

Revised August 2014

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 **Mary Olumese**

(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			
Magazin Romanesc aka Decebal 420 Streatham High Road			
Post town	London	Post code <i>(if known)</i>	SW16 3SN

Name of premises licence holder or club holding club premises certificate <i>(if known)</i>
Mr Tudorel Sarbu
Number of premises licence or club premises certificate <i>(if known)</i>
Prem 1593

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)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other title (for example, Rev.)
Surname				
First names				
I am 18 years old or over				<input type="checkbox"/> Please tick ✓ yes
Current postal address				
Post town		Post code		
Daytime contact telephone number				
Email address (optional)				

(B) DETAILS OF OTHER APPLICANT

Name	
Address	
Telephone number (if any)	
Email address (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name	LB Lambeth Trading Standards
Address	6 th Floor International House Canterbury Crescent London SW9 7QE
Telephone number (if any)	0207 926 6102
Email address (optional)	molumese@lambeth.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

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

Please see attached details

Magazin Romanesc aka Magazin Decebal 420 Streatham High Road, London SW16 3SN

Magazin Romanesc aka Magazin Decebal operates as a grocery shop, off-licence, tobacconist and delicatessen at 420 Streatham High Road, London SW16 3SN. It is licensed to sell alcohol for consumption off the premises between 0800 and 2300 from Monday – Sunday.

The prevention of crime and disorder

Public safety

1. On the 2nd of March 2016, at approximately 11am, Lambeth Trading Standards, a police officer and specialist illicit tobacco sniffer dog and handler Mr Phillips inspected Magazin Romanesc at 420 Streatham High Road SW16. Mr Buzatu was asked, by officers, if there were any cigarettes in the shop and he pointed to a display behind the shop counter at the front. He was asked if there were cigarettes stored anywhere else and he replied no. He was asked again if he was absolutely certain about this and he restated that he had nothing to do with the shop.

2. A search of the immediate location around the deli counter where a female employee was initially reluctant to vacate revealed a drawer with cash inside (several £10 notes, and some coins) and a remote control key fob for a vehicle (but no keys). This was despite there being a till at the front of the shop. Mr Phillips took possession of the remote control unit. At the same spot the sniffer Dog gave an indication of a tobacco find. Mr Phillips examined the area concerned and recovered a black rucksack inside the rucksack were several packets of foreign labelled tobacco, with no UK health warnings or markings to indicate that HMRC UK duty had been paid on them, namely:
 - 2, (sleeves) 10 packets of 20 L & M fine cut cigarettes red
 - 2, (sleeves) 10 packets of 20 L & M fine cut cigarettes blue
 - 5, packs of 20 L & M fine cut cigarettes red
 - 3, packets of 20 L & M fine cut cigarettes blue
 - 21 packs of 20 Kent cigarettes
 - 4, packs of Kent black slim cigarettes
 - 7, pack of 20 Davidoff Gold cigarettes
 - 8 x 20 Dunhill blue
 - 10 x 20 Dunhill black

3. A quantity of medical products which should be supplied by a Pharmacist following prescription from a doctor was discovered on sale in the front service area. Non- duty paid alcohol was also found in the store as follows
 - 6 x bottles of Vasconi 40% ABV
 - 6 x bottles of Alexandrion 37.5% ABV
 - 4 x bottles of Metaxa 38% ABV
 - 1 x bottle of Vinars Jidvei 42% ABV
 - 2 x bottles of Brankoveanu 40% ABV

When officers went to examine other bottles of alcohol in the shop Mr Buzatu demonstrate knowledge of the distinction between duty paid and non-duty paid alcohol by commenting that they were okay.

4. In Barrow Road which was accessed via an alleyway at the rear of the premises was a Grey Ford B Max motor vehicle. Using the remote key fob, found behind the deli counter, to open this vehicle officers recovered 7 cardboard boxes containing packets of foreign labelled cigarettes, with no UK health warnings and no indication that HMRC UK duty had been paid, namely:
 - 60 packs of 20 Kent cigarettes
 - 17 packs of 20 Marlboro red cigarettes
 - 10 packs of 20 Dunhill blend cigarettes
 - 20 packs of 20 L & M cigarettes blue
 - 40 packs of 20 Kent cigarettes
 - 20 packs of 20 Marlboro Gold cigarettes
 - 28 packs of 20 Davidoff Gold cigarettes
 - 4 packs of 20 Kent black slim cigarettes
 - 34 packs of 20 L & M cigarettes blue
 - 10 packs of 20 L & M cigarettes red
 - 20 packs of 20 Dunhill black cigarettes
 - 20 packs of 20 Dunhill blue cigarettes
 - 62 packs of 20 Kent cigarettes

These items were subsequently sealed in evidence bags and recorded on Trading Standards' Notice 1207.

In total 443 packs of 20 cigarettes were seized from Magazin Decebal and the Barrow Road Grey Ford Max vehicle.

5. Back at the shop no one admitted knowledge or ownership of the illicit tobacco. The female originally stationed where the key fob was found was asked and according to one of the officers, who identified the language as Romanian, she stated "Tomez" but officers were informed by Mr Buzatu, acting as interpreter, that she said she didn't know.
6. An examination of the premises licence displayed in the shop showed Mr Sarbu and Mr Buzatu as joint premises licence holders and Mr Buzatu as the Designated Premises Supervisor (DPS). When challenged on this Mr Buzatu claimed he was unaware of being a premises licensee or DPS.
7. Follow-up enquiries uncovered that the registered Keeper of the Grey Ford B Max was an Adi Beres of [REDACTED]. A notice pursuant to Section 17 of the Greater London Council (general Powers) Act 1972 was sent to Adi Beres requiring him/her to identify the person driving the vehicle or in charge of it on the day of this incident. The 14 days allowed for response to the notice lapsed without a response from Adi Beres and a reminder extending the deadline to 6th September did not yield a response and to date Adi Beres has not produced the requested information.

8. Both Sarbu and Buzatu were charged with offences under Section 12 of the Consumer Protection Act 1987 (for possessing tobacco products bearing none of the requisite health warnings specified under Regulation 7 of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002). These charges were broken down so as to separately record the cigarettes found in the shop and those items found in the vehicle. We also laid a single charge under Section 144 of the Licensing Act 2003 (for possessing smuggled goods) and this related solely to those items found on the shop making a total of 8 charges. Sarbu pleaded guilty to all 8 charges after a negotiated plea bargain regarding his nephew Buzatu. Sarbu was fined £1600 and council's costs of £2840 and forfeited the illicit tobacco.

The protection of children from harm.

9. On the 3rd of August 2016 Trading Standards, assisted by Streatham SNT police officers, carried out underage test purchasing visits. A 15 year old test purchaser was sent into Magazin Romanesc at 420 Streatham High Road where he was sold a bottle of Guinness foreign extra 7.5% abv with no questions asked. When giving her details the seller, Ms Dana-Ancuta Sarbu, initially said she had received no training as she only worked during the summer, but later changed this to she had received practical on the job training from her father Mr Tudorel Sarbu. Asked why she sold alcohol to a 15 year old she said she thought he was 18 years old. Daniel Petru Buzatu was confirmed as the DPS and Tudorel Sarbu as the licensee. Ms Sarbu was issued a fixed penalty ticket for the underage sale.

The large amount of illicit tobacco hidden in a vehicle nearby and not in the actual premises demonstrates an organized systematic operation of distribution and activity, and a total disregard for the Prevention of Crime and Disorder, and the Public Safety Licensing Objectives, as does the non-duty paid alcohol. The sale of alcohol to a child demonstrates a disregard for the Protection of Children from Harm licensing objective.

With reference to the above, attention is drawn to the Home Office Guidance to the Licensing Act, issued under s182 which sets out guidance in respect of reviews:-

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.

11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

In view of the serious failings in promoting the licensing objectives, by the selling of illicit tobacco in such an organised manner and selling alcohol to a 15 year old, Trading Standards request that the Licensing Sub-Committee considers revocation of the premises licence.

Please provide as much information as possible to support the application

(please read guidance note 3)

Please see attached details

Please use additional pages if needed

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"/>					

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

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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 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	<i>M. Olumese</i>
Date	3 rd February 2017
Capacity	Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application. (please read guidance note 6)

I hand delivered a copy of this application and attachment to Magazin Romanesc aka Decebal 420 Streatham High Road on 3rd February 2017 addressed to the licence holder Mr Tudorel Sarbu who is also the DPS.

Telephone number (if any)

If you would prefer us to correspond with you by email your email address (optional)

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