

**APPENDIX B**

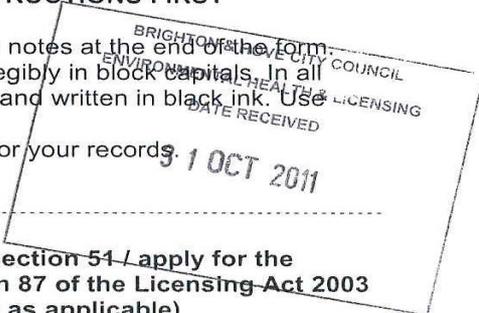
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**Application for the review of a premises licence or club premises certificate under the Licensing Act 2003**

**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 John Peerless

(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Rolyns News 57A North Road	
<b>Post town</b> Brighton	<b>Post code (if known)</b> BN1 1YD
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mina Bashir	
<b>Number of premises licence or club premises certificate (if known)</b>	

**Part 2 - Applicant details**

I am

**Please tick yes**

- 1) an interested party (please complete (A) or (B) below)
  - a) a person living in the vicinity of the premises
  - b) a body representing persons living in the vicinity of the premises
  - c) a person involved in business in the vicinity of the premises
  - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)



**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address John Peerless Mountford Head of Trading Standards Trading Standards Brighton & Hove City Council Bartholomew House Bartholomew Square Brighton BN1 1JP
Telephone number (if any) 01273 292486
E-mail address (optional) <a href="mailto:John.peerless@brighton-hove.gov.uk">John.peerless@brighton-hove.gov.uk</a>

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

Please tick one or more boxes

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

**Please state the ground(s) for review** (please read guidance note 1)

Alcohol has been seized from the premises for being counterfeit.

Trading Standards state that the licensing objective, the prevention of crime and disorder has not been met.

**Please provide as much information as possible to support the application**  
(please read guidance note 2)

Rolyns News is a small off-licence and convenience store at 57a North Road, Brighton, BN1 1YD. The Premises Licence Holder is Mina Bashir and the Designated Premises Supervisor (DPS) is Dina Abadeir. The licence was transferred to Mina Bashir in October 2009.

Trading Standards have identified a problem in Brighton & Hove with premises selling illegal alcohol. Illegal alcohol includes counterfeit alcohol, non duty paid (smuggled and diverted) alcohol, incorrectly described alcohol, incorrectly labelled alcohol and alcohol with incomplete or no traceability. As a result Trading Standards have been working in partnership with HMRC and Sussex Police to tackle the problem and have seen a progression in the tactics used in order to introduce illegal alcohol in to the market. Trading Standards have issued a number of press releases relating to illegal alcohol, in an attempt to inform both the general public and businesses of the problem and also the potential risks to any business found to have illegal alcohol on their premises.

Non payment of duty and VAT has an impact on both the local and national economy. Businesses willing to stock illegal alcohol receive an unfair trading advantage over other businesses. There is also a risk of counterfeit products entering the market with the inherent risks to the public's health as a result of the use of industrial alcohol and other chemicals not intended for human consumption, poor production methods and quality control and no traceability of the products.

A joint Police and Trading Standards inspection took place at the premises on 8 July 2011. During the course of the inspection Miss Macbeth, Fair Trading Officer discovered and seized 4 x 70cl bottles of High Commissioner whisky with false rear labels and duty stamps attached; 4 x 70cl bottles of Glens vodka with false rear labels and duty stamps attached; 1 x 35cl bottle of Glens vodka which Miss Macbeth suspected was counterfeit due to irregularities with the labelling and bottle; 3 x 70cl bottles of Stolichnaya vodka which Miss Macbeth suspected was counterfeit due to irregularities with the labelling.

The 35cl bottle of Glens vodka and the bottles of Stolichnaya have been confirmed as being counterfeit.

Other problem alcohol was also discovered both on display and being stored in the shop; these included the following items: Aros vodka, there have been incidences where this vodka has been discovered to be non duty paid; Cin Gin, there have been incidences where this gin has been discovered to be non duty paid; Italian wine with no lot markings in breach of Trading Standards enforced legislation and bottles of Polish lager with no English labelling in breach of Trading Standards enforced legislation.

There is a legal requirement for the owner of the business to provide traceability (invoices) for all food items sold in the shop. Whilst some invoices have been provided, these do not relate to all of the stock concerned and therefore the Premises Licence Holder has been unable to demonstrate that the duty and VAT has been paid on all of the stock identified. Further there are a number of products which are either counterfeit and/or the rear labels containing the duty stamp are false and therefore duty and VAT hasn't been paid.

Guidance issued under S182 of the Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of the

licensed premises for the sale of smuggled alcohol. This guidance states that even in the first instance revocation of the premises licence is appropriate where the premises have been used for the sale of smuggled alcohol.

At all relevant times Mina Bashir was the Premises Licence Holder and Dina Abadeir the DPS of these licensed premises. Counterfeit/non duty paid/smuggled alcohol has been discovered on these premises. Trading Standards request that the Committee give serious consideration to the revocation of the premises licence.

**Please tick yes**

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year

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

**Please tick yes**

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

**IT IS AN OFFENCE, 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 3)

**Signature of applicant or applicant’s solicitor or other duly authorised agent** (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature

**Date** 27 October 2011

**Capacity** Head of Trading Standards

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 5)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

