

APPENDIX B

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 Kirsty Draycott

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Haran's 10 Norfolk Street	
Post town Wisbech	Post code (if known) PE13 3LD

Name of premises licence holder or club holding club premises certificate (if known) Mr Kanapathipillai Kumaravel Thivakaran

Number of premises licence or club premises certificate (if known) PREM 0350

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)

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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

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)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

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(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Kirsty Draycott Trading Standards Officer Cambridgeshire and Peterborough Trading Standards Service PO Box 450 Great Cambourne Cambridge CB23 6ZR
Telephone number (if any) 01954 284602
E-mail address (optional) kirsty.draycott@cambridgeshire.gov.uk

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

Please tick one or more boxes

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

<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

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

This application for a review of the premises licence for Haran's, 10 Norfolk Street, Wisbech PE13 3LD is being submitted as Trading Standards state there have been clear breaches of the prevention of crime and disorder and the public safety licensing objectives at the premises by virtue of the storage and sale of illicit tobacco.

On the 17th January 2018 a test purchase of illicit tobacco was made from Haran's. The product test purchased was a packet of NZ cigarettes for £7. The labelling was in Russian and therefore did not comply with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015. This means that the product was not intended for the UK market and non duty paid. Manufacturing standards cannot therefore be verified.

The tobacco test purchase was non duty paid and therefore infringes Customs and Excise Legislation.

On the 19th June 2019 a multi agency enforcement day was organised by colleagues from Fenland District Council. As part of this enforcement day Haran's was visited. There was a locked office in the upstairs store room. Cigarettes and tobacco could be seen when looking over the top but unfortunately the office was so full of rubbish it was difficult to ascertain whether the cigarettes and tobacco were illicit or not. The owner of the shop Mr Kanapathipillai Kumaravel Thivakaran was contacted and asked to attend the shop. Once he arrived he unlocked the office door. In the office a carrier bag containing 15 x 50g pouches of Amber Leaf hand rolling tobacco was found. The tobacco was not labelled in English. Mr Thivakaran claimed they were for his personal use and were nothing to do with the shop. He said he used to smoke but he now vapes.

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Based on a figure of £10 per pack of illicit hand rolling tobacco the total amount seized would have made the shop approx £150.

We understand that shop owners are only keeping small amounts of illicit tobacco in the shop in order to avoid large amounts being seized by enforcement authorities (Trading Standards, HMRC & Police Officers). Supplies are being kept in vehicles and topped up throughout the day.

The manufacturer of the Amber Leaf has confirmed that the packets that were seized from Haran were labelled for the Belgium & Luxembourg domestic markets and were not intended for sale in the UK. The tobacco therefore did not comply with the Tobacco and Related Products Regulation 2016 and the standardised Packaging of Tobacco Products Regulations 2015.

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

The product test purchased was NZ cigarettes sold for £7, cheaper than comparable genuine cigarettes.

Illicit cigarettes are often found to fail the RIP test. This is reduced ignition propensity which means that these illicit cigarettes will continue to stay alight even when not being smoked unlike genuine UK cigarettes which self-extinguish when not being smoked. Illicit tobacco is therefore more of a fire risk.

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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

N/A

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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 K. Grayson

Date 8th July 2019

Capacity Trading Standards Officer

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

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.