

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Monday, 4th November, 2024, 7.00 pm - Microsoft Teams (watch the live meeting [here](#) and watch the recording [here](#))

Members: Councillors Anna Abela, Amin (Chair), Sheila Peacock, Adam Small

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the 'meeting room', you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

To receive any apologies for absence.

3. URGENT BUSINESS

The Chair will consider the admission of any late items of Urgent Business. (Late items will be considered under the agenda item where they appear. New items will be dealt with under item 8 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. SUMMARY OF PROCEDURE

The Sub-Committee will first hear from the Licensing Officer. After that, the applicant will present their application and the Sub-Committee and objectors will have the opportunity to ask questions. Then, the objectors will present their case and the Sub-Committee and objectors will have the opportunity to ask questions.

All parties will then have the opportunity to sum up, and then the meeting will conclude to allow the Sub-Committee to deliberate and reach a decision. This decision will then be provided in writing within five working days of this meeting.

6. APPLICATION FOR A VARIATION OF A PREMISES LICENCE AT GINA'S, 639 HIGH ROAD, LONDON N4 (BRUCE CASTLE) (PAGES 1 - 44)

Application for a variation of a premises licence.

7. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT SOFI MAR, 516 HIGH ROAD, LONDON N17 (TOTTENHAM HALE) (PAGES 45 - 110)

To consider an application for a review of a premises licence.

8. NEW ITEMS OF URGENT BUSINESS

To consider any items of urgent business as identified at item 3.

Nazyer Choudhury, Principal Committee Co-ordinator
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Fiona Alderman
Head of Legal & Governance (Monitoring Officer)
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Friday, 25 October 2024

Report for: Licensing Sub Committee 4 November 2024

Item number: 6

Title: Application for a Variation of an existing licence at: Gina's 639 High Road, London N4

Report authorised by: Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected: Bruce Castle

Report for Key/Non-Key Decision: Not applicable

1. **Describe the issue under consideration.**

1.1 The application is submitted by Eugenia Moffatt the current holder and seeks the following changes (copy of the variation application is at App A)

1.2 **To vary the layout of the premises in accordance with the plan submitted.**

- **To amend conditions preventing the increase of the current capacity limit to align with new space.**
- **Any conditions that currently restrict or prohibit outdoor seating.**

Regulated Entertainment: Live Music and Performance of Dance

Monday to Sunday 0900 to 2300 hours

Recorded Music

Monday to Saturday 0900 to 2300 hours

Sunday 0900 to 2300 hours

Anything of a similar description of Live Music, Recorded Music and Performance of Dance

Sunday to Tuesday 0900 to 0100 hours

Wednesday to Saturday 0900 to 0330 hours

Late Night Refreshment

Sunday to Tuesday 2300 to 0100 hours

Wednesday to Saturday 2300 to 0330 hours

Sale of Alcohol

Sunday to Thursday 1000 to 0100 hours

Friday to Saturday 1000 to 0330 hours

Supply of alcohol **ON** and **OFF** the premises.

Hours open to Public

Sunday to Tuesday
Wednesday to Saturday

0900 to 0100 hours
0900 to 0330 hours

1.3 A copy of the current Premises Licence is at - **Appendix B.**

1.4 Representations have been received from:

Representation Met Police - App C
Representation from Noise RA – App D

1.5 Recommendation

In considering the representations received and what is appropriate for the promotion of the licensing objectives, the steps the Sub-Committee can take are:

- Grant the application as requested
- Grant the application whilst imposing additional conditions and/or altering in any way the proposed operating schedule.
- Exclude any licensable activities to which the application relates.
- Reject the whole or part of the application.

Members of the licensing sub committee are asked to note that they may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

2 Background

2.1 The premises is located within the footprint of the Stadium at the junction with Lordship Lane and High Road N17. There are residential properties facing the premises that are impacted by late night noise from events and groups gathering on the High Road. The operator is able to apply for Temporary Event Notices to extend trading hours in step with large events taking place at Stadium.

3 Licensing Policy

3.1 The committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

3.2 The objective of the licensing process is to allow for the carrying on of licensable activities whilst promoting and upholding the licensing objectives the prevention of public nuisance, prevention of crime and disorder, public safety, and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

3.3 In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

- 3.4 Where relevant representations are made, this authority will demand stricter conditions regarding noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 3.5 This Licensing Authority in determining what action to take will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.
- 3.6 Also the Licensing Authority may not impose conditions unless its discretion has been exercised following receipt of relevant representations and it is satisfied as a result of the hearing that it is appropriate to impose conditions to promote one or more of the four licensing objectives. Therefore, conditions may not be imposed for the purpose other than promoting the licensing objectives and in some cases no additional conditions will be required.
- 3.7 In cases Members should make their decisions on the civil burden of proof, that is the balance of probability.
- 3.8 Members should consider in all cases whether or not primary legislation is the appropriate method of regulation and should only consider licence conditions when the circumstances in their view are not already adequately covered elsewhere.
- 3.9 The Government has advised that conditions must be tailored to the individual type, location and characteristics of the premises and events concerned. Conditions cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff.
The Councils Licensing policy expects applicants to address the licensing objectives and discuss how to do this with the relevant responsible authorities.

4 Licensing hours

- 4.1 Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

5 Powers of a Licensing Authority

- 5.1 The decision should be made about the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Were the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.
- 5.2 The licensing authority's determination of this application is subject to a 21-day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

6 Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can prevent crime and disorder in its area”.

6.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression

7 Use of Appendices

Appendix A - New Application.
Copy of current Premises Licence- App B
Representation Met Police - App C
Representation from Noise RA – App D

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy

Appendix A

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Application to vary a premises licence 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/We GINA MOFFATT - GINA'S (BLOOMING SCENT)

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below.

| |
|--|
| Premises licence number LN/000026158 |
|--|

Part 1 – Premises Details

| | | | |
|--|-----------|----------|---------|
| Postal address of premises or, if none, ordnance survey map reference or description | | | |
| GINA'S (BLOOMING SCENT LTD) 639 HIGH ROAD LONDON | | | |
| Post town | TOTTENHAM | Postcode | N17 8AA |

| | |
|---|-------------------------------|
| Telephone number at premises (if any) | [REDACTED] |
| Non-domestic rateable value of premises | N/A as it's a listed building |

Part 2 – Applicant details

| | | | |
|---|---|----------|------------|
| Daytime contact telephone number | [REDACTED] | | |
| E-mail address (optional) | [REDACTED] | | |
| Current postal address if different from premises address | EUGENIA MOFFATT [REDACTED] [REDACTED] | | |
| Post town | [REDACTED] | Postcode | [REDACTED] |

Part 3 – Variation639

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible? Yes

If not, from what date do you want the variation to take effect?

| DD | MM | YYYY |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Do you want the proposed variation to have effect in relation to the introduction of the late-night levy? (Please see guidance note 1) Yes

Please briefly describe the nature of the proposed variation (Please see guidance note 2)

- 1. Layout and Size of the Restaurant:** Our proposed variation involves expanding the current premises to accommodate a larger dining area, an outdoor seating section, and additional facilities to enhance the overall dining experience. The new layout will maintain a comfortable and safe environment for our customers while adhering to all relevant regulations.
- 2. Opening Time (Alcohol) and Late-Night:** We are seeking to extend our operating hours and would like the proposed variation to be subject to the introduction of the late night. We understand the implications of this and are prepared to comply with its requirements.

Our proposed variation aims to improve our establishment by increasing capacity, introducing outdoor seating (**Pavement License applied separately**), and extending operating hours to better serve our customers. These changes will allow us to offer a more enjoyable and versatile dining experience while adhering to local regulations and promoting the four licensing objectives. We believe our new premises will provide a much needed venue and space for the local community in this part of the Tottenham high road and the wider borough.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

| Provision of regulated entertainment (Please see guidance note 3) | Please tick all that apply |
|---|-----------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | X |
| f) recorded music (if ticking yes, fill in box F) | X |
| g) performances of dance (if ticking yes, fill in box G) | X |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | X |

Provision of late night refreshment (if ticking yes, fill in box I) x

Supply of alcohol (if ticking yes, fill in box J) x

In all cases complete boxes K, L and M

A

| | | | | | |
|--|-------|--------|---|----------|--------------------------|
| Plays Standard days and timings (please read guidance note 8) | | | Will the performance of a play take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for performing plays</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Nonstandard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
| | | | | | |

B

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|--|-------|--------|---|----------|--------------------------|
| Films Standard days and timings (please read guidance note 8) | | | <u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | | | |
| Mon | | | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | | | | | |
| | | | | | |
| Wed | | | <u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | | | | | |
| | | | | | |
| Fri | | | <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Sat | | | | | |
| | | | | | |
| Sun | | | | | |
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C

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|---|-------|--------|---|
| Indoor sporting events Standard days and timings (please read guidance note 8) | | | <u>Please give further details</u> (please read guidance note 5) |
| Day | Start | Finish | |
| Mon | | | <u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6) |
| | | | |
| Tue | | | |
| Wed | | | <u>Nonstandard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7) |
| | | | |
| Thur | | | |
| | | | |
| Fri | | | |
| | | | |
| Sat | | | |
| Sun | | | |
| | | | |

D

| Boxing or wrestling entertainments Standard days and timings (please read guidance note 8) | | | <u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input type="checkbox"/> |
|---|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Day | Start | Finish | <u>Please give further details here</u> (please read guidance note 5) | | |
| Mon | | | | | |
| Tue | | | <u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6) | | |
| Wed | | | | | |
| Thur | | | <u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| Fri | | | | | |
| Sat | | | | | |
| Sun | | | | | |

E

| Live music Standard days and timings (please read guidance note 8) | | | Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | X |
|---|--------|-------|--|--------------------------|--------------------------|
| Day | | | | Outdoors | <input type="checkbox"/> |
| Start | Finish | Both | | <input type="checkbox"/> | |
| Mon | 09:00 | 23:00 | Please <u>give further details here</u> (please read guidance note 5) Live Band | | |
| | | | | | |
| Tue | 09:00 | 23:00 | | | |
| | | | | | |
| Wed | 09:00 | 23:00 | <u>State any seasonal variations for the performance of live music</u> (please read guidance note 6) Monthly | | |
| | | | | | |
| Thur | 09:00 | 23:00 | | | |
| | | | | | |
| Fri | 09:00 | 23:00 | <u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7) extension on below rules on event days | | |
| | | | | | |
| Sat | 09:00 | 23:00 | <i>Live music: no licence permission is required for: a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those.</i> | | |
| | | | | | |
| Sun | 09:00 | 23:00 | | | |
| | | | | | |

F

| Recorded music. Standard days and timings (please read guidance note 8) | | | <u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | X |
|--|-------|--------|---|----------|--------------------------|
| | | | | Outdoors | <input type="checkbox"/> |
| Day | Start | Finish | | Both | <input type="checkbox"/> |
| Mon | 09:00 | 23:00 | Please give further details here (please read guidance note 5) N/A | | |
| | | | | | |
| Tue | 09:00 | 23:00 | | | |
| | | | | | |
| Wed | 09:00 | 23:00 | State any seasonal variations for the playing of recorded music (please read guidance note 6) N/A | | |
| | | | | | |
| Thur | 09:00 | 23:00 | | | |
| | | | | | |
| Fri | 09:00 | 23:00 | Nonstandard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7) | | |
| | | | | | |
| Sat | 09:00 | 23:00 | Within opening times applied – Mainly during the daytime between 09.00 and 23.00 on any day | | |
| | | | | | |
| Sun | 09:00 | 23:00 | | | |
| | | | | | |

G

| Performances of dance Standard days and timings (please read guidance note 8) | | | <u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | x |
|--|-------|--------|--|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 09:00 | 23:00 | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Tue | 09:00 | 23:00 | | | |
| | | | | | |
| Wed | 09:00 | 23:00 | <u>State any seasonal variations for the performance of dance</u> (please read guidance note 6) | | |
| | | | | | |
| Thur | 09:00 | 23:00 | | | |
| | | | | | |
| Fri | 09:00 | 23:00 | <u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7) Extension on occasions required. | | |
| | | | | | |
| Sat | 09:00 | 23:00 | Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable | | |
| | | | | | |
| Sun | 09:00 | 23:00 | | | |
| | | | | | |

H

| | | | | | |
|--|-------|--------|---|----------|-------------------------------------|
| Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8) | | | Please give a description of the type of entertainment you will be providing. Comedy/Poetry nights similar events | | |
| Day | Start | Finish | <u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | <input checked="" type="checkbox"/> |
| Mon | 09:00 | 01:00 | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Tue | 09:00 | 01:00 | <u>Please give further details here</u> (please read guidance note 5) | | |
| | | | | | |
| Wed | 09:00 | 03:30 | <u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 6) N/A | | |
| | | | | | |
| Thur | 09:00 | 03:30 | <u>Nonstandard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 7) | | |
| | | | | | |
| Fri | 09:00 | 03:30 | Within opening times applied for. | | |
| | | | | | |
| Sat | 09:00 | 03:30 | | | |
| | | | | | |
| Sun | 09:00 | 01:00 | | | |
| | | | | | |

I

| Late night refreshment Standard days and timings (please read guidance note 8) | | | <u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4) | Indoors | X |
|--|-------|--------|---|----------|--------------------------|
| Day | Start | Finish | | Outdoors | <input type="checkbox"/> |
| | | | | Both | <input type="checkbox"/> |
| Mon | 23:00 | 01:00 | <u>Please give further details here</u> (please read guidance note 5) We wish to apply this variation to accommodate the sale of refreshments after 2300. | | |
| Tue | 23:00 | 01:00 | | | |
| Wed | 23:00 | 03:30 | <u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6) | | |
| Thur | 23:00 | 03:30 | | | |
| Fri | 23:00 | 03:30 | <u>Nonstandard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 7) Within opening times applied for | | |
| Sat | 23:00 | 03:30 | | | |
| Sun | 23:00 | 01:00 | | | |

J

| Supply of alcohol Standard days and timings (please read guidance note 8) | | | Will the supply of alcohol be for consumption – please tick (please read guidance note 9) | On the premises | <input type="checkbox"/> |
|--|-------|--------|---|------------------|--------------------------|
| | | | | Off the premises | <input type="checkbox"/> |
| Day | Start | Finish | | Both | X |
| Mon | 22:00 | 01:00 | State any seasonal variations for the supply of alcohol (please read guidance note 6) N/A | | |
| | | | | | |
| Tue | 22:00 | 01:00 | | | |
| | | | | | |
| Wed | 22:00 | 01:00 | | | |
| | | | | | |
| Thur | 22:00 | 01:00 | Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 7) <i>We have applied for only Monday - Sunday for extended hours given that...</i> <i>Current licence permission is required for: a performance of amplified live music between 08.00 and 22.00 on currently on any day on premises authorised to sell alcohol for consumption on those indoors. Extension times will be only for consumption indoors after 22:00</i> | | |
| | | | | | |
| Fri | 22:00 | 03:30 | | | |
| | | | | | |
| Sat | 22:00 | 03:30 | | | |
| | | | | | |
| Sun | 22:00 | 01:00 | | | |
| | | | | | |

K

| |
|--|
| <p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).</p> <p>Our establishment is committed to operating responsibly and in full compliance with all relevant regulations and guidelines. The protection of children from harm remains a top priority for us, and we will continue to maintain a safe and family friendly environment</p> |
|--|

L

| Hours premises are open to the public. Standard days and timings (please read guidance note 8) | | | State any seasonal variations (please read guidance note 6) None |
|--|-------|--------|--|
| Day | Start | Finish | <u>Nonstandard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 7) Within opening times <i>We have applied for only Monday - Sunday for extended hours given that...OPENING TIME FROM 09:00</i> <i>Live music: no licence permission is required for: a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those.</i> |
| Mon | 09:00 | 01:00 | |
| | | | |
| Tue | 09:00 | 01:00 | |
| | | | |
| Wed | 09:00 | 03:30 | |
| | | | |
| Thur | 09:00 | 03:30 | |
| | | | |
| Fri | 09:00 | 03:30 | |
| | | | |
| Sat | 09:00 | 03:30 | |
| | | | |
| Sun | 09:00 | 01:00 | |
| | | | |

Please identify those conditions currently imposed on the licence which you believe could be removed because of the proposed variation you are seeking.

1. Our proposed variation includes an extension of operating hours. As such, we suggest removing or amending the current condition limiting our operating hours to reflect the new schedule.
2. proposed variation includes an expansion of our premises to accommodate additional patrons. We kindly request reevaluating and potentially increasing the current capacity limit to align with our new space.
3. Our proposed variation includes plans for an outdoor seating area. We propose amending any conditions that currently restrict or prohibit outdoor seating. **(Pavement Licence has been applied for Day Time hours separately)**

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

1. We will provide ongoing training for all staff members to ensure a thorough understanding of licensing laws and their responsibilities in promoting the licensing objectives.
2. We will maintain open communication with local authorities, residents, and businesses to address any concerns and work collaboratively towards a safe and welcoming environment.

b) The prevention of crime and disorder

1. We will install additional CCTV cameras, lighting, and alarm systems to deter and prevent criminal activities.
2. We will establish a clear procedure for reporting and addressing any incidents or concerns related to crime or disorder.
3. We will conduct regular security assessments of the premises to identify and address any vulnerabilities or potential risks to our customers and staff.

c) Public safety

1. We will closely monitor and manage our customers capacity to avoid overcrowding and ensure a safe environment.
2. We will regularly review and update our emergency response plans, including fire safety, first aid, and evacuation procedures.
3. We will employ Security Industry Authority (SIA) licensed security personnel at the entrance doors to ensure patron safety and manage any potential safety concerns especially on event days and weekends.

d) The prevention of public nuisance

1. We will continue to implement measures to minimise noise disturbances, such as soundproofing and managing music levels with a PA limiter.
2. will ensure proper waste disposal and regular clean ups around the premises to maintain a clean and tidy environment.

e) The protection of children from harm

1. We will enforce strict age verification policies for alcohol sales and entry into the premises, as appropriate.
2. We will ensure that our promotional materials and events do not target or appeal to children and events are age appropriate.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or x
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy. x
- I have sent copies of this application and the plan to responsible authorities and others where applicable. x
- I understand that I must now advertise my application. x
- I have enclosed the premises licence or relevant part of it or explanation. x
- I understand that if I do not comply with the above requirements my application will be rejected. x

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 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|---|
| Signature |  |
| Date | 26.04.2024 |
| Capacity | DIRECTOR |

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

EUGINA MOFFATT
639 HIGH ROAD
LONDON

Post town | LONDON

Post code | N17 8AA

Telephone number (if any) | N17 8AA

If you would prefer us to correspond with you by e-mail, your e-mail address (optional)

[REDACTED]

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. You do not have to pay a fee if the only purpose of the variation for which you are applying is to avoid becoming liable for the late night levy
2. Describe the premises. For example, the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place of consumption of these off-supplies of alcohol, you must include a description of where the place will be and its proximity to the premises.
3. In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.
 - Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
 - Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
 - Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
 - Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
 - Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
4. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
 5. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
 6. For example (but not exclusively), where the activity will occur on additional days during the summer months.
 7. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

8. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
9. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
10. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
11. Please list here steps you will take to promote all four licensing objectives together.
12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

GINA'S (BLOOMING SCENT FLOOR PLAN)

- Kitchen
- The location of alcohol storage
- Egress/Escape route
- Existing premise licence
- Stage (removable)
- X Fire safety
- Toilets and storage
- New layout of cafe



- a. Where applicable – fire resistance doors and structures should be indicated.
All doors are fire rated
- b. Type of surface linings and finishes to walls and ceilings (in new constructions only)
Plaster/Brick
- c. Emergency lighting
Installed in every section
- d. Maintained exit signage
Not maintained, just glow in the dark (Photoluminescent Exit Signs)
- e. Door furniture
, for example panic bars
Panic bar at the back door leading to the decking.
- f. Where applicable - fire alarm and smoke detection details
In each section there is smoke detector (you can find it on the ceiling) and MCP (manual call point) is next to the two main exit routes
- g. Firefighting equipment
Fire extinguishers, fire blanket

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Appendix B

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Appendix C

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Licensing Authority
 River Park House
 Level 1 North
 225 High Road
 London
 N22 8HQ

Licensing Unit
 Edmonton Police Station
 462 Fore Street,
 London
 N9 0PW

PCSO Pantelitsa Yianni 7140NA
 pantelitsa.yianni@met.pnn.police.uk
www.met.police.uk

17th July 2024

Police Representation

APPLICATION FOR A PREMISES LICENCE – GINA'S (FORMERLY BLOOMING SCENT LTD), 639 HIGH ROAD, TOTTENHAM, LONDON N17 8AA

Dear Licensing Team,

I write on behalf of the Commissioner of the Metropolitan Police. I would like to object to the recently submitted application by Gina MOFFATT for a variation of a premises licence. The police wish to make representations under the licencing objectives as follows as we feel if the application is granted the objectives will be undermined

1. **Public Safety**
2. **Prevention of Crime and Disorder**
3. **Prevention of Public Nuisance**

The variations requested are as follows

The premises has an existing licence and is seeking to add other licensable activity and to extend hours.

The variation also seeks to increase the capacity at the premises and to remove any conditions related to the external front space.

Times requested are as follows:

Regulated Entertainment: Live Music and Performance of Dance

Monday to Sunday 0900 to 2300 hours

Recorded Music

Monday to Saturday 0900 to 2300 hours

Sunday 0900 to 2300 hours

Anything of a similar description of Live Music, Recorded Music and Performance of Dance

Sunday to Tuesday 0900 to 0100 hours

Wednesday to Saturday 0900 to 0330 hours

Late Night Refreshment

Sunday to Tuesday 2300 to 0100 hours

Wednesday to Saturday 2300 to 0330 hours

Sale of Alcohol

Sunday to Thursday 1000 to 0100 hours

Friday to Saturday 1000 to 0330 hours
Supply of alcohol **ON** and **OFF** the premises.

Hours open to Public

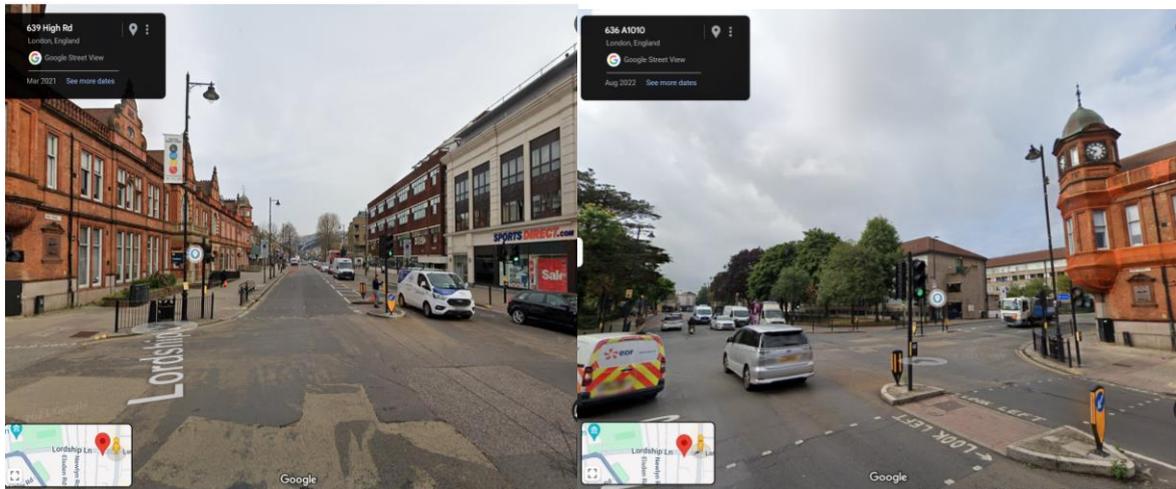
Sunday to Tuesday 0900 to 0100 hours
Wednesday to Saturday 0900 to 0330 hours

We do not agree to the requested timings as we feel that the licensing objective of

- 4. Public Safety
- 5. Prevention of Crime and Disorder
- 6. Prevention of Public Nuisance

The premises is situated on Tottenham High road a few minutes' walk from the Tottenham Hotspurs grounds.

The premises has residential properties directly opposite which in the past have caused issues to the local residents as stated from the Local authority



With the premises serving alcohol till 03:30 this heightens the risk of crime and disorder and anti-social behaviour taking place.

Police also believe that the premises will be a risk on match days when other nearby premises close and supporters will be continuing their drinking at the location.

We feel that due to the location this would affect resident's quiet enjoyments of their homes when patrons will be congregation outside the venue smoking and being loud as this has happened in the past.

All this would have a knock on effect to the resident's quality of life with the later licensable activity taking place a risk to crime and disorder and public safety.

We therefore agree with the local authority suggestions for the following timings. We feel these would be more appropriate

Regulated Entertainment: Live Music and Performance of Dance

Monday to Sunday 0900 to 2300 hours

Recorded Music

Monday to Sunday 0900 to 2300 hours

Anything of a similar description of Live Music, Recorded Music and Performance of Dance

Sunday to Thursday 0900 to 2300 hours

Friday to Saturday 0900 to 0100 hours

Late Night Refreshment

Friday to Saturday 2300 to 0100 hours

Sale of Alcohol

Sunday to Thursday
Friday to Saturday

1000 to 22:30 hours
1000 to 00:30 hours

Supply of alcohol **ON** and **OFF** the premises.

Hours open to Public

Sunday to Tuesday
Wednesday to Saturday

0900 to 23:30 hours
0900 to 01:30 hours

We are also in support of the conditions the local authority has proposed for the external area and on match day events.

If agreed by the applicant we would withdraw our representations contingent upon that agreement.

I reserve the right to provide further information to support this representation.
Regards,

PCSO 7140 NA PANTELITSA YIANNI
North Area Licensing Officer

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Appendix D

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From: Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>
Sent: 28 August 2024 23:55
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Noise Rep: Licence Variation Gina's (Formerly Blooming Scents Ltd), 639 High Road

| | |
|---|--|
| Application Type: Licence Variation | Date: 28/08/2024 |
| Licensing objectives considered in this representation: The Prevention of Public Nuisance. Public Safety The Prevention of Crime and Disorder | Our Ref: WK607656 Officer Name: Jennifer Barrett, Noise and Nuisance Team Manager Jennifer.barrett@haringey.gov.uk |
| Premises Name: Gina's (Formerly Blooming Scents Ltd), 639 High Road, Tottenham, London, N17 8AA | |

Dear Licensing Authority

As a Responsible Authority, the Noise and Nuisance Team provide the following comments in respect of the application for the variation of the premises licence for Gina's (Formerly Blooming Scents Ltd), ref: LN/000026158 and dated 2/12/22.

The applicant has requested

1. To vary the layout of the premises in accordance with the plan submitted.
2. To amend conditions preventing the increase of the current capacity limit to align with the new space.
3. To amend any conditions that currently restrict or prohibit outdoor seating.

The applicant has also requested an increase in the operational hours for the sale by retail of alcohol (on and off the premises), the provision of late-night refreshment and the provision of regulated entertainment.

Commentary

1. Soundproofing and layout:

The premises layout has been altered to create an open plan café and entertainment area, effectively doubling the licensable area and including the provision of a stage area. The main frontage is on the High Road, is single glazed and a further entrance to the building can be accessed at the side of the building and via a decked outdoor space. The applicant refers to soundproofing but does not specify what this will consist of the specification for this, where and when this will be installed.

The council is unable to comment on this further in the absence of this information. We would expect this to be included in a Noise Management Plan or similar, provided by a qualified sound engineer or acoustician and the council would need to review and approve this plan before approval of the extended hours requested.

2. Noise controls and proposed use of the external area:

The council, in response to complaints from residents about noise and disturbance from smoke, odour, loud music and voices from the use of this space placed restrictions on its use for barbecues and entertainment in 2022 and 2023. A noise abatement notice was served on the premises on 25/5/23 and remains in force. It is noteworthy that this area is mentioned in the application but is not outlined in the licensable areas of the plan provided as part of the variation.

The applicant should also be required to limit the number of people permitted to use the outdoor area of the premises for smoking after 2200 hrs.

The applicant will need to confirm what controls will be implemented for the use of this area, how they will control patrons on Tottenham Hotspurs Football Club (THFC) Match and Event days and other days before we can agree to relax or remove the current controls outlined in the current licence.

3. Operating Hours:

The applicant has requested a significant increase in their operating hours as outlined in the table below. We are concerned that a 03.30hours terminal hour for 4 days a week and 01:00 for the other days of the week is excessive considering the restrictions placed on similar premises in the area, the current operating times and the proximity of the premises to residential properties.

In addition, we are unclear about their distinction between “Anything of a similar description of Live Music, Recorded Music and Performance of Dance” and “Live Music and Performance of Dance & Recorded Music” as they are subject to differing times and need this clarified to ensure clear, enforceable conditions can be incorporated into the varied licence.

We suggest the following hours as appropriate here:

Hours open to Public

Sunday to Tuesday - 0900 to 23:30 hrs

Wednesday to Saturday -0900 to 00:30hrs

4. Sale of Alcohol:

We are concerned that the requests for the sale of alcohol and late-night refreshment do not include the provision of a drink up / wind down period (a minimum of 30 minutes should be included in any varied licence granted).

| Requested in the Variation | Currently permitted (LN/000026158) |
|---|--|
| Hours open to Public Sunday to Tuesday - 0900 to 0100 hrs Wednesday to Saturday -0900 to 0330 hrs | Hours open to Public Monday to Sunday - 1000 to 2200 hrs |
| Regulated Entertainment: Live Music and Performance of Dance Monday to Sunday - 0900 to 2300 hrs | <i>Recorded Music & Performance of Dance</i> Monday to Sunday - 1000 to 2200 hrs |
| Recorded Music Monday to Saturday - 0900 to 2300 hrs Sunday- 0900 to 2300 hrs | |
| Anything of a similar description of Live Music, Recorded Music and Performance of Dance Sunday to Tuesday 0900 to 0100 hrs Wednesday to Saturday - 0900 to 0330 hrs | |
| Late Night Refreshment Sunday to Tuesday- 2300 to 0100 hrs | |

| | |
|--|---|
| Wednesday to Saturday -2300 to 0330 hrs | |
| Sale of Alcohol Sunday to Thursday - 1000 to 0100 hrs Friday to Saturday 1000 to 0330 hrs | Supply of Alcohol Monday to Sunday - 1000 to 2200 |
| Supply of alcohol ON and OFF the premises. | Supply of alcohol for consumption ON the premises. |

5. Request to amend conditions.

The applicant has requested the removal of conditions relating to the use of the external area, restricting the use of this area for licensable activities

| Current condition | Suggested Amendment |
|---|--|
| No furniture to be placed on the public highway/ pavement without proper authorisation under the Business and Planning Act 2020. | This would need to be considered when an application for a pavement licence is submitted. We are unable to comment until this is done and would be subject to considerations regarding space, match day restrictions and management controls. |
| No form of licensable activity to be permitted on the public highway/ pavement. | We recommend this condition is retained as is. |
| Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street, particularly on match and event days at the Spurs Stadium. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises. | We recommend this condition is retained as is. |
| To prevent any noise nuisance, no amplified music (recorded or live) to be played in the outdoor area of the premises. | We would consider relaxing this (for example permitting the use of the external area to 9pm or 10pm on given days but this would need to be conditional on the receipt of an approved Noise Management Plan which would include details of how this area would be managed and controlled). |
| Signs shall be prominently displayed in and on the exit doors advising customers not to gather and consume alcohol on the | We recommend this condition is retained as is. |

| | |
|--|--|
| <p>pavement and on the street. The notices shall be positioned at eye level and in location where they can be read by the customers.</p> | |
| <p>To prevent any noise nuisance, to manage the volume level of any music (recorded or live) played within the indoor space of the premises.</p> | <p>We recommend this is re-worded for clarity to the following: The applicant shall be required to include details of noise management controls they will implement to prevent noise breakout from the premises (such as the installation of lobbies, details about the use and management of the stage and details of door controls).</p> |
| <p>The Licensee will ensure patrons leave the area promptly upon closing without littering.</p> | <p>We recommend this is re-worded for clarity to the following: The Premise Licence Holder shall manage patrons at egress to ensure they leave calmly and with minimum disturbance to the neighbourhood)</p> |

Conclusion:

The current application does not fully demonstrate how the applicant will effectively uphold the licencing objectives for The Prevention of Public Nuisance (especially for noise and nuisance controls, noise breakout and control of patrons in external areas), Public Safety (with respect to door controls, use of SIA/ Security on event and non-event days and confirmation of the capacity of the premises) and The Prevention of Crime and Disorder.

I have considered the above and recommend that the request for an extension up to 03:30 be refused.

END

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Report for: Licensing Sub Committee – 04th November 2024

Title: **Application for a Review of a Premises Licence – Sofi Mar 516 High Road London N17**

Report authorised by: Daliah Barrett, Licensing Team Leader, Regulatory Services

Ward(s) affected: Tottenham Hale

Report for Key/

Non Key Decision: Not applicable

1. Describe the issue under consideration

- 1.1 The review application relates to the prevention of crime and disorder licensing objective and the protection of children from harm objective. Smuggled goods have been found on a number of occasions on the premises i.e. non-duty paid cigarettes. The business also sold a vape to an underage person. The premises has a history of similar issues in general. The application is set out at **Appendix 1** to the report.
- 1.2 The review has highlighted the lack of management/ownership of the shop and the day to day management of the business. There is further information on this aspect in the background section to this report.
- 1.3 The Premises Licence Holder is Ms F Manescu. The Designated Premises Supervisor (DPS) is Ms Cornelia Cotlogut.

- 1.7 The current licence permits the following:
Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Sunday 0900 to 2200

The opening hours of the premises:

Monday to Sunday 0900 to 2200

Supply of alcohol for consumption **OFF** the premises.

A copy of the Premises licence is attached at Appendix 2.

2 Review

- 2.1 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. 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].

- 2.2 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].
- 2.3 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].

3 **Decision:**

- 3.1 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 :
- to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence [Act s.52].
- 3.2 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 always be no more than an appropriate and proportionate response [Guid s.11.20]. The Sub-Committee will be asked to determine this application and has the option to:

a) **Modify the conditions of the licence**

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives;

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

b) **Exclude a licensable activity from the scope of the licence**

The Sub-Committee may decide that it is proportionate and relevant to the Licensing objectives to remove one or more of the licensable activities;

c) **Remove the Designated Premises Supervisor**

d) **Suspend the licence for a period not exceeding three months**

e) **Revoke the licence**

Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

The Sub-Committee is asked to state its reasons considering the representations received and what is appropriate for the promotion of the licensing objectives.

4 **Background**

- 4.1 Ms Mosescu has held the Premises License since it was granted on 28th December 2022. The DPS position was varied to Ms Cotlogut on 26th September 2023. The Licensing Authority made many attempts to contact Ms Mosescu. Contact was made by phone on 14th October 2024- A male answered the phone and a message was

left asking Ms Mosescu to contact the Licensing Authority. No contact was made. The Authority called Ms Mosescu back on 16th October. Ms Mosescu explained that she was no longer involved with the premises and had left it over 7 months ago, she was at home looking after her child.

The current review and possible implications/outcomes were explained to Ms Mosescu. The application to Transfer the Premises Licence and the impact of the objection was explained to Ms Mosescu.

Ms Mosescu reiterated that she was not involved with the premises in the last 7 months and she had paperwork to show she had 'sold' the business on. She said she would send the documents through as proof, no documents arrived. Ms Mosescu also explained that she would be getting her Licensing Agent Mr Gibson to contact the Authority.

- 4.2 A Transfer application was received from a Daniel Stegariu to take over the Premises Licence on 23rd September 2024. This application received an objection from the Police and was withdrawn by the applicant on 22nd October 2024.
- 4.3 The transfer application was made in the name of Universal Food Shop Ltd, the director is Ms Cornelia Cotlogut, who is the current named DPS on the Premises Licence.
- 4.4 On checking with the Rates Team it was noted that Soffi & Co Ltd became the ratepayer for Sofi Mar in 2022. The named director is Cornelia Cotlogut.
- 4.5 Due to the lack of engagement from the business a visit was made to the premises on 21st October 2024 to establish who was responsible at the premises. The staff onsite contact Ms Mosescu by phone and she confirmed to the Officer that she was still the PLH and Ms Cotlogut the DPS. The staff onsite refused to provide their name/s to the Officer at the time of the visit.

5 Other considerations

- 5.1 An explanation of the Op Ce-Ce and the initiative to combat illicit tobacco trade and crime. Appendix 3.
- 5.2 Section 17 of the Crime and Disorder Act 1998 states: 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with, regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.

6 Human Rights

- 6.1 While all Convention Rights must be considered, those which are of particular relevance to the application are:
 - Article 8 – Right to respect for private and family life.
 - Article 1 of the First Protocol – Protection of Property.
 - Article 6(1) – Right to a fair hearing.
 - Article 10 – Freedom of Expression.

7 Use of Appendices

Appendix 1 – Review Application Form and supporting documents

Appendix 2 – Copy of current Premises Licence

Appendix 3 – Explanation of Op Ce-Ce.

8 Background papers

Section 82 Guidance
Haringey Statement of Licensing Policy

Appendix 1

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X

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 L. B. Haringey Trading Standards (Responsible Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

| | |
|---|--|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| Sofi-Mar 516 High Road Tottenham London N17 9SX | |
| Post town London | Post code (if known) N17 9SX |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Fanica Mosescu |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| LN/000026252 |

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 (optional)

murthy.balakrishnan@haringey.gov.uk

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

from

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|--|
| Name and address Murthy Balakrishnan L.B. Haringey Trading Standards Service 4 th Floor, Alexandra House 10 Station Road Wood Green N22 7TR |
| Telephone number (if any) 020 8489-4519 mobile: 07870157822 |
| E-mail address (optional) murthy.balakrishnan@haringey.gov.uk |

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

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

Please tick one or more boxes ✓

-
-
-
-

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

Introduction:

This application to review relates to the objectives to prevent crime and disorder and the protection of children from harm.

The Premises under review is licenced in the name of Sofi - Mar. This trader is a sole trader. The licenced premises is also convenience store.

It concerns three incidents at the premises. The first relating to an underage sale on 10th August 2023 following a Trading Standards test purchase exercise. The second incident involving the purchase a non duty paid cigarette on the 3rd of January 2024. The third incident relates to the discovery of non-Duty Paid cigarettes and hand rolling tobacco on the licensed premises following a visit by officers of the Trading Standards Service assisted by tobacco detection dogs on 19th March 2024.

Specific Details of Actions:

On the 10th of August 2023 as part of a planned operation Trading Standards Officers instructed a 16-year-old volunteer to undertake a test purchase of e-cigarettes (Vapes) at the licenced premises. The 16-year-old volunteer was instructed to go into the premises and attempt to purchase some vape. The volunteer was told not lie regarding their age if asked. The 16-year-old was able to purchase e-cigarettes (Vape) "**Elfbar 600 - Apple Peach**". At no point during the transaction did the man serving behind the counter, asked for any form of identification or query their age. A photograph of the vape is attached as **Annex 1**.

This is a breach of Regulation 3 of the Nicotine Inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015 and Contrary to Section 92(2) of The Children and Families Act 2014.

Fanica Mosecus who operates the business as sole trader and is the Premises Licence Holder (PLH). The Designated Premises Supervisor (DPS) is Cornelia Cotloguf. On the 30th of August 2023, an invitation to an interview and a set of questions were sent to Fanica Mosecus. A copy of this interview letter and the questions is attached as **Annex 2**.

In summary of his interview, Fanica Mosecus stated that there were no written training records for the seller, however a Refusals Register was in use. Could not explain why the shop assistant sold the vape, without carrying the necessary checks. Her answers also detailed proposed changes to procedures and practices because of the incident. See these answers as attached **Annex 3**

On this occasion the Service offered Fanica Mosecus a Simple Caution on the ground that that an EPOS system is installed in the shop. Fanica Mosecus agreed, but subsequent inspection showed that no EPOS was installed. The Simple Caution was not offered. It was decided to carry out more inspections on the premises for compliances.

On the 3rd of January 2024, during Operation Red Snapper was carried out at this premises. The operation involved an undercover person going into the Sofi-Mar asked for cheap cigarettes. The undercover person was sold a packet of non-duty paid Richmond cigarettes for £6.

Based on the intelligence obtained on the 19th of March 2022, Haringey Trading Standards Officers carried out a Partnership visit to at Sofi-Mari, 516 High Road, London N17 9SX. The aim of exercise was to check the Borough's shops for illegal tobacco and non-compliant E-cigarettes (Vapes).

On entry, officers introduced themselves and showed their warrant cards to one of the shop assistants, who was working behind the counter. The assistant was given a Code B notice, as attached **Annex 4**. The officers discovered non-duty paid cigarettes while carrying out their inspection. The cigarettes were found behind the counter under the shelves. More cigarettes were found on top of the fridge. The total amount discovered on premises was 1620 sticks of cigarettes.

Health Warnings on the tobacco products and cigarettes that were seized did not carry the correct UK Health Warnings and were non-UK Duty Paid and were not in standardised packaging as required for the UK market. These facts can constitute offences under the below mentioned legislation.

The foreign tobacco products seized were not in UK Standardised packaging and many bore incorrect or foreign language health warnings so were not legal to sell in the UK. Some of the cigarettes were brands which are not registered for sale within the UK.

It can be a criminal offence under Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015 to offer to supply tobacco products in non-standardised packaging which are not coloured pantone 448c (dark drab green).

It is a criminal offence under the Tobacco and Related Products Regulations 2016 to sell tobacco products with no health warnings, non-English language health warnings or health warnings in the incorrect format for the UK market.

It can be a Criminal Offence under Section 144 of The Licensing Act 2003 to keep non-Duty paid goods on a Licenced Premises.

The total quantities seized were 1620 cigarettes. The Duty Value of these products provided by HMRC was £1,393.20 See **Annex 5** for the receipt of the seized goods. See **Annex 6** for photographs of the seized tobacco.

On the 9th of April 2024, a letter inviting Fanica Mosecus to answer questions relating to above infringement. This Service has yet to receive any response from Fanica Mosecus. See **Annex 7 for the invitation and questions**. The Service is in the process preparing formal actions for the above infringements.

Ownership and Persons Associated with the business.

Fanica Mosecus is the PLH and Cornelia Cotloguf DPS of the premises. Fanica Mosecus is a sole trader.

Trading Standards have made this application as they are concerned that the licensed premises is not being run in a responsible manner and that the licensing objectives are not being promoted. This licensed premises is willing to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.

- The sale by this retailer of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and/or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.
- The trade in illicit tobacco causes huge losses to the UK's tax revenues.
- The trade in illicit tobacco facilitates teen age smoking.
- The trade in illicit tobacco makes it harder to beat addiction.
- Illicit goods may be harmful as they do not come from legitimate, legal and/or traceable suppliers. There is no guarantee that they are safe and comply with other legislation.
- Supplying tobacco at cheap prices undermines the public health.

In the Premises Licence issued to this trader under

The Protection of Children section it states the following

Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic ID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

The lawful selling of age restricted products

All training records will be kept at the premises and made available to officers of any responsible authority upon request.

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which will be reviewed by the Designated Premises Supervisor at intervals of no less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. The London Borough of Haringey is a Local Weights and Measures authority, and that function is carried out by the Trading Standards team.

This trader infringed above conditions and sold a Vape(e-cigarettes) to under 18 years old without carrying the requisite checks and balances

Recommendations:

This licensee has clearly demonstrated that there has been a major breakdown in due diligence and Trading Standards are concerned that The Licence holders are not taking their responsibilities Seriously and have displayed a reckless attitude towards the Licensing Objectives.

Trading Standards recommend the removal of the Designated Premises Supervisor as it is believed she has not acted responsibly to promote the Licensing objectives.

Trading Standards recommend a period of Suspension of the licence for **6 months** to allow for proper controls and training to be put in place at the premises.

Trading Standards recommend the conditions below are added to the Licence.

Additional conditions are also proposed by Trading Standards

1.0The business shall adopt a "Challenge 25" policy.

2.0All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.

3.0Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.

4.0A refusals book shall be kept at the premises to record details of all refusals to sell alcohol

and age restricted products. This book shall contain:

- The date and time of the incident,
- The product which was the subject of the refusal
- A description of the customer,
- The name of the staff member who refused the sale
- The reason the sale was refused.

This book shall be made available to Police and all authorised council officers on request.

5.0 The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

6.0 The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.

7.0 The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. AWRS registration number
- V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request.

8.0 Ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.

10. When the trader becomes aware that any alcohol or tobacco may be not duty paid, they shall inform the Council of this immediately.

11. Only tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.

12. Tobacco shall only be taken from a covered tobacco display cabinet behind the sales counter in order to make a sale.

13. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.
14. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.
15. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.
16. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.
17. Any breakdown or malfunction of the CCTV system which is likely to prevent the recording of CCTV images shall be reported to the Licensing Authority immediately.
18. Install an EPOS system to vet all age restricted goods sold in the shop.

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

Attached Documents

- Annex 1 Photograph of vape sold to underage person
- Annex 2: Invitation to PACE interview
- Annex 2: PACE questions regarding the underage sale
- Annex 3: Reply to the PACE questions
- Annex 4: Code B Notice
- Annex 5: Receipt for seized goods
- Annex 6: Photographs of seized Tobacco from Sofi Mari
- Annex 7: Invitation to PACE interview
- Annex 7: PACE questions regarding cigarettes seized
- Annex 8: Current Premises Licence

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 |
|----------------------|----------------------|----------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

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

N/A

yes

Please tick ✓

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

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 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 *Murthy Balakrishnan*

.....
Date 12^h of August 2024
.....

Capacity Senior Trading Standards Officer
.....

| | |
|--|-----------------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Murthy Balakrishnan Senior Trading Standards Officer Environment and Resident Experience Alexander House Level 4 10 Station Road London | |
| Post town London | Post Code N22 7TR |
| Telephone number (if any) 07870 157822 | |
| If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) michael.squire@haringey.gov.uk | |

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.



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Environmental Services and Community Safety

Regulatory Services Manager: Gavin Douglas



Mr Fanica Mosescu,
Sofi-Mar
516 High Road,
London,
N17 9SX

Date: 30th of August 2023
Your ref:
Our ref: MB/Sofi Mar /WK/57699
Direct No: 020 8489 4519 or
07870 157822

Dear Mr Fanica Mosescu,

Regulation 3 of the Nicotine inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

Sale of Nicotine Inhaling Product (Vape) to a person under the age of 18 years

On the 10th of August 2023 at **Sofi-Mar, 516 High Road, London N17 9SX** a Haringey Council officer, witnessed **Valentia Letter** sell an inhaling product mainly **Elfbar 600, Apple Peach** to a person under the age of 18 years old. **She** did not ask for any form of identification or proof of age, before selling the inhaling product to the underage person.

This is a breach of **Regulation 3 of the Nicotine inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015** and **Contrary to Section 92(2) of The Children and Families Act 2014**.

This service formally wishes to interview you as the Holder of the Premises Licence. A written interview will be conducted.

The interview would be conducted in accordance with the rules laid down in the **Codes of Practice under Police and Criminal Evidence Act 1984**. You may have seek legal advice or assistance when answering these questions.

Please return the written answers by the 11th of September 2023

Yours faithfully

Murthy Balakrishnan
Senior Trading Standards Officer

Officers Trading Standards
Alexandra House, 4th Floor
10 Station Road
London Road
N22 8HQ

T 020 8489 4519
M 0787157822

www.haringey.gov.uk

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1. What is your full name?

Mr Fanica Mosescu

2. What is your home address?

516 High Road, London N17 9SX

3. What is your date and place of birth?

21st November 1993

4. Is this a Limited company?

No

5. What is the registered name and address the company?

N/A

6. What is the company's registration number?

N/A

7. Who are the director(s) of the company?

N/A

8. What is your position within the company?

N/A – Sole Trader

9. Are you authorised to speak on behalf of the business and the company?

N/A – Sole Trader

The offence:

On 10th of August 2023, an inhaling product mainly Elbar 600, Apple Peach was sold to a person under the age of 18-year-old, during a test purchasing exercise conducted by this service. This is an offence under Regulation 3 of the Nicotine inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. Sale of Nicotine Inhaling product (Vape) to a person under the age of 18 years

We are therefore interviewing you in the capacity as the Company director.

10. What is your role in the business or company?

Role in the Business - Manager

11. Who is the Premises Licence holder?

Myself – Mr Fanica Mosescu

12. Who is the Designated Premises Supervisor?

Myself – Mr Fanica Mosescu

13. Do you work in the shop yourself?

No not completely

14. How many other people work at the shop?

Two other people help me out in the shop

15. What training have you had with regards of sale of restricted goods to underage persons?

BIIAB Level 2 Award for Personal Licence Holders

16. Who trains your staff with regards sale of age restrictions products?

Myself

17. Who trained Valentina Letter?

Myself

18. Provide the training script and training records for the staffs and Valentina Letter

Attached to this email

19. Do you know what a refusal book is used for?

Yes

20. Do you or your staff fill a refusal book?

Myself

21. Provide evidence of a refusal book filled in by you, your staff?

Yes – Please see attached document

22. Do you offer your staff any refresher training in the sale of age restricted goods to persons under the age of 18? Please provide evidence.

Yes – If/When changes have been made to age restricted goods to persons under the age of 18. Please see attached document

23. Why did Valentina Letter did not ask for any form identification or proof of age before selling the inhaling products?

I ask Valentina this question lots of times and I do not know – she didn't provide an answer to this question.

24. Do you or your staff operator a "Challenge "25"?"

Yes – Please see attached document

25. What do you understand by "Challenge 25"?

Yes – Please see attached document

26. Does your cash till have an age identification system (EPOS) that when age restricted products are scanned? Does it prompt the seller to ask for identification?

Not at the time of the incident – but the request has been placed with the EPOS supplier

27. That is an end to the questions I need to ask you.

28. Is there anything else you want to convey to me that you have not already have stated?

Yes – After taking appropriate advice I have implemented the EPOS system prompt to help ensure that no other member of staff would by-pass their age restricted goods training.

Sent from my iPhone

On 21 Nov 2023, at 15:27, Murthy Balakrishnan <Murthy.Balakrishnan@haringey.gov.uk> wrote:

Hi Fanica Mosescu,

I have written to you previously regarding the underage sale that occurred on the 10th of August 2023. You have not responded to the questions I have asked you. I have once again attached these questions for you answer. Please send the answers by email to murthy.balakrishnan@gmail.com. I will give you until the 30th of November 2023 to respond.

Regards

Murthy Balakrishnan
Senior Trading Standards Officer

<image001.jpg>

Haringey Council
Environmental and Resident Experience
4th Floor, Alexandra House, 10 Station Road, London, N22 7TR

T. 020 8489 4519

M. 07870 157822

<mailto:murthy.balakrishnan@haringey.gov.uk>

www.haringey.gov.uk

twitter@haringeycouncil

facebook.com/haringeycouncil

Please consider the environment before printing this email.

Friday is my non-working day

If you need to report something please log it here: [Report It](#)

If you need to reply to this message, please use our Online Service:

[Contact Frontline](#)

Why wait when you can [do it online?](#)

<image002.gif>

This email and any files transmitted with it are confidential, may be subject to legal privilege and are intended only for the person(s) or organisation(s) to whom this email is addressed. Any unauthorised use, retention, distribution, copying or disclosure is strictly prohibited. If you have received this email in error, please notify the system administrator at Haringey Council immediately and delete this e-mail from your system. Although this e-mail and any attachments are believed to be free of any virus or other defect which might affect any computer or system into which they are received and opened, it is the responsibility of the recipient to ensure they are virus free and no responsibility is accepted for any loss or damage from receipt or use thereof. All communications sent to or from external third party organisations may be subject to recording and/or monitoring in accordance with relevant legislation.

<PACE interview questions for Sofi Mar .docx>

<Invite to a PACE interview for Sofi Mar.docx>

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Haringey LONDON Notice of the powers to search premises and the rights of occupiers
 Powers of Entry Code of Practice
 Police and Criminal Evidence Act 1984 Code of Practice
 Schedule 5 Consumer Rights Act 2015 Entry Notice

Name of business/occupier: Sepi Mar
 Name of person receiving notice: Did not want name
 Address of premises: 516 High Road
U17 9SX

Officers of the London Borough of Haringey are given statutory powers to enable them to check compliance, enforce legislation and investigate breaches of the law. When you are not suspected of committing a breach the Powers of Entry Code of Practice applies. When you are suspected of a criminal breach the Police and Criminal Evidence Act Code of Practice B applies

POWER UNDER WHICH ENTRY/SEARCH MADE (TICK WHICH APPLIES)

1) **WARRANT** (Officers powers are summarised overleaf)
 Under Consent Protection Act _____ Date granted 1/11/21 By EO

2) **STATUTORY POWER**-(These powers are summarised overleaf)
 Under the Consumer Rights Act 2015 Paragraph 23(6) Entry without prior Notice
 Under the Consumer Rights Act 2015 Paragraph 23(3) Entry with prior Notice
 Statutory Powers (other Please Specify) _____ Regs/Act

Purpose of Entry: To look for illegal and non-duty paid cigarettes

3) **WRITTEN CONSENT** (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)
 With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I CONSENT TO OFFICERS OF THE L.B. HARINGEY SEARCHING THE ABOVE NAMED PREMISES. I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

I CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature X Name (Capitals) X
 Status relative to premises X

OFFICER IN CHARGE OF SEARCH
 Name MURPHY, BELM Date 19/3/2021
 Position Su TI Officers sig. AM Time Start _____ Finish _____

Complete After Search) Premises Searched Record

OFFICERS PRESENT AT SEARCH (Show Name & Organisation)
S. H. M.
Y. Simbul

Entry Forced/Damage/Arrangements to Secure Premises: Please state below

Content of Search: _____
 Worksheet visit No: _____

WHITE - OFFICERS COPY PINK - SEARCH REGISTER YELLOW - OCCUPIERS COPY

Regulatory Services RS 00064 **Haringey LONDON**

6th Floor, Alexandra House, 10 Station Road, London N22 7TR
 Tel: 020 8489 5134
 E-mail: frontlines@haringey.gov.uk www.haringey.gov.uk

Record of Seized Property/Notice of Additional Powers of Seizure/ Notice Following Visit

Name: Safi Mar Date: 19/3/2024
 Address: 516 High Road
London N17 9SX Post Code: _____
 Enactment(s) _____

The following items have been **received/returned**
 In accordance with the provisions of the above named Act(s), the documents/goods listed below which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me. *(delete section if not applicable)*

I agree to permanently hand over all of the items listed and they will be owned by Haringey Council. I will not be able to get these items back once I have signed below *(delete section if not applicable)*

Notice /Observations/Action Required *(Circle if applicable)*

| Item No. | Description of Property Or Notice/Observations/Action | Seized by Officer | From Where Or Legislation | Time | Seal No. or Statutory Requirement |
|------------------|---|-------------------|---------------------------|------|-----------------------------------|
| 81 | dog | MBJ / HS | Consumer Protection | | POS01 / POS01 |
| _____ | | | | | |

Tick Box if applicable *Section 50 of the Criminal Justice and Police Act 2001 allows for the seizure and removal of property found on premises where it is not reasonably practicable to complete the process of examination, searching or separation at the scene. Section 52 requires the provision of a written notice to the person from whom the property was seized, specifying various information. Under Search Warrant Without Search Warrant
 Reasons why it was not reasonably practicable to complete the relevant process at the scene. *(See Overleaf)*

Authorised Officer: _____ (Signed) _____ (Print Name) _____ (Designation) _____
 Notice Received By: Did not want to sign (Signed) _____ (Print Name) _____ (Status) _____

WHITE COPY - (Trader) YELLOW COPY (Officer) PINK COPY (Remains in Possession)

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Environmental Services and Community Safety

Regulatory Services Manager: Gavin Douglas



Mr Fanica Mosescu,
Sofi-Mar
516 High Road,
London,
N17 9SX

Date: 9th of April 2024
Your ref:
Our ref: MB/Sofi Mar 19.04.24 /WK/
Direct No: 020 8489 4519 or
07870 157822

Dear Mr Fanica Mosescu,

On the 19th of March 2024, Trading Standards Officers carried out an inspection at your premises Sofi Mar, 516 High Road, London N17 9SX. The officers discovered the following goods while carrying out their inspection behind the counter, under the shelves and on top of the fridge.

1. 40 x 20 Packet Cigarettes
2. 41 x 20 Packet Cigarettes

The tobacco products and cigarettes seized did not carry the correct UK Health Warnings, were non-UK Duty Paid and were not in standardised packaging as required for the UK market. These facts can constitute offences under the above-mentioned legislation.

1. That information contained on the products was in a language other than English and would not inform purchasers on the safe use of the product. This information is required under regulation 8(1) of the General Product Safety Regulation 2005 contrary to regulation 20(1) General Product Safety Regulation 2005
2. Had in possession tobacco products that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015 in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it, but displayed the colours white and blue, Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015

In order to complete my investigation, I wish to put some questions to you as the owner, Premises Licence Holder and/or Designated Premises Supervisor of the business. When replying please ensure that this letter is answered by you, and you sign and date it to approve its content.

The interview would be conducted in accordance with the rules laid down in the **Codes of Practice under Police and Criminal Evidence Act 1984**. You may seek legal advice or assistance when answering these questions.

Please return the written answers by the 29th of April 2024

Yours faithfully

A handwritten signature in black ink, appearing to read 'Murthy Balakrishnan', on a light-colored background.

Murthy Balakrishnan
Senior Trading Standards Officer

Trading Standards
Alexandra House, 4th Floor
10 Station Road
London Road
N22 8HQ

T 020 8489 4519
M 0787157822

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Interview Questions

1. That information contained on the product was in a language other than English and would not inform purchasers on the safe use of the product. This information would be required under regulation 8(1) of the General Product Safety Regulation 2005 contrary to regulation 20(1) General Product Safety Regulation 2005
2. Had in possession tobacco products that failed to comply with the requirements of Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2016 in that it the exterior of the packaging did have the permitted colour, that being Pantone 448c applied to it but displayed the colours white and blue, Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015

I write to you in relation to an inspection carried out at Sofi – Mar, 516 High Road, London, N17 7BU. During the inspection the following items were seized: from behind the counter under the shelves. More cigarettes were found on the top of fridge.

40 x 20 Packet Cigarettes
41 x 20 Packet Cigarettes

I wish to ask the questions by means of written questions. These questions are in accordance with **Code Police and Criminal Evidence Act 1984 (PACE)**.

Questions to the director of the Company or the owner of the business

Here are the questions for you to answer and return to me **but** before you do so, **I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something, which you later rely on in court. Anything you do say may be given in evidence.**

Sign here.....

Time and Date:

If you understand the caution after reading it, please sign it and date it

I would remind you that you are entitled to legal representation or to seek advice from a solicitor prior and while answering these questions.

1. What is your full name?
2. What is your home address?
3. What is your place of birth?
4. What is your date of birth?
5. Is this business a Limited company?
6. If not, are you the sole owner of the business?
7. Are there any other owner connected with this business?
8. What is your position within this business?
9. Are you authorised to speak on behalf of the business?

The offence:

On 19th of March 2024, the above cigarettes were taken from Sofi-Mar, 516 High Road, London, N17 7BU. These are contrary to the regulations above.

We are therefore interviewing you in the capacity as the sole owner.

10. What is your role in the business.
11. Do you work in the shop yourself?
12. How many other people work at the shop?
13. There was two woman and a man in the while the search was carried out. Who are these people and what are their names.
14. On 19th of March 2024 you were the owner and the Premises Licence Holder of Sofi-Mari, 516 High Road, London N17 9SX,

15. Would you agree that you are active in the management of the business?
16. Do you agree that you had cigarettes that did not carry the correct UK health warnings and were not UK Duty Paid and were not in standardised packaging as required for the UK market.
17. Do you agree that you should not be selling these cigarettes in your shop?
18. Where did you get these cigarettes?
19. Which cash and carry did you obtain these cigarettes?
20. Do you have the address of the supplier of these cigarettes?
21. How much were you selling these cigarettes for?
22. Have you got any receipt for these cigarettes.
23. How many of the cigarettes have you sold?
24. How much were you selling these cigarettes to the customers?
25. That is an end to the questions I need to ask you.
26. Is there anything else you want to convey to me that you have not already stated?

Conclusion of interview questions

Please answer these questions and sign and date them.

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Interview Questions

Regulation 3 of the Nicotine inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015.

Sale of Nicotine Inhaling product (Vape) to a person under the age of 18 years.

I write to you in relation to a test purchase of an inhaling product. by a person under the age of 18 years old. The inhaling product mainly **Elfbar 600 Apple Peach** was sold by you on the 10th of August 2023, at **Sofi- Mar, 516 High Road, London N22 9SX**. This was a part of the underage test purchase exercise of age restricted goods carried out all around the borough of Haringey carried.

A Haringey Council Officer observed **Valentia Letter** as the person behind the counter sell an inhaling product mainly **Elbar 600 Apple Peach** to person under the age of 18 years old. You sold the inhaling product without asking any for any of identification or proof of age.

I wish to ask the questions by means of written questions. These questions are in accordance with **Code Police and Criminal Evidence Act 1984 (PACE)**.

Questions to the director of the Company

Here are the questions for you to answer and return to me **but** before you do so,

I must caution you that you do not have to say anything, but it may harm your defence if you do not mention when questioned something, which you later rely on in court. Anything you do say may be given in evidence.

Sign here.....

Time and Date:

If you understand the caution after reading it, please sign it and date it

I would remind you that you are entitled to legal representation or to seek advice from a solicitor prior and while answering these questions.

1. What is your full name?
2. What is your home address?
3. What is your date and place of birth?
4. Is this a Limited company?
5. What is the registered name and address the company?
6. What is the company's registration number?
7. Who are the director(s) of the company?
8. What is your position within the company?
9. Are you authorised to speak on behalf of the business and the company?

The offence:

On 10th of August 2023, an inhaling product mainly **Elbar 600, Apple Peach** was sold to a person under the age of 18-year-old, during a test purchasing exercise conducted by this service. This is an offence under **Regulation 3 of the Nicotine inhaling Products (Age of Sale and Proxy Purchasing) Regulations 2015. Sale of Nicotine Inhaling product (Vape) to a person under the age of 18 years**

We are therefore interviewing you in the capacity as the Company director.

10. What is your role in the business or company?
11. Who is the Premises Licence holder?
12. Who is the Designated Premises Supervisor?
13. Do you work in the shop yourself?

14. How many other people work at the shop?
15. What training have you had with regards of sale of restricted goods to underage persons?
16. Who trains your staff with regards sale of age restrictions products?
17. Who trained **Valentina Letter**?
18. Provide the training script and training records for the staffs and **Valentina Letter**
19. Do you know what a refusal book is used for?
20. Do you or your staff fill a refusal book?
21. Provide evidence of a refusal book filled in by you, your staff?
22. Do you offer your staff any refreshers training in the sale of age restricted goods to persons underage the age of 18? Please provide evidence.
23. Why did **Valentina Letter** did not ask for any form identification or proof of age before selling the inhaling products?
24. Do you or your staff operator a "Challenge "25"?"
25. What do you understand by "Challenge 25"?
26. Does your cash till have an age identification system (EPOS) that when age restricted products are scanned? Does it prompt the seller to ask for identification?
27. That is an end to the questions I need to ask you.
28. Is there anything else you want to convey to me that you have not already have stated?

Conclusion of interview questions

Please answers these questions and sign and date them.

LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: SELMS00012290

Premises Licence Number: LN/000026252

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
4th Floor Alexandra House, 10 Station Road,
Wood Green, London N22 7TR**

Signature:

Date: 28th December 2022

DPS Variation: 26th September 2023

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**SOFI-MAR
516 HIGH ROAD
TOTTENHAM
LONDON
N17 9SX**

Telephone:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Sunday 0900 to 2200

The opening hours of the premises:

Monday to Sunday 0900 to 2200

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **OFF** the premises only.

LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Fanica Mosescu
10 Normanton Park
London
E4 6HF

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Cornelia Cotlogut
13 Top House Rise
Chingford
E4 7EE

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence: Z01N0413TO/2
Issued by: London Borough of Waltham Forest

Annex 1 –Mandatory Conditions**Supply of alcohol.**

1. No supply of alcohol may be made under the premises licence;
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence 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.

4. Prohibition on Sale of Alcohol below Cost of Duty plus VAT

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

(2) For the purposes of the condition set out in paragraph (1) —

(a) —dutyll is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6) ;

(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 rate 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 personll 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 personll 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) —valued added taxll means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph (2) 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.

Annex 1 –Mandatory Conditions

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

(b) 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.

Door supervision.

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

The premises will operate to a high standard, and will continue to do so.

All staff will be fully trained in their responsibilities with regard to the sale of age related products and will be retrained every six months, with recorded training records kept for inspection.

THE PREVENTION OF CRIME AND DISORDER

CCTV will be used at the premises, it shall be to an appropriate standard as agreed with the Licensing Authority in consultation with the Police.

The CCTV equipment shall be maintained in good working order and continually record when licensable activity takes place and for a period of two hours afterwards.

The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure they, or in their absence, a responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

An incident record will be kept in a bound book, as will all refusals recorded. These books will be made available to the police and officer from the council on request..

PUBLIC SAFETY

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.

All relevant fire procedures are in place, and the business will be fully fire risk assessed.

An on-site accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the business for a period of three years.

THE PREVENTION OF PUBLIC NUISANCE

Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties.

Sufficient litter bins will be provided to allow the customers to deposit their waste/ rubbish in the correct manner.

Annex 2 – Conditions consistent with the Operating Schedule

THE PROTECTION OF CHILDREN

Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic ID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme.

A notice will be displayed at the till either electronically or physically to remind staff to ask for identification.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at the premises and made available to officers of any responsible authority upon request.

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which will be reviewed by the Designated Premises Supervisor at intervals of not less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Appendix 2

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LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: SELMS00012290

Premises Licence Number: LN/000026252

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
4th Floor Alexandra House, 10 Station Road,
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Signature:

Date: 28th December 2022

DPS Variation: 26th September 2023

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**SOFI-MAR
516 HIGH ROAD
TOTTENHAM
LONDON
N17 9SX**

Telephone:

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Sunday 0900 to 2200

The opening hours of the premises:

Monday to Sunday 0900 to 2200

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **OFF** the premises only.

LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Fanica Mosescu
10 Normanton Park
London
E4 6HF

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Cornelia Cotlogut
13 Top House Rise
Chingford
E4 7EE

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence: Z01N0413TO/2
Issued by: London Borough of Waltham Forest

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 - (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.

4. Prohibition on Sale of Alcohol below Cost of Duty plus VAT

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(a) —dutyll is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6) ;

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Where —

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- (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 personll 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) —valued added taxll means value added tax charged in accordance with the Value Added Tax Act 1994

(3) Where the permitted price given by Paragraph (b) of paragraph (2) 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.

Annex 1 –Mandatory Conditions

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

(b) 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.

Door supervision.

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

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The premises licence holder shall ensure images from the CCTV are retained for a period of 31 days. This image retention period may be reviewed as appropriate by the Licensing Authority.

The correct time and date will be generated onto both the recording and the real time image screen.

If the CCTV equipment (including any mobile units in use at the premises) breaks down the Premises Licence Holder shall ensure they, or in their absence, a responsible person, verbally informs the Licensing Authority and the Police as soon as is reasonably practicable. This information shall be contemporaneously recorded in the incident report register and shall include the time, date and means this was done and to whom the information was reported. Equipment failures shall be repaired or replaced as soon as is reasonably practicable and without undue delay. The Licensing Authority and the Police shall be informed when faults are rectified.

The premises Licence holder shall ensure that there are trained members of staff available during licensable hours to be able to reproduce and download CCTV images into a removable format at the request of an authorised officer of the Licensing Authority or a constable.

There shall be clear signage indicating that CCTV equipment is in use and recording at the premises during all trading hours.

An incident record will be kept in a bound book, as will all refusals recorded. These books will be made available to the police and officer from the council on request..

PUBLIC SAFETY

Staff will be trained to be alert to any potential danger to customers and react accordingly. If they are unable to quickly defuse the situation without risk to customer or staff, then they are instructed to call the police.

All relevant fire procedures are in place, and the business will be fully fire risk assessed.

An on-site accident book will be in operation to record any accident/ injury incurred on the premises. This document will be retained for inspection by the business for a period of three years.

THE PREVENTION OF PUBLIC NUISANCE

Customers will be reminded by way of a notice at the entrance/ exit door to please leave the premises quietly and have consideration for the neighbouring properties.

Sufficient litter bins will be provided to allow the customers to deposit their waste/ rubbish in the correct manner.

Annex 2 – Conditions consistent with the Operating Schedule

THE PROTECTION OF CHILDREN

Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic ID card or proof of age card with the PASS logo or hologram on it may be accepted as proof of age.

Prominent, clear and legible signage (in not less than 32 font bold) shall also be displayed at all entrances to the premises as well as at, at least one location behind any counter advertising the scheme.

A notice will be displayed at the till either electronically or physically to remind staff to ask for identification.

The Premises Licence Holder shall ensure that all staff members engaged or to be engaged, in selling alcohol at the premises shall receive the following induction training. This training will take place prior to the selling of such products:

- The lawful selling of age restricted products
- Refusing the sale of alcohol to a person who is drunk

Further verbal reinforcement/refresher training covering the above will be carried out thereafter at intervals not to exceed six months, with the date and time of the verbal reinforcement/refresher training documented.

All such training undertaken by staff members shall be fully documented and recorded. All training records will be kept at the premises and made available to officers of any responsible authority upon request.

The premises shall at all times maintain and operate refusals recording system (either in book or electronic form) which will be reviewed by the Designated Premises Supervisor at intervals of not less than 4 weeks and feedback given to staff as relevant. This refusals book will be kept at the premises and made available to officers of any responsible authority upon request.

Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Appendix 3

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HMRC Policy Paper: Stubbing out the problem: A new strategy to tackle illicit tobacco

On the 31 January 2024 HMRC announced a new Policy Paper:

Stubbing out the problem: A new strategy to tackle illicit tobacco.

Smoking is a leading cause of preventable death and illness in the UK. The Government in 2019 pledged to make England 'smokefree' by 2030 – achieved when adult smoking prevalence falls to 5% or less.

It recognises that efforts must continue to tackle the criminals seeking to undermine the progress made. HMRC estimates that the illicit market in tobacco duty and related VAT was £2.8 billion in 2021 to 2022. The proceeds of this crime fund the smuggling of weapons, drugs, and even human beings across the globe.

HMRC launched its first strategy to tackle illicit tobacco in 2000. This, and consequent strategies with Border Force, have reduced the estimated duty gap for cigarettes by a third (from 16.9% in 2005 to 11% in 2021 to 2022) and for handrolling tobacco by a half (from 65.2% to 33.5% over the same period). The last strategy published in 2015 drove forward bold new legislation, sanctions, controls, and operations to tackle the illicit trade.

The strategy:

- sets out our new root and branch approach - which targets the demand for illicit trade (the consumers that criminals seek to exploit) as well as the supply (the criminals themselves)
- is supported by over £100 million new funding over the next 5 years to boost HMRC and Border Force enforcement capability.
- establishes a new, cross-government Illicit Tobacco Taskforce – combining the operational, investigative and intelligence expertise of various agencies, and enhancing our ability to disrupt organised crime.

Introduction

“Illicit tobacco preys on the most disadvantaged in our community, stealing health and hope” – Javed Khan, Independent Review into Making Smoking Obsolete, June 2022

Tobacco harms our health, our productivity, and our economy. Its harms are well-documented and widespread. In 2019 the government committed to making England smokefree by 2030 – achieved when adult smoking prevalence falls to 5% or less. To support this ambition, in October 2023 the Government set out its intention to create a 'smokefree generation'. This means anyone born on or after 1 January 2009 will never be legally sold tobacco products.

Illicit tobacco, however, is recognised as undermining these efforts. The illicit trade involves a range of tobacco products that are sold illegally, often to underaged users, without paying taxes (VAT and excise duty). It provides a cheap and unregulated supply of tobacco to those who might otherwise be deterred by cost.

Illicit tobacco trade undercuts law-abiding businesses. It funds other organised crime with its proceeds and increases the burden on honest taxpayers. HMRC estimated the illicit market in tobacco duty and related VAT at £2.8 billion in 2021 to 2022. Its impacts are disproportionately felt by the most disadvantaged in our communities, with over half of all smokers of illicit tobacco coming from the most deprived socioeconomic groups.

Tobacco fraud exists throughout the world and the UK market represents a small fraction of the global demand for illicit product. The wide range of suppliers and organised crime groups (OCGs) operating across borders make it hard to limit the flow of goods into the UK; there is a virtually limitless illicit supply available worldwide and the profit margins attract large numbers of criminals. HMRC is working in partnership to stop production at source, seize illicit product at our borders and in our shops, and punish the criminals involved in the illicit tobacco trade.

Case study

Target the retailers that facilitate the fraud. HMRC works closely with Trading Standards to disrupt the illicit tobacco trade at retail level – known as Operation CeCe. This work began in January 2021 and has already led to the seizure of over 28 million illicit cigarettes and nearly 8 tonnes of illicit hand-rolling tobacco in the first 2 years.

New sanctions to tackle illicit tobacco duty evasion. Stronger powers to combat illicit tobacco were introduced in July 2023, including penalties of up to £10,000 for any businesses and individuals who are caught selling illicit tobacco products. This builds on the existing successful collaboration between HMRC and Trading Standards. Under these stronger powers Trading Standards are able to make referrals to HMRC where they find evidence that a contravention of the Tobacco Track and Trace system has occurred. HMRC manages the administration and issuing of the relevant sanctions under the new powers.

Aim 1: Reduce demand for illicit tobacco

Reduce the ease of purchasing illicit tobacco by increasing our impact on retailers that sell illicit products and working with honest law-abiding retailers. We need to prevent illicit tobacco from being a convenient and readily available option. We will work to disrupt the ease of access in order to achieve a knock-on impact on demand. We will:

- build on the success of Operation CeCe by increasing the level of funding and committing to our relationship with Trading Standards for the long term, to enable greater impact
- improve intelligence sharing across HMRC and Trading Standards, ensuring the long-term success of Operation CeCe
- tackle online sales of illicit tobacco on social media platforms, gathering intelligence on social media sales, and working with social media platforms to ensure we are effective in limiting criminal groups' ability to sell illicit tobacco through these channels.
- review our current sanctions to ensure we are able to work with landlords to close down any outlets that sell illicit tobacco on their premises and encourage them to terminate leases early where this is the case. This will support the enforcement of our new tougher tobacco sanctions.

Focusing our law enforcement activity on increasing the price at which organised crime groups are able to sell illicit tobacco products, which will in turn reduce demand for them. While limiting supply of illicit products is extremely difficult due to their availability around the world and the willingness of OCGs to smuggle them, our actions change the way the OCGs operate, increasing their costs and raising the eventual street price of the tobacco products. Economic analysis shows that raising the price of illicit tobacco products has a material impact on the demand for those products. HMRC will:

- increase the risk to those criminals involved in the supply of illicit tobacco, forcing OCGs to go to greater, more expensive lengths, to smuggle products.

- disrupt smuggling routes and methods, making OCGs adapt to more expensive routes and methods to maintain supply
- dismantle the most prolific OCGs in order to eliminate the economies of scale they are able to achieve.
- continue to dismantle illicit tobacco factories in the UK, disrupting attempts by OCGs to establish UK production as a means to eliminate logistical costs.

Support the wider government campaign for a 'smokefree generation' strategy with communication activity to help tackle the trade and consumption of illicit tobacco and raise awareness of links to organised crime. Whilst HMRC have publicised their prosecutions and seizures and fed into wider governmental campaigns to tackle illicit tobacco, they will go further to raise awareness of illicit tobacco and the impact it has on local communities, using communication levers to help drive down demand for illicit product. HMRC will:

- deliver proactive communications activity to support the drive to reduce demand and comfort levels for users of illicit tobacco.
- publish communications targeted at businesses – including retail outlets – to reinforce the risk and highlight the impact of new sanctions.
- issue wider communications, which will highlight the wider community harm, risks to children and links to other types of organised crime where appropriate. The impact of the illicit trade is often the greatest in the most deprived areas of the country. Focusing communications to areas where illicit tobacco is most prevalent will help support a smokefree generation and reduce health disparities.
- work with other government departments, including the Department of Health and Social Care, to support communication campaigns and other initiatives designed to reduce demand for tobacco products more generally – highlighting the financial impact to the economy as a whole and to local communities.
- ensure they are joined up on our messaging with other government departments, public bodies, and organisations including the Illicit Tobacco Partnership
- continue to proactively publicise their seizures, arrests, and success stories

Aim 2: Tackling organised crime The illicit tobacco market is dominated by OCGs that operate internationally and involve themselves in a number of other crimes. The harm caused by these groups is far wider than just those linked to smoking. For example:

- human trafficking victims are often used in the production of illicit tobacco products, working in inhumane conditions against their will.
- tobacco OCGs often also smuggle and supply other criminal commodities including drugs.
- they are often violent criminals that use weapons in our communities.
- the proceeds of tobacco fraud are laundered, funding other crime as well as further tobacco fraud.
- they sell tobacco products to children who would otherwise be unable to legally purchase tobacco products and become smokers. HMRC has responsibility as an enforcement agency to bring perpetrators of tax fraud to justice. We are committed to protecting society from harm and tackling those who set out to cheat the tax system.

HMRC will work to tackle organised crime within the UK, at the border, and overseas, using effective intelligence sharing and levying harsh penalties on those who break the law. To achieve this, we will:

Establish a multi-agency illicit tobacco taskforce to co-ordinate enforcement activity

- HMRC will establish a multi-agency illicit tobacco taskforce, bringing together colleagues from HMRC, Border Force, and Trading Standards into a single 5 team that collaborates closely with other law enforcement and intelligence partners
- the taskforce will combine all intelligence and information available, building an overview of the illicit market and the criminals involved, enabling a coordinated and comprehensive response to be taken.
- the taskforce will direct operational activity, utilising the capabilities and powers of all partners to maximise our impact on the most harmful OCGs.
- working together, we will identify new and emerging threats and develop plans to tackle them.

Target the most harmful organised crime groups within the UK relentlessly until they are no longer able to function HMRC will:

- use all available resources and sanctions to tackle the most harmful UKbased OCGs, including prosecution.
- prioritise targeting these groups over the long-term, investing significant resource into disrupting their operations.
- target the illicit finances of these OCGs, working with law enforcement partners and using HMRC's extensive asset recovery powers to recover cash and assets

Use policy and legislation to reduce opportunities for OCGs

- HMRC are extending access to Tobacco Track and Trace across HMRC and to Trading Standards
- in 2024, HMRC will extend the Track and Trace system to include all tobacco products such as cigars, cigarillos, and shisha.
- HMRC will continue to utilise existing legislation to ensure that OCGs are unable to obtain large volumes of genuine UK marketed tobacco products.
- HMRC will continue to work with key partners, particularly the Department of Health and Social Care, on the best implementation of the Tobacco Track and Trace System, including investigating opportunities which would allow anyone to check whether a business is correctly registered to sell tobacco products.
- HMRC will review and strengthen our reporting mechanisms for illicit tobacco so that those who identify illicit tobacco can easily alert the appropriate authorities.