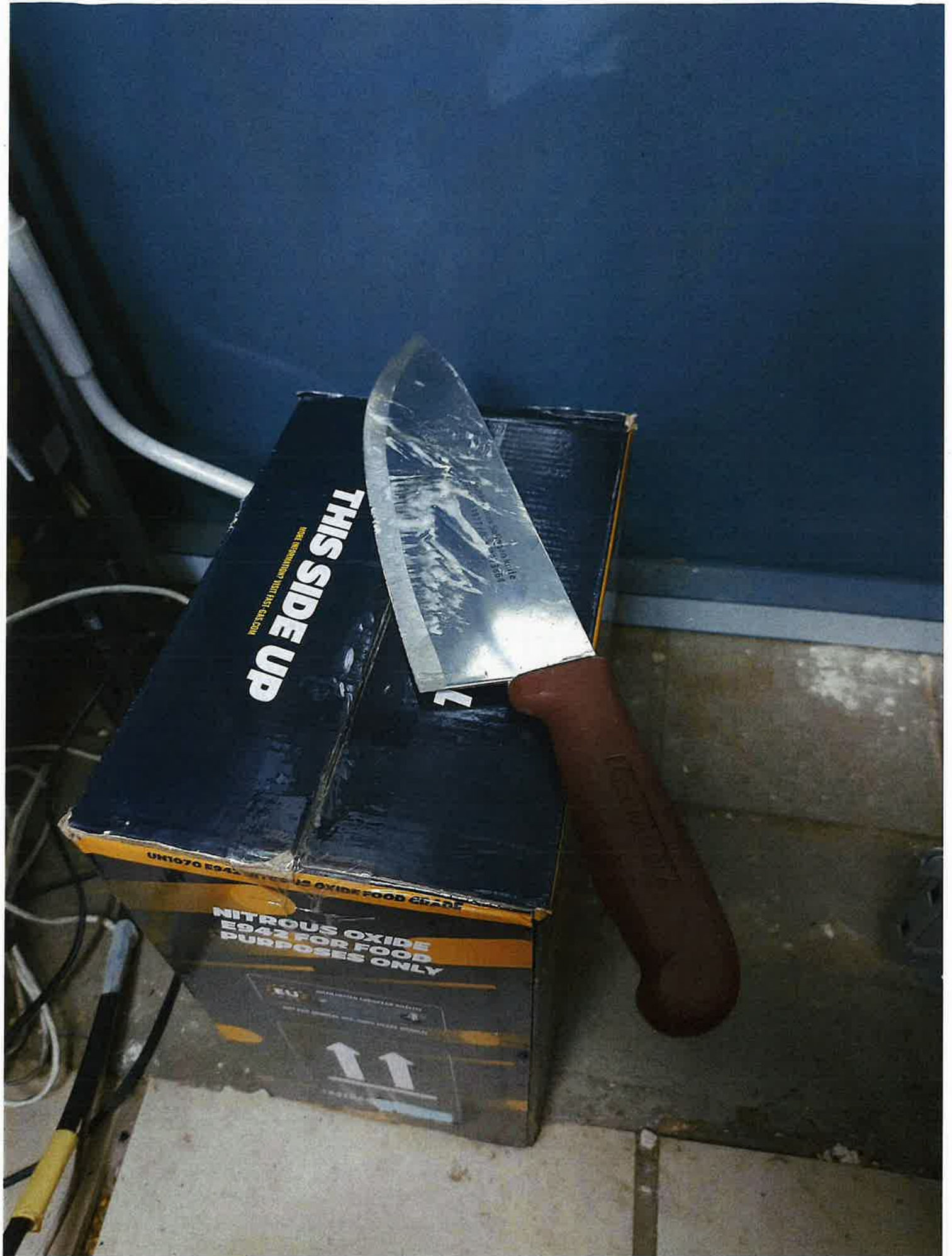


**FASTGAS**





COMFORT TRANSPORT  
1. Handle with care.  
2. Do not stack more than 2 boxes high.  
3. Do not use pallet jack on uneven floor.  
4. Do not use pallet jack on wet floor.  
5. Do not use pallet jack on slippery floor.  
6. Do not use pallet jack on uneven floor.  
7. Do not use pallet jack on uneven floor.  
8. Do not use pallet jack on uneven floor.  
9. Do not use pallet jack on uneven floor.  
10. Do not use pallet jack on uneven floor.



**THIS SIDE UP**  
HANDLE RESPONSIBLY WITH CARE AND ONLY FOR FOOD PURPOSES

UN1070 E942

NITROUS OXIDE FOOD GRADE

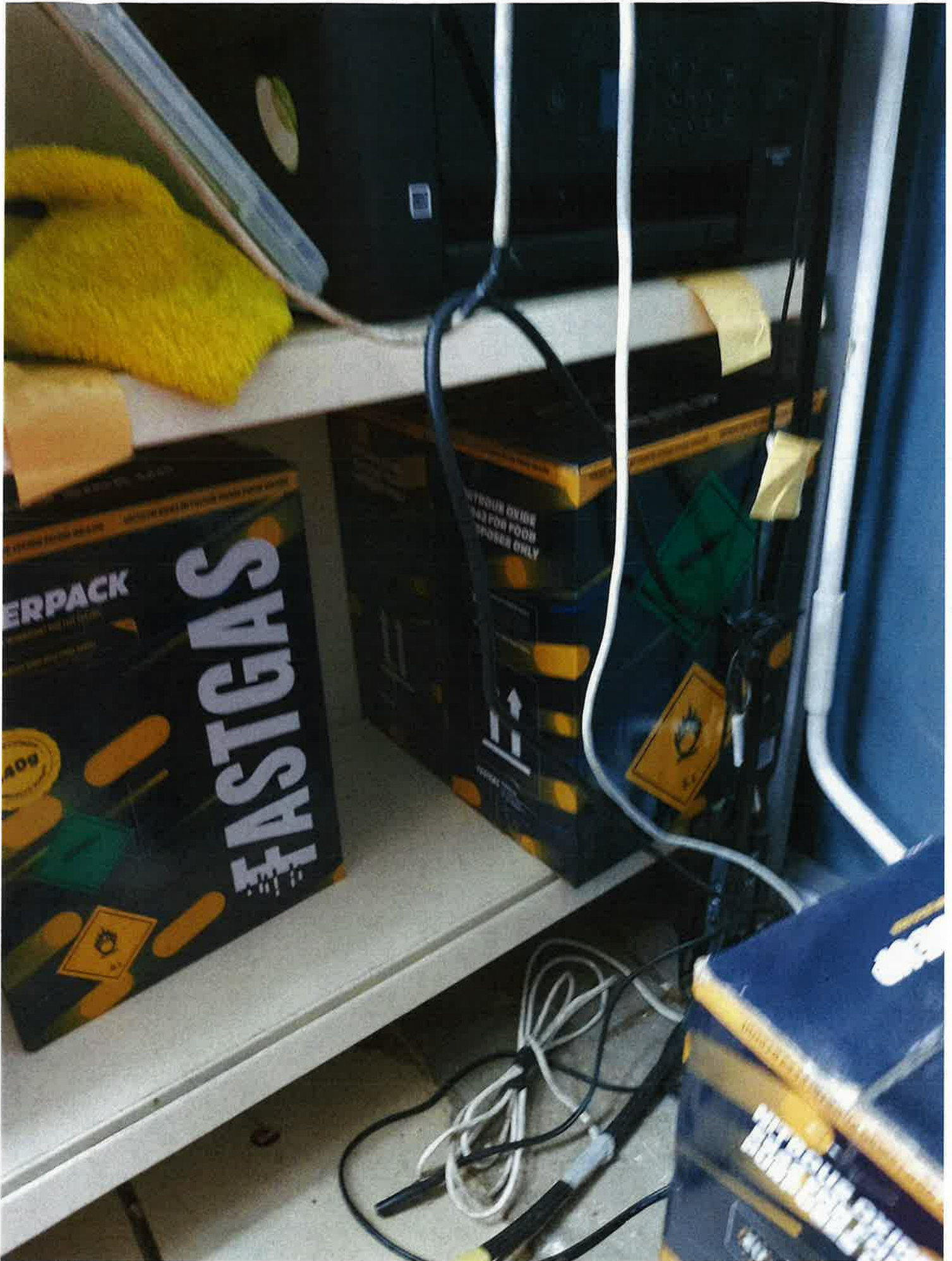
**NITROUS OXIDE  
E942 FOR FOOD  
PURPOSES ONLY**

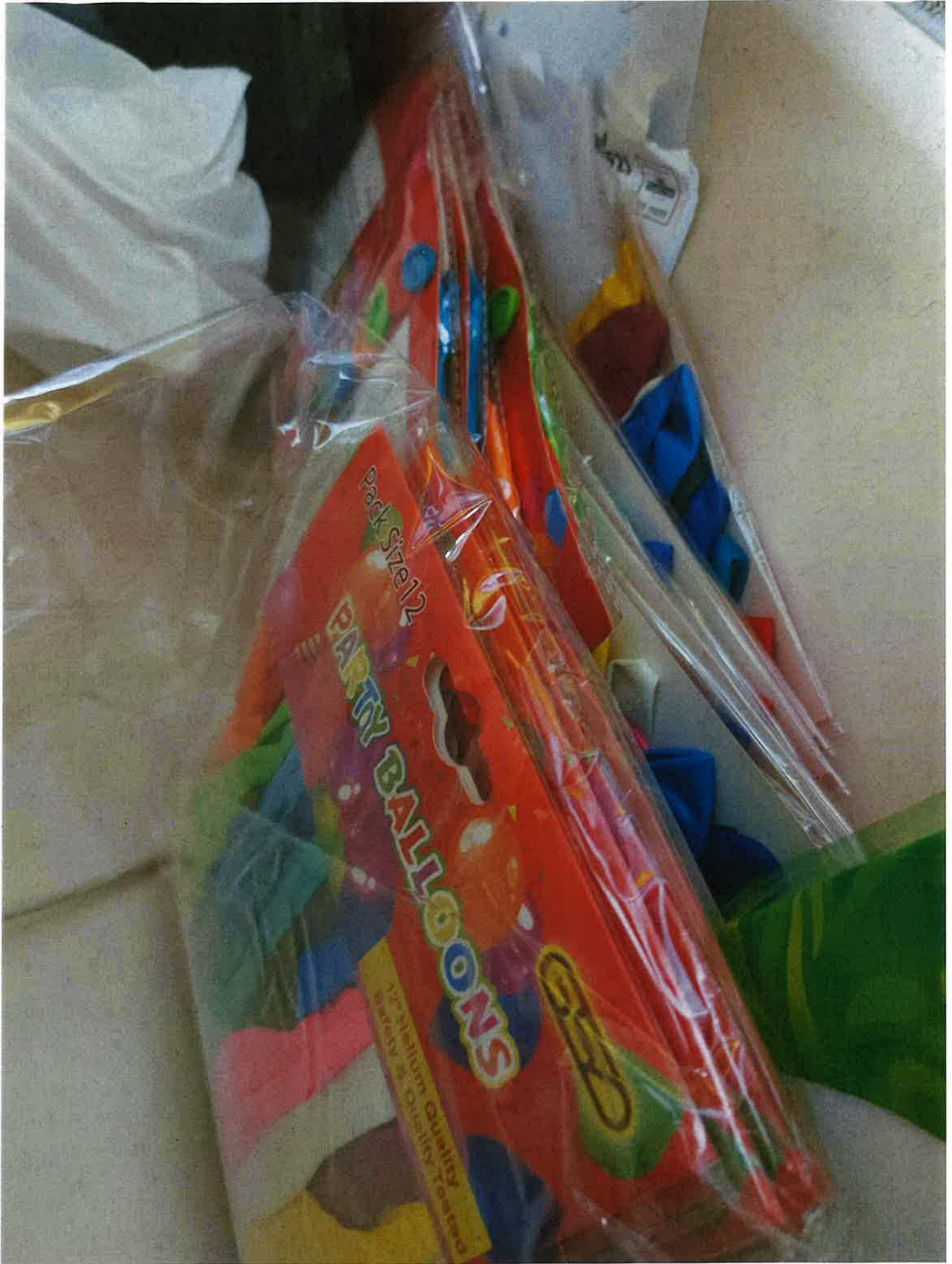
EU  
REGULATED SUBSTANCE FOR WHICH  
SPECIFIC MEASURES MUST BE TAKEN













# BALLOONS

## WARNING

Model not suitable for use as a child's toy.  
This product is not to be used as a child's toy.  
Do not use as a child's toy.  
Do not use as a child's toy.  
Do not use as a child's toy.

x6 ULTIMATE PROTECTION  
GOLD WHIP  
DANGER  
↑↑

GOLD WHIP  
DANGER  
5.1  
2  
x6 615 TANKS  
PREMIUM FOOD GRADE  
NITROUS OXIDE  
ORIGINAL STEEL

Clearwrap





THIS SIDE UP

OVERPACK

640g

FAST GAS

THIS SIDE UP

NITROUS OXIDE  
GAS FOR FOOD  
PURPOSES ONLY

↑↑

↑↑

↑↑

Sal





# SOUTHGATE FOOD & WINE LIMITED

Company number **07746355**

Follow this company

File for this company

[Overview](#)

[Filing history](#)

[People](#)

[More](#)

[Officers](#)

[Persons with significant control](#)

## Filter officers

Current officers

### 1 current officers

### 1 current officers

#### [KISA, Baris](#)

Correspondence address

**30-32 Chase Side, Southgate, London, N14 5PA**

Role **ACTIVE**

**Director**

Date of birth

[REDACTED]

Appointed on

**29 May 2018**

Nationality

**British**

Country of residence

**Wales**

Occupation

**Director**





## LICENSING AUTHORITY REPRESENTATION

### ADDITIONAL INFORMATION

**Name and address of premises:** Southgate Food Centre  
30-32 Chase Side, Southgate, N14 5PA

**Type of Application:** Review of Premises Licence

**Detailed below is information not previously included in the review application submitted on 31/05/2023:**

**31/05/23** – 11:30 – 11:45 - Senior Licensing Enforcement Officer (CPX) entered premises, delivered review application and put review notice up outside the premises. They then checked the outstanding licence conditions. The following were still not compliant:

**Condition 2 and 3** – Training records were not available, so no evidence training had been carried out.

**Condition 4** – Part B of the licence was not on display.

**Conditions 5** – CCTV monitor was still not working so unable to check CCTV. The PLH/DPS still had not updated his home address details with the Licensing Team. The officer looked behind the counter and did not see any nitrous oxide.

**See Appendix 11.**

Officer attempted to email a copy of the review to the PLH but it could not be delivered as their mailbox was full even when the officer attempted to send it in two parts.

**06/06/23** – Premises Licence Holder contacted the Licensing Team and changed his home address to: 32A Chase Side, London, N14 5PA

**13/06/23** – Council Tax checks carried out. Baris Kisa is not registered at this address, nor has he been registered at this address previously.

The Licensing Authority requests that the Premises Licence Holder provide a formal document proving that he is registered as living at this address.

**22/06/23** – Complaint from member of the public alleging this premises sells nitrous oxide and balloons to those under the age of 18 years.

**30/06/23** – 23:18 – 00:13 Out of Hours Licensing Enforcement Officers (EB/DD) carried out observations of the premises. One white van seen outside premises. Could not see inside the van. No one seen going to the van during observations. No nitrous oxide cannisters seen in the street outside premises at this time.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: [REDACTED]

Signed: [REDACTED]

Date: 11/07/23

REF: WK/

LICN\_1

EN 200501160 LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Soudgate Food Centre	
Premises Address	30-32 Chase Side, Soudgate, N14 5PA.	
Time of Visit:	Start: 11-30	Finish: 11-45

During an inspection of your premises on Wed 31st May 2023, 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	Address
	Visit to deliver renew application + check condition 2,3,4,5	9, 11
CA + 3	Training records still not available	
4	Part B of licence still not on display	
CS	CCTV monitor was still off. Unable to check CCTV	

Any other matter(s) that need addressing:  
 If the licence holder requires another copy of the licence he will need to contact the licensing team. There is a £10.50 admin fee to re-issue the licence.  
 P.L.H./DPS still needs to update home address

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 PALMER	Signature: [Redacted]
[Redacted]	Print Name & Position: ZEEL AHMAD
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel of recipient:

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



# Annex D

## Other Party Representation

### **OP1 Representation:**

Re: Southgate Food Centre, 30-32 Chase Side, LONDON, N14 5PA

Dear Sir / Madam,

I am writing to you to support the review of the licence of the above premises and believe that their licence should be revoked for the reasons I state below.

**Prevent Crime and Disorder** – the premises has been seen by residents selling nitrous oxide for improper use and consumption which is not only illegal but creates disorder due to its psychoactive effects and a change in behaviour of those who consume it.

**Prevention of public nuisance** – From the sale of the nitrous oxide by this premises, nitrous oxide canisters are littered on the surrounding pavement of the store. Furthermore, there are sacks dumped at the front of their store constantly – it would not take a genius to conclude that they are flytipping their waste.

**Prevention of harm** – selling of nitrous oxide to consume which can have a devastating impact on one's health.

**Protection of children of harm** – making nitrous oxide gas readily available to those who wish to use it improperly, including those under 18.

Please take the above into consideration.

Kind regards,

Cllr Elisa Morreale  
The Conservative Party  
Southgate Ward

**Video also included, see separate link [here](#)**

# Annex E

## Proposed Conditions Arising From the 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.

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

5. A CCTV system shall be installed, operated and maintained at the premises. CCTV cameras shall monitor all alcohol display areas, the front entrance door and the outside of the premises and the recordings shall be to the agreed image standard. The medium on which the images are recorded shall be clearly identifiable, securely stored and retained for not less than 31-days. Recordings shall be made available to authorised officers on request. The system shall be compliant with the Data Protection Act.

6. Known troublemakers shall be barred from the premises.

7. The rear door of the premises shall be secured and alarmed.

8. A prominent, clear and legible notice shall be displayed at the exit requesting the public to respect the needs of local residents and to leave the premises and the area quietly.

9. Unaccompanied children under 14 shall not be allowed to enter or remain on the premises between the hours of 21:00 and 06:00.

### **THE FOLLOWING CONDITIONS ARE PROPOSED BY THE LICENSING AUTHORITY, NOT AGREED BY APPLICANT:**

10. Deliveries shall only be accepted at the premises between 7am and 7pm.

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

12. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that they should not consume alcohol in the street if requested to stop by an authorised person. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

13. Nitrous oxide (laughing gas) shall not be stored or sold to consumers from the premises, or any vehicles or storerooms associated with the premises.

14. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. This record shall be made available to Police and/or the Local Authority upon request of within 48 hours for any online training and shall be kept for at least one year from the date of the last entry.