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Blackpool Council

3 March 2017

To: Councillors Cox, Humphreys and Hunter and G Coleman (Reserve)

The above members are requested to attend the:

LICENSING PANEL

Monday, 13 March 2017 at 2.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 APPOINTMENT OF CHAIRMAN

To appoint a Chairman for the meeting.

2 DECLARATION OF INTEREST - LICENSING

Members are asked to declare any interests in the items under consideration and in doing so state:-

(1) the type of interest concerned

(2) the nature of the interest concerned; and

(3) whether they have or have not sat on a Planning Committee which has previously considered a planning application in respect of a licensed premises which is also subject to consideration for a premises licence as part of the agenda for this meeting.

If any Member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

(Members are asked to also pay particular attention to the guidance sheet on interests supplied with the agenda).

3 PROCEDURE FOR THE MEETING

The Chairman of the Panel will summarise the procedure and announce the equal maximum amount of time for each party to speak for the hearing.

- A. Items 1 and 4 (b) will be undertaken in private session by the Panel and not in the Meeting Room.
- B. Items 2, 3, 4(a) and 4(c) will be recommended to the Panel to be held in public.
- C. The Panel may decide to exclude the public from all or part of a hearing where it considers that the public interest in so doing outweighs the public interest in the hearing, or that part of the hearing, taking place in public. (This includes a party and any person assisting or representing a party)

4 APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BUCHAREST (Pages 1 - 40)

- a. APPLICATION AND REPRESENTATIONS SUBMITTED. To consider the attached report
- b. DETERMINATION OF THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BUCHAREST, TALBOT ROAD
- c. ANNOUNCEMENT OF THE DECISION FOR THE APPLICATION FOR THE REVIEW OF A PREMISES LICENCE- BUCHAREST, TALBOT ROAD

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Lennox Beattie, Executive and Regulatory Manager, Tel: 01253 477157, e-mail lennox.beattie@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Report to:	Licensing Panel
Relevant Officer:	Sharon Davies, Head of Licensing Services
Date of Meeting :	13 March 2017

APPLICATION TO REVIEW A LICENCE – Bucharest

1.0 Purpose of the report:

1.1 To consider an application by Health and Safety to review the Premises Licence issued in respect of Bucharest, 47-49 Talbot Road.

2.0 Recommendation(s):

2.1 The panel is requested to determine the review application.

3.0 Reasons for recommendation(s):

3.1 This application must be determined by a panel.

3.2a Is the recommendation contrary to a plan or strategy adopted or approved by the Council? No

3.2b Is the recommendation in accordance with the Council's approved budget? Yes

3.3 Other alternative options to be considered:

None, once an application for a review of a Premises Licence has been received it must be considered by the Licensing Panel.

4.0 Background Information

4.1 Bucharest, 47-49 Talbot Road, has the benefit of a Premises Licence authorising the sale of alcohol for consumption off the premises 7 days a week between the hours of 9am and 6pm.

4.2 On 16 January 2017 the Licensing Service received an application from Health and Safety to review this licence on the grounds of the prevention of crime and disorder and public safety. A copy of the application is attached at Appendix 4a.

4.3 Representations in support of the review have been received from Lancashire Constabulary at Appendix 4b and Weights and Measures at Appendix 4c.

4.4 The licence holder is Claudia Badea and she is also the designated premises supervisor.

4.5 **Local policy considerations**

None

4.6 **National policy considerations**

Section 11 reviews is relevant in particular:

11.20 – In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action should generally be directed at these causes and should always be no more than an appropriate and proportionate response.

If a suspension or revocation is being considered 11.23 should be taken into account “it will always be important that any detrimental financial impact that may result from a licensing authority’s decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.”

The panel have the following powers:

1. Take no action
2. Modify the conditions of the licence (by adding removing or varying conditions)
3. Exclude a licensable activity from the licence
4. Remove the DPS
5. Suspend the licence for up to three months
6. Revoke the licence.

4.7 **Observations**

This licence has the following conditions endorsed upon it:

Annex 1 - Mandatory conditions

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 premise licence must be made or authorised by a person who holds a personal licence.

3. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either a holographic mark, or an ultraviolet feature.

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

(2) In this condition:-

a. "permitted price" is the price found by applying the formula $P = D + (D \times V)$, where

i. P is the permitted price,

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

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

b. "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

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

i. i.the holder of the premises licence,

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

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

d. "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the

premises in a capacity which enables the member or officer to prevent the supply in question; and

e. "value added tax"

(3) Where the permitted price would not be a whole number of pennies, the permitted price shall be taken to be the price rounded up to the nearest penny.

(4) Where the permitted price on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax, 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.

Annex 2 - Conditions consistent with the Operating Schedule

1. The licence holder and the DPS are to support and rigorously enforce a Challenge 25 Proof of Age policy. Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:
 - a. UK photo driving licence
 - b. Passport
 - c. Proof of Age Standards Scheme Card
2. All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request.
3. All staff to have received suitable training in relation to not serving to persons suspected of being drunk. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.
4. Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.
5. The primary purpose of the premises is to operate as a food retailer and the sale of alcohol is ancillary to the retail of food.
6. Any alcohol over the ABV of 6% is to be located behind a point of sale area.

7. No single cans of lager, cider or bitter to be sold.
8. CCTV will be installed internally and externally at the premises and will comply with the following: The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard. The system will display on any recording the correct time and date of the recording. The system will make recordings during all hours the premises are open to the public. VCR tapes or digital recordings shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request. The system will, as a minimum, record images of the heads and shoulders of all person entering the premises.
9. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
10. The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.
11. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
12. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.

13. An incident book will be maintained, in which shall be recorded:
- (i) All incidents of crime and disorder
 - (ii) Refused sales to suspected under age/drunken persons
 - (iii) A record of any person refused admission or asked to leave the premises
 - (iv) Details of occasions upon which the Police are called to the premises
 - (v) The use or discovery of drugs
- That book shall be available for inspection by a Police Officer or authorised person.

4.8 Does the information submitted include any exempt information? No

4.9 **List of Appendices:**

Appendix 4a: Application for a review of the Premises Licence- Health and Safety

Appendix 4b: Representation from Lancashire Constabulary

Appendix 4c: Representation from Weights and Measures

5.0 **Legal considerations:**

5.1 Please see local and national policy in the background information.

6.0 **Human Resources considerations:**

6.1 None

7.0 **Equalities considerations:**

7.1 None

8.0 **Financial considerations:**

8.1 None

Blackpool Council

APPLICATION FOR THE REVIEW OF A PREMISES LICENCE OR CLUB PREMISES CERTIFICATE

LICENSING ACT 2003

***Review
requested by:***

Mark Marshall

Licensing Service
Blackpool Council
Municipal Buildings, PO Box 4
Blackpool, FY1 1NA

Contact

T: (01253) 47 8572 / 8589
F: (01253) 47 8372

www.blackpool.gov.uk



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. You may wish to keep a copy of the completed form for your records.

I	Mark Marshall, Licensing and Health and Safety Manager
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[insert name of person requesting review]

apply for the review of a premises licence under section 51 or 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.

Part 1 – Premises Details

Postal address of premises or club premises if any, or if none the ordinance survey map reference or description.									
Premises Name and Address	Bucharest								
	47-49 Talbot Road								
	Blackpool	Post Code	F	Y	1	1	L	L	
State the Name of the premises licence holder or the name of the club holding the club premises certificate (if known)									
Claudia Niculina Badea									
Premises Licence or Club Premises Certificate Reference Number (if known)								PL2090	

Part 2 – Applicant details

I am:

1) an individual, body or business which is not a responsible authority	Please tick
	<input type="checkbox"/>
2) a responsible authority (please also complete 2C below)	<input checked="" type="checkbox"/>
3) a member of a club to which this application relates (also complete section 2A below)	<input type="checkbox"/>

(2A) Individual Applicants (fill in as applicable)

Title:	Mr	Mrs	Miss	Ms	Other	I am 18 years old or over	Please tick			
							Yes	No		
Forenames						Surname				
Home address										
						Post Code				
						Post Code				
Telephone Number						Mobile Number				
E-Mail Address										

(2B) Other Applicant or Representing Body

Name										
Address										
						Post Code				
						Post Code				
Telephone No.										
Email Address										

(2C) Responsible Authority applicant

Name	Mark Marshall										
Address	Health and Safety										
	Bickerstaffe House, 1 Bickerstaffe Square										
						Post Code	F	Y	1	3	A
Telephone Number	01253-478493										
Email Address	Mark.marshall@blackpool.gov.uk										

Part 3 – Reason for Review

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

	Please tick
1) the prevention of crime and disorder	X
2) public safety	x
3) the prevention of public nuisance	
4) the protection of children from harm	

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

Introduction

The licence was granted for this premises in August 2016 and within a matter of weeks of opening I received complaints about the shop selling alcohol irresponsibly to street drinkers who went on to cause problems in the town centre.

The details of the concerns were communicated in writing, set out below;

Ms Claudia Badea
11-12 Station Terrance
Blackpool
FY4 1HT

Our Ref: MM
Direct Line: (01253) 478493
Email: mark.marshall@blackpool.gov.uk

Re Premises Licence 2090

Dear Madam,

Further to my visit of the 29th September 2016 I write to confirm our discussion. Firstly I attended after concerns had been raised by local businesses and the town centre BID wardens (Business Improvement District) who had observed people described as street drinkers purchasing high strength single cans of beer from your premises.

The brief chronology was;

Tuesday 27th September 2016 - Street drinkers accessing the product were observed by

businesses in the area.

Wednesday 28th September 2016 - BID warden spoke with the complainant and whilst at his premises observed street drinkers purchasing high strength single cans of beer.

Thursday 28th September 2016 - BID wardens observed street drinkers in St Johns Square behaving in an anti-social manner shouting, swearing and staggering around causing alarm to the public whilst drinking a distinctive black colored can of European beer or larger.

Whilst at your premises on the 29th September I noticed this distinctive Black can which from the information you provided had an ABV of 9%, the item was being sold from behind the counter which is in compliance with the terms of your licence.

However when I raised the issue of single can sales you accepted that this had occurred which is a straight forward contravention of your licence conditions and as such would be an offence under section 136 of the Licensing Act 2003. Your conditions are shown below;

1 *The Licence holder is to support and rigorously enforce a Challenge 25 proof of age policy.*

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of identification acceptable:

i. UK photo driving licence

ii. Passport

iii. Proof of Age Standards Scheme Card

2 *All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.*

3 *All staff to have received suitable training in relation to not serving to persons suspected of being drunk. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.*

4 *Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.*

5 *The primary purpose of the premises is to operate as a food retailer and the sale of alcohol is ancillary to the retail of food.*

6 *Any alcohol over the ABV of 6% is to be located behind a point of sale area.*

7 *No single cans of lager, cider or bitter to be sold.*

8 *CCTV will be installed internally and externally at the premises and will comply with the following:*

The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard.

The system will display on any recording the correct time and date of the recording.

The system will make recordings during all hours the premises are open to the public.

VCR tapes or digital recording shall be held for a minimum of 21 days after the recording is

*made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request.
The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.*

- 9 *A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.*
- 10 *The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.*
- 11 *Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.*
- 12 *An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.*
- 13 *An incident book will be maintained, in which shall be recorded :
(i) All incidents of crime and disorder
(ii) Refused sales to suspected under age/ drunken persons
(iii) A record of any person refused admission or asked to leave the premises
(iv) Details of occasions upon which the Police are called to the premises
(v) The use or discovery of drugs
That book shall be available for inspection by a Police Officer or authorised person .*

After I highlighted the reported problems in the town centre with this high strength product you accepted that you would take the item off sale and only sell lager with a maximum ABV of 7%. This undertaking is not binding but is seen as the most effective way to secure the promotion of the licensing objections in particular;

The Prevention of Crime and Disorder and
The Prevention of Public Nuisance.

The Section 182 Guidance does expect that responsible authorities will put licence holders on early notice of concerns but equally recognises that if concerns are not addressed then a review of the licence may occur where appropriate controls can be imposed. The applicable extract from that guidance is as follows;

11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.

Our discussion, this letter and your undertaking not to sell the high strength (9%) black tinned beer will be shared with the Police and BID and should further concerns about irresponsible retailing be disclosed then immediate formal action will be taken.

Yours Faithfully

Mark Marshall,
Licensing and Health and Safety Manager

On the **10th January 2017** I received further complaints from a BID warden regarding information he had received and also witnessed that the shop was selling "under the counter cigarettes".

On the **16th January 2017** at 13.40hrs I visited Bucharest with 2 colleagues from Trading Standards, Myron Moss and Lee Petrak. A quantity of non-duty paid cigarettes was found under the counter and a further amount was found in the store room to the rear.

My own observations at the time of the visits that there was a possible electrical safety issues in that a socket was trailing on the floor and the risk of tripping or ripping the wire from the socket was likely, if the grey twin and earth wire was ripped from the socket this would cause serious injury through electric shock, this item was in the public area in a traffic route we should be free from danger or obstruction.



Please find e mail from Lee Petrak detailing the quantities and contraventions;

Mark

Proprietor of business address above is Claudia Badea 21.01.1988 11/12 Station Terrace Blackpool FY4 1HT.

Quantity of illicit tobacco seized as follows: -

7 x 50g pouches of Golden Virginia

50 packs of Minsk Cigarettes
7 Packs of L&M cigarettes
4 Sleeves of Mayfair Cigarettes
3 Sleeves of Royals cigarettes
1 sleeve of L&M cigarettes

All products are incorrectly labelled and are therefore illegal to sell/supply in the UK (The Tobacco and Related Products Regulations 2016). I also have concerns that some of the products may be counterfeit. Where a brand representative can be located, samples will be sent to them for examination. Depending upon the efficiency of the affected brands, in my experience this can take up to 3 months.

Let me know if you need further information.

Mr Lee Petrak
Public Protection Officer
Trading Standards Enforcement

At the time of the visit there were 2 females behind the counter, one being Claudia Badea, the current DPS, when I explained that I would be reviewing the licence she stated she had lost over £40,000 since opening the shop and did it to claw some of her losses back, she later admitted to Lee Petrak that she had been selling the cigarettes for about 6 weeks. Lee also asked if she could supply any receipts for the cigarettes to which she replied she could not.

Section 144 of the Licensing Act 2003 prohibits the keeping of smuggled goods

(1) A person to whom subsection (2) applies commits an offence if he knowingly keeps or allows to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

(2) This subsection applies—

(a) to any person who works at the premises in a capacity, whether paid or unpaid, which gives him authority to prevent the keeping of the goods on the premises,

(b) in the case of licensed premises, to—

(i) the holder of a premises licence in respect of the premises, and

(ii) the designated premises supervisor (if any) under such a licence,

(c) in the case of premises in respect of which a club premises certificate has effect, to any member or officer of the club which holds the certificate who is present on the premises at any time when the goods are kept on the premises in a capacity which enables him to prevent them being so kept, and

(d) in the case of premises which may be used for a permitted temporary activity by virtue of Part 5, to the premises user in relation to the temporary event notice in question.

(3) A person guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the

standard scale.

(4)The court by which a person is convicted of an offence under this section may order the goods in question, and any container for them, to be forfeited and either destroyed or dealt with in such other manner as the court may order.

In addition to the prima facia offences disclosed the Section 182 Guidance also provides a list of conduct that it view as particularly serious and the sale of smuggled goods appears on that list.

Extract from Sect 182 Guidance (March 2015 edition)

11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;

for the sale and distribution of illegal firearms;

for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;

for prostitution or the sale of unlawful pornography;

by organised groups of paedophiles to groom children;

as the base for the organisation of criminal activity, particularly by gangs;

for the organisation of racist activity or the promotion of racist attacks;

for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

for unlawful gambling; and

for the sale or storage of smuggled tobacco and alcohol.

In light of the short but problematic trading history and the fact the premises operates in a Cumulative Impact area my suggestions would be that the operator has traded irresponsibly and consideration to revoking the premises licence should be made

Please provide as much information as possible to support the application. Continue on a separate sheet if necessary. (Please read guidance note 3 before completing)

Part 4 – Other relevant information

Have you made an application for review relating to this premises before?	Please tick	
	Yes	No
		X
	Day	Month
If yes please state the date of that application		
		Year


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

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.	Yes	No
		X
I understand that if I do not comply with the above requirements my application will be rejected		X

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 5 – 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 the behalf of the applicant please state in what capacity.**

Signed	
Print Name	Mark Marshall
Capacity	Licensing and Health and Safety Manager
Date	16 January 2017

Contact name and address for correspondence associated with this application. (Where not previously given) (See guidance note 6)					
Title:	Mr	Mrs	Miss	Ms	Other
Forenames	Mark			Surname	Marshall

Address for Correspondence associated with this application	PO Box 4									
	Blackpool									
		Post Code	F	Y	1		1	N	A	
Telephone Number	01253 478493				Mobile Number	07796994786				
E-Mail Address	mark.marshall@blackpool.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 that we shall use to correspond with you about this application.

This page is intentionally left blank

Dear Sir/Madam

Please can I add this e mail as additional evidence for the Bucharest Review.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Lee Petrak
Sent: 10 February 2017 13:59
To: Mark Marshall
Subject: Bucharesti, 47/49 Talbot Road

Mark

As you know a quantity of tobacco products were seized from the above premises on the 16th January 2017. The products seized were concealed in 2 separate locations within the business premises. The first concealment was in an unlocked multi-drawer unit beneath the shop counter. The second concealment was in a cardboard box to the rear storage area in the business premises. The brands and quantities seized were as follows: -

- 7 x 50g pouches of Golden Virginia Tobacco
- 50 packs of Minsk Cigarettes (500 cigarettes)
- 17 packs of L&M cigarettes (340 cigarettes)
- 40 packs of Mayfair cigarettes (800 cigarettes)
- 30 packs of Royals cigarettes (600 cigarettes)

The presentation of all products gave me cause for concern for the following reasons: -

- Golden Virginia Tobacco – the packaging does appear to carry some information presented in such a way that would indicate that it purports to be a health warning. However, this notice is not in English and therefore does not meet the requirements of the Tobacco and Related Products Regulations 2016 rendering it's supply in the UK illegal. In addition, since the representations submitted by me dated the 20th January 2017 Imperial Tobacco Ltd, who own the Golden Virginia brand, have confirmed to me that these products are not genuine – **These products are both smuggled and counterfeit.**
- Minsk Cigarettes – the packaging does appear to carry some information presented in such a way that would indicate that it purports to be a health warning. However, this notice is not in English and therefore does not meet the requirements of the Tobacco and Related Products Regulations 2016 rendering it's supply in the UK illegal. The Minsk brand is native to Belarus and is not sold or marketed outside Belarus. For this reason no attempts have been made to establish the legitimacy of the products seized. **These products are smuggled.**
- L&M Cigarettes – this brand is actively sold and marketed in the UK by Philip Morris International, a global tobacco manufacturer and retailer. These products do carry a form of health warning in English displayed on the packaging. However, it is not accompanied by a

pictorial health warning as required by the Tobacco and Related Products Regulations 2016 rendering it's supply in the UK illegal. This particular brand is popular with counterfeiters therefore samples have been sent to the brand representatives for analysis. To date I have not received a response from the brand. **These products are smuggled and may also be counterfeit.**

- Mayfair Cigarettes – This brand is actively marketed and sold in the UK by Gallaher Ltd, which a member of JTI Group. These products do carry a form of health warning in English displayed on the packaging. However, it is not accompanied by a pictorial health warning as required by the Tobacco and Related Products Regulations 2016 rendering it's supply in the UK illegal. This brand is popular with counterfeiters, and the brand representative has confirmed to me that these products are counterfeit. **These products are both smuggled and counterfeit.**
- Royals Cigarettes – These products do not carry any form of health warning whatsoever, therefore they fail to meet the requirements of the Tobacco and Related Products Regulations 2016 rendering their supply in the UK illegal. This particular brand only market their tobacco products in Africa and Asia. They do not sell or market products in the UK. For these reasons no attempts have been made to establish the legitimacy of the products seized. **These products are smuggled.**

For the reasons outlined above, all of the products seized from Badea are incapable of being supplied legitimately in the UK.

Mr Lee Petrak

Public Protection Officer
Trading Standards Enforcement

Public Protection Division | Community & Environmental Services Department | Blackpool Council |
No. 1 Bickerstaffe Square | Talbot Road | Blackpool | FY1 3AH

T:01253 477861

Blackpool: A fair place where aspiration and ambition are encouraged

W: www.blackpool.gov.uk

Dear Sir/Madam

Please find confirmation that some of the products taken from Bucharest are indeed counterfeit , can this be added as additional information for the Review.

Mark Marshall
Licensing and Health & Safety Manager
Blackpool Council
01253478493

From: Lee Petrak
Sent: 06 February 2017 14:21
To: Mark Marshall
Subject: Bucharesti & Badea

Hi Mark

FYI

The Golden Virginia tobacco has been confirmed as counterfeit and a statement has been provided by the brand rep. So far this is the only brand who have confirmed the status of the products seized.

Once I have a full picture I will move to interview Badea.

Mr Lee Petrak

Public Protection Officer
Trading Standards Enforcement


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Blackpool Council Licensing Service				
Representation made by a Responsible Authority In support of an application for the Review of an existing Premises Licence or Club Premises Certificate				
Responsible Authority making representation				
Name of Responsible Authority	Lancashire Constabulary			
Name of Officer <i>(please print)</i>	PS1747 Helen Parkinson			
Signature of Officer				
Contact telephone number	01253 604074			
Date representation made	07	02	17	
Do you consider mediation to be appropriate				NO
Name of Responsible Authority / Applicant who requested a review of this Licence				
Mr Mark Marshall – Health and Safety, Blackpool Council				
Premises Details				
Premises Name	Bucharest			
Address	47-49 Talbot Road			
	Blackpool			
Post Code	FY1 1LL			
Details of your representation in support of the review application (Please reference & attach supporting any documentation)				
<p>The Review is brought by Mark Marshall from Blackpool Council following serious concerns regarding irresponsible trading. This application is made in support of this Review and the Police will present evidence that the Licensing Objectives of prevention of crime and disorder and public safety have been undermined.</p> <p>On 5th August 2016 Claudia Badea, the current DPS, signed a Mediation Agreement in relation to conditions that police requested to be placed on the new premises licence for Bucharest. Two of the conditions were:</p> <ul style="list-style-type: none"> 6) Any alcohol over the ABV of 6% is to be located behind a point of sale area 7) No single cans of lager, cider or bitter to be sold <p>Prior to signing the Mediation Agreement the document was sent to Ms Badea so she could look over the conditions and had the opportunity to discuss any issues prior to any licence being granted. Having no issues with the conditions proposed The Agreement was signed and subsequently all conditions were placed on the licence.</p>				

Within a month information came to light that single cans of 9% lager were being sold in direct breach of the two conditions highlighted.

Talbot Road is part of the Saturation Zone and is a particular problem area for the local Community Policing Team. A significant portion of their time is focussed on street drinkers and the associated disorder. The selling of single cans is a particular problem and is key factor in attracting the street drinkers to the area. The selling of single cans we believe encourages them to drink more which in turn is detrimental to their health and well-being. In addition to this there has been an increase in the number of empty cans being discarded on the streets nearby.

In the past week, since beginning of February, there have been several calls to area immediately surrounding this premises in relation to nuisance caused by the street drinkers/homeless hanging around in the area. Attached to this report are 4 police logs dealt with by the neighbourhood team. The logs show that this is occurring during daylight hours, when families and children are in the area.

As this area has a significant problem with alcohol abuse it is key that any licensed premise, whether on or off licences, trades responsibly and promotes the licensing objectives. From the evidence presented police are of the opinion that the crime and disorder and public safety objectives are being undermined and the premises licence holder has traded irresponsibly and therefore fully support Mr Marshall in his Representation.

Notification of Mediation Agreement

Premises Details

Name of Premises:	Bucharest
Premises Address:	47 – 49 Talbot Road, Blackpool
Post Code:	FY1 1ll

Responsible Authority

Service / Department	Lancashire Constabulary
Officer (Print Name)	PC 3127 Ben Reynolds

Signature 

Proposed changes to Application Operational Schedule

Mark one

Adequate changes proposed during the representation period. No representation made.	<input checked="" type="checkbox"/>
Some changes proposed. Representation will follow for remaining concerns.	<input type="checkbox"/>
Some changes made after representation submitted. Continue to hearing.	<input type="checkbox"/>
Full and adequate proposals made after representation. Representation withdrawn.	<input type="checkbox"/>

Applicant's consent to amend Licence Application

I the undersigned am the applicant and hereby authorise Fylde Licensing Service to amend my application as detailed below. I understand that these amendments may be included as conditions on the Premises Licence should one be issued.

Applicant's Name (Please print clearly)	Claudia Badea
---	---------------

Applicant's Usual Signature	
-----------------------------	---

2 nd Applicant's Name	n/a
----------------------------------	-----

2 nd Applicant's Usual Signature	n/a
---	-----

Date of signing	05.08.2016
-----------------	------------

2016

Amendments

1	Alcohol operating hours 09:00 to 18:00
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2 *The following conditions to be added to the operating schedule:*

1. The Licence holder is to support and rigorously enforce the Challenge 25 proof of age policy.

Any person who looks or appears to be under the age of 25 shall be asked to provide identification that they are over the age of 18. The following are the only forms of

identification acceptable:

- i. UK photo driving licence
- ii. Passport
- iii. Proof of Age Standards Scheme Card

2. All staff to have received suitable training in relation to the proof of age scheme to be applied upon the premises. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.
3. All staff to have received suitable training in relation to not serving to persons suspected of being drunk. Records to evidence this will be made available to an authorised officer upon request. Refresher training shall be conducted every 6 months as a minimum.
4. Ordinarily a member of management team will be on the premises at all times the premises are open to the public. In exceptional circumstances where this is not the case another member of staff will be given responsibility of the premises and all staff will have knowledge of who this person in responsibility is.
5. The primary purpose of the premises is to operate as a food retailer and the sale of alcohol is ancillary to the retail of food.
6. Any alcohol over the ABV of 6% is to be located behind a point of sale area.
7. No single cans of lager, cider or bitter to be sold.
8. CCTV will be installed internally and externally at the premises and will comply with the following:
The CCTV system shall be installed, maintained and operated to the reasonable satisfaction of Lancashire Constabulary. All public areas of the premises are to be covered by the system. The system will incorporate a camera covering each of the entrance doors and will be capable of providing an image which is regarded as identification standard. The system will display on any recording the correct time and date of the recording. The system will make recordings during all hours the premises are open to the public. VCR tapes or digital recording shall be held for a minimum of 21 days after the recording is made and will be made available to the Police or any authorised persons acting for a Responsible Authority for inspection upon request. The system will, as a minimum, record images of the head and shoulders of all persons entering the premises.
9. A staff member who is conversant with the operation of the CCTV system will be on the premises at all times the premises are open to the public. This staff member will be able to show recent data or footage with the absolute minimum of delay when requested to a Police Officer or to a Local Authority Enforcement Officer.
10. The Licence Holder or Designated Premises Supervisor shall notify the Police Licensing Unit on any occasion when the CCTV is to be inoperative for a period in excess of one working day and shall provide a certificate from a competent person stating the reason for the system being inoperative and the measures which have been taken to satisfy the licence conditions.

11. Appropriate signage alerting customers to CCTV recording shall be displayed in conspicuous positions on the premises.
12. An authorisation of sales, signed and dated by the DPS, shall be kept at the premises showing all persons authorised by them to make sales of alcohol at the premises.
13. An incident book will be maintained, in which shall be recorded :
 - (i) All incidents of crime and disorder
 - (ii) Refused sales to suspected under age/ drunken persons
 - (iii) A record of any person refused admission or asked to leave the premises
 - (iv) Details of occasions upon which the Police are called to the premises
 - (v) The use or discovery of drugsThat book shall be available for inspection by a Police Officer or authorised person

2 *The following conditions to be removed from the operating schedule:*

POLICE LOGS



Welcome PS 1747 Parkinson
No PAVA Canister Issued
Tuesday, February 07, 2017
09:17:47
ASP Version 3.4.0

Lancashire Constabulary Sleuth Live Sleuth

[SLEUTH EXTRACT]

Incident Report - LC-20170204-0898

Date: 04/02/2017
Time: 15:43 hours
Informant: [REDACTED]
Informant Contact Numbers: [REDACTED]
Informant Address: [REDACTED]
Incident Location: WA38
Incident Address: TALBOT RD BLACKPOOL
Class: Nuisance
Type: NUISANCE
Details: NCRS. NO COMPLAINTS OR PERSONS ALARMED. RFC2SDB
Officer Dealing: 8399
Involved Vehicles:
Officers Attended: 4370,
Call Signs Attended: WACAR4E,
Local Requirements: NQ

Related Actions:

04/02/2017 15:43 hours 14921 14921
OUTSIDE HOME BARGAINS, 2 MALES AND 1 FEMALE CAUSING A
DISTURBANCE, - LOOK HOMELESS

04/02/2017 15:44 hours 14921 14921
MALE IS BEING AGGRESSIVE TOWARDS FEMALE

04/02/2017 15:44 hours 14921 14921

MALE WAS INTOXICATED, ON TOP OF FEMALE, SHOUTING AND SCREAMING AT HER

04/02/2017 15:45 hours 14921 14921

THERE ARE CHILDREN WALKING PAST ON THEIR WAY HOME FROM SCHOOL

04/02/2017 15:46 hours 14921 14921

THE GROUP LOOK LIKE THEY HAVE MADE HOME IN THE DOORWAY OF THE SHOP NEXT TO HOME BARGAINS

04/02/2017 15:48 hours 14783 14783

WACAR4: ALL QUIET ON ARRIVAL

04/02/2017 15:51 hours 14783 14783

WACAR4: CANX ANYONE ELSE ASNT

04/02/2017 15:51 hours 14783 14783

WACAR3 ACK

04/02/2017 16:02 hours 12001 12001

RINGING SOUTH YORKS. RE EMMA ASHCROFT [REDACTED], WHO IS SHOWING MISSING ON THEM.

04/02/2017 16:02 hours 12001 12001

.

04/02/2017 16:02 hours 14783 14783

QUESTION SET EXITED BEFORE COMPLETION:CLASS AMENDED

04/02/2017 16:03 hours 14783 14783

04/02/2017 16:05 hours 14783 14783

7551: WITH EMMA ASHBOURNE [REDACTED] SHE IS INTOXICATED AND NOT MAKING MUCH SENCE. SHOWING MISSING ON PNC FROM DONCASTER.

04/02/2017 16:08 hours 12001 12001

CORRECTION - NOT MISSING ON PNC - THERE'S A LOCATED
MARKER BUT IT'S NOT BEEN PAIRED UP AND REMOVED.

04/02/2017 16:28 hours 14783 14783
No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

04/02/2017 16:28 hours 14783 14783
Disposition code: ',471'

04/02/2017 16:28 hours 14783 14783
No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

04/02/2017 16:28 hours 14783 14783
Handling Officer 8399

04/02/2017 16:28 hours 14783 14783
Qualifiers,No Qualifier

04/02/2017 16:28 hours 14783 14783
Other Factors,No Qualifiers

04/02/2017 16:28 hours 14783 14783
LC-20170204-0898 HAS BEEN DISPOSED



Welcome PS 1747 Parkinson
No PAVA Canister Issued
Tuesday, February 07, 2017
09:19:42
ASP Version 3.4.0

Lancashire Constabulary Sleuth Live Sleuth

Incident Report - LC-20170204-0464

Date: 04/02/2017
Time: 10:42 hours
Informant: [REDACTED]
Informant Contact Numbers: 01253752622,
Informant Address: HOME BARGAINS,57 TALBOT RD
BLACKPOOL FY11LP
Incident Location: WA38
Incident Address: 57 HOME BARGAINS TALBOT RD
BLACKPOOL
Class: Duplicate
Type: ** HOMELESS
Details: -
Officer Dealing: 13747
Involved Vehicles:
Officers Attended:
Call Signs Attended:
Local Requirements: NQ

Related Actions:

04/02/2017 10:43 hours 18935 18935 - (Q-CAL096)
3 HOMELESS AT THE BACK OF THE SHOP ON QUEEN STREET

04/02/2017 10:43 hours 18935 18935 - (Q-CAL096)
THEY HAVE ALREADY SET THE ALARM OFF

04/02/2017 10:43 hours 18935 18935 - (Q-CAL096)
INF STATES THIS IS HAPPENING 2-3 TIMES DAILY

04/02/2017 10:43 hours 18935 18935 - (Q-CAL096)

SHE HAS BEEN SHOUTING UP ON RADIO BUT GETTING NO REPLY

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION Who do you feel this incident is targeted at?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER N/A

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION How often are the incidents?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER DAILY

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION Do you know why this is happening?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER N/A

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION Is anybody considered vulnerable?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER N/A

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION What effect is this having on the victim/caller/family?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER FED UP

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
QUESTION IF DISPATCH MADE, Would you be happy with an officer
visiting you?

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
ANSWER YES

04/02/2017 10:44 hours 18935 18935 - (Q-CAL096)
3898;7425 (WA37 - Brunswick)

04/02/2017 10:44 hours	18935	18935 - (Q-CAL096)
04/02/2017 10:44 hours	18935	18935 - (Q-CAL096) 515;3649;7260;7296 (WA38 - Claremont)
04/02/2017 10:55 hours	12001	12001 - (WA-CENDIS2) NO NPT ON DUTY. ARLS Checked - No Appropriate Patrols Available
04/02/2017 11:30 hours	13747	13747 - (WA-CENDIS2) -
04/02/2017 11:31 hours	13747	13747 - (WA-CENDIS2) SPOKE WITH INFT, THEY HAVE MOVED AWAY FROM THE BACK OF THE STORE AND THEY ARE NOW HANGING AROUND THE GRUNDY ART GAKKERY
04/02/2017 11:31 hours	13747	13747 - (WA-CENDIS2) * GALLERT
04/02/2017 11:31 hours	13747	13747 - (WA-CENDIS2) *GALLERY
04/02/2017 11:32 hours	13747	13747 - (WA-CENDIS2) -
04/02/2017 13:10 hours	13747	13747 - (WA-CENDIS2) No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0
04/02/2017 13:10 hours	13747	13747 - (WA-CENDIS2) Disposition code: ',555'
04/02/2017 13:10 hours	13747	13747 - (WA-CENDIS2) No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0



Welcome PS 1747 Parkinson
No PAVA Canister Issued
Tuesday, February 07, 2017
09:21:54
ASP Version 3.4.0

Lancashire Constabulary Sleuth Live Sleuth

Incident Report - LC-20170203-0928

Date: 03/02/2017
Time: 16:04 hours
Informant: [REDACTED]
Informant Contact Numbers: 01253752622,
Informant Address: HOME BARGAINS,57 TALBOT RD
BLACKPOOL FY11LP
Incident Location: WA38
Incident Address: 57 HOME BARGAINS TALBOT RD
BLACKPOOL
Class: Nuisance
Type: NUISANCE
Details: (7015): NO TRACE, MADE OFF BEFORE
MY ARRIVAL.
Officer Dealing: 7015
Involved Vehicles:
Officers Attended: 7015
Call Signs Attended: (7015) (7551)
Local Requirements: NQ

Related Actions:

03/02/2017 16:04 hours 12001 12001 - (Q-CAL097)
8-10 DRUNKS AT THE BACK OF HOME BARGAINS

03/02/2017 16:04 hours 12001 12001 - (Q-CAL097)

03/02/2017 16:04 hours 12001 12001 - (Q-CAL097)
NEAR THE FIRE EXIT.

03/02/2017 16:04 hours	12001	12001 - (Q-CAL097)
.		
03/02/2017 16:04 hours	12001	12001 - (Q-CAL097)
ON THE QUEEN STREET SIDE.		
03/02/2017 16:05 hours	12001	12001 - (Q-CAL097)
THIS IS A RECURRING ISSUE AND INF SAYS NO ONE SEEMS TO DEAL WITH IT.		
03/02/2017 16:05 hours	12001	12001 - (Q-CAL097)
.		
03/02/2017 16:05 hours	12001	12001 - (Q-CAL097)
THEY URINATE ON THE SHUTTER AND LEAVE ALL SORTS OF RUBBISH LYING AROUND.		
03/02/2017 16:05 hours	12001	12001 - (Q-CAL097)
.		
03/02/2017 16:06 hours	12001	12001 - (Q-CAL097)
INF ASKING IF AN OFFICER CAN ATTEND AND MOVE THEM ON.		
03/02/2017 16:22 hours	13889	13889 - (WA-CENDIS1)
(7015): NO TRACE, MADE OFF BEFORE MY ARRIVAL.		
03/02/2017 16:24 hours	10574	10574 - (Q-SUPD152)
No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0		
03/02/2017 16:25 hours	10574	10574 - (Q-SUPD152)
Handling Officer 7015		
03/02/2017 16:25 hours	10574	10574 - (Q-SUPD152)
Qualifiers, No Qualifier		
03/02/2017 16:25 hours	10574	10574 - (Q-SUPD152)
Other Factors, No Qualifiers		
03/02/2017 16:25 hours	10574	10574 - (Q-SUPD152)
LC-20170203-0928 HAS BEEN DISPOSED		



Welcome PS 1747 Parkinson
No PAVA Canister Issued
Tuesday, February 07, 2017
09:22:52
ASP Version 3.4.0

Lancashire Constabulary Sleuth Live Sleuth

Incident Report - LC-20170202-0398

Date: 02/02/2017
Time: 10:16 hours
Informant: [REDACTED]
Informant Contact Numbers: 01253752622,
Informant Address: HOME BARGAINS,57 TALBOT RD
BLACKPOOL FY11LP
Incident Location: WA38
Incident Address: 57 HOME BARGAINS TALBOT RD
BLACKPOOL
Class: Nuisance
Type: NUISANCE
Details: 7338: LOTS OF PEOPLE IN DOORWAYS
ALL BEEN MOVED ON
Officer Dealing: 7338
Involved Vehicles:
Officers Attended: 7338
Call Signs Attended: (7338)
Local Requirements: NQ

Related Actions:

02/02/2017 10:18 hours 11803 11803 - (Q-CAL064)
WE HAVE A BEGGAR O/S THE STORE ASKING CUSTOMERS FOR
MONEY... HAVE TRIED SHOUTING UP ON COMMUNITY RADIO
HOWEVER NO ONE IS ANSWERING

02/02/2017 10:18 hours 11803 11803 - (Q-CAL064)

-

02/02/2017 10:18 hours 11803 11803 - (Q-CAL064)
CAN HE BE MOVED ON HE IS REFUSING TO MOVE FOR US

02/02/2017 10:19 hours 11803 11803 - (Q-CAL064)
QUESTION SET EXITED BEFORE COMPLETION:ADMIN - ADDRESS
CORRECTION

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
7338: LOTS OF PEOPLE IN DOORWAYS ALL BEEN MOVED ON

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
Disposition code: ',471'

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
No. of Arrests 0 F.A. 0=N 1=Y 0 No. of Reports 0

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
Handling Officer 7338

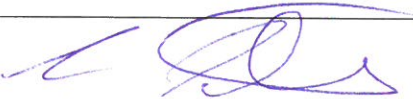
02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
Qualifiers,No Qualifier

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
Other Factors,No Qualifiers

02/02/2017 10:35 hours 11559 11559 - (WA-CENDIS1)
LC-20170202-0398 HAS BEEN DISPOSED

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Blackpool Council Licensing Service
Representation made by a Responsible Authority

Responsible Authority				
Name of Responsible Authority	Weights and Measures Authority			
Name of Officer <i>(please print)</i>	Lee Petrak			
Signature of Officer				
Contact telephone number	01253-477861			
Date representation made	20	01	2017	
Do you consider mediation to be appropriate			YES	NO
Premises Details				
Premises Name	Bucharesti			
Address	47/49 Talbot Road			
	Blackpool			
Post Code	FY1 1LL			
Details of your representation (Please refer and attach any supporting documentation)				
<p>I am Lee Petrak, Public Protection Officer for Trading Standards, and I am duly authorised to submit representations on behalf of the Weights and Measures Authority.</p> <p>On the 16th January 2017 at 13.49 hours I attended the Bucharesti store at 47/49 Talbot Road in order to carry out an intelligence led shop inspection. I was accompanied by colleagues Myron Moss and Mark Marshall. Upon conducting the visit I introduced myself to a female behind the counter who gave her details as Claudia Badea 21.01.1988 of 11/12 Station Terrace Blackpool FY4 1HT. Badea confirmed that she was responsible for the business.</p> <p>A brief search of the counter area revealed a quantity of tobacco products concealed in a set of drawers under the counter area. Badea stated that the products were purchased from a male who came into the shop. She did not want to give his details. She had no receipts for the products and could not therefore vouch for their legitimacy.</p>				

As the search continued, a second quantity of cigarettes was located in the rear storeroom of the premises. Neither hoard of tobacco products was particularly well concealed and was easy to locate as a result.

The appearance of the products gave me cause for concern as I could immediately see that they do not carry correct labelling as required by the Tobacco and Related Products Regulations 2016 therefore prohibiting their sale/supply in their current state. I also had concerns that the products may also be counterfeit. The lack of correct labelling and the presence of brands such as Golden Virginia, Mayfair and L&M, which are popular with counterfeiters, only strengthened this belief.

At 14.01 hours Badea was cautioned in connection with the alleged sale/supply of illicit tobacco products. She confirmed under caution that the products were hers. Badea was given a receipt for the seized goods in the following quantity: -

- 7 x 50g pouches of Golden Virginia
- 50 packs of Minsk Cigarettes
- 7 Packs of L&M cigarettes
- 4 Sleeves of Mayfair Cigarettes
- 3 Sleeves of Royals cigarettes
- 1 sleeve of L&M cigarettes

At 15.11 hours I emailed Mark Marshall with details of the seized goods whilst also outlining my general concerns.

Upon examining the products described above I can confirm that all of these products fail to comply with the labelling requirements set out in Regulation 5 of the Tobacco and Related Products Regulations 2016 rendering their supply illegal in the UK.

Samples of the Golden Virginia tobacco, Mayfair and L&M cigarettes have been sent to the brand representatives for examination as to their authenticity. The Royals and Minsk cigarettes are not intended for retail in the UK.

To conclude, it is my belief that in supplying the tobacco products described above Badea has engaged in criminal conduct. In addition, the lack of correct labelling and the suspicion of the product origin potentially increases the risk to the general public. For example, the manufacture of counterfeit products is completely unregulated.

For New / Variation Applications only.

It is recommended that the licence should only be granted if the application is amended, or if conditions are applied, as detailed below.