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[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
4th 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

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

2.0 All 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.

3.0 Posters 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.

4.0 A 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

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 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
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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.