

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.

Louise Baxter- Team Manager (East Sussex County Council Trading Standards Service)

(Insert name of applicant)

**apply for the review of a premises licence under section 51 I 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	
Ararat Supermarket & Off Licence	
43 Robertson Street	
Hastings	
East Sussex	
Post town	Post code (if known)
Hastings	TN34 1HL
Name of premises licence holder or club holding club premises certificate (if known)	
MR LEVENT RADANOV BELINOV	
Number of premises licence or club premises certificate (if known)	
HOP50375	

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)

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 name

Please tick yes

I am 18 years old or over

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
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

<p>Name and address</p> <p>Louise Baxter</p> <p>Team Manager</p> <p>East Sussex County Council Trading Standards Service</p> <p>St Mary's House</p> <p>52 St Leonards Road</p> <p>Eastbourne</p> <p>East Sussex</p> <p>BN21 3UU</p>
<p>Telephone number (if any)</p> <p>01323 463446</p>
<p>E-mail address (optional)</p> <p>Louise.Baxter@eastsussex.gov.uk</p>

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 1)

LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER
Enforcement agencies and licence holders have a duty to do all that is reasonably possible in reducing and preventing crime and disorder in their area.

There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. One of these is the use of the licensed premises for the sale of smuggled tobacco and alcohol.

The information provided below gives details of offences relating to fake and illicit alcohol found at Ararat Supermarket & Off Licence, Robertson Street, Hastings.

On 08/12/11 an inspection visit to Ararat Supermarket & Off Licence, Robertson Street, Hastings was carried out.

The visit was carried out as part of Operation Mistletoe, a Trading Standards operation in response to intelligence received regarding the sale of counterfeit, illicit and dangerous alcohol.

At the time of the visit the officers noticed five bottles of Dexters Whisky for sale in the shop. The five bottles were seized for further examination. The Dexter brand has been tested by the Public Analyst and it is not a scotch whisky. This information has come from the Scotch Whisky Association.

The legislation that has been breached is detailed below. (see table in part 2)

- The Consumer Protection from Unfair Trading Regulations 2008.
- General Food Regulations 2004

An investigation file is being completed in relation to the above offences for consideration for prosecution.

East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met.

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

08/04/2011 Mr T Cook and R Baldwin fair Trading Officers visited Ararat Supermarket & off Licence, Robertson Street, Hastings

13 suspicious bottles of wine were seized bearing the 'Jacob's Creek' trademark. The bottles were suspected as being counterfeit due to spelling errors on the labels of the bottles. These bottles of wine were confirmed as being counterfeit by representatives of the trade mark holder.

Mr Belinov could only provide partial information as to where these products had been sourced.

Legislation breached

The General Food Regulations 2004
Trade Marks Act 1994
Consumer Protection from Unfair Trading Regulations 2008

A warning letter was sent to Mr Levent Belinov on 18/07/2011

On 08/12/11 an inspection visit to Ararat Supermarket & Off Licence, Robertson Street, Hastings was carried out.

The visit was carried out as part of Operation Mistletoe, a Trading Standards operation in response to intelligence received regarding the sale of counterfeit, illicit and dangerous alcohol.

The visit took place with assistance from Hastings Borough Council licensing officer Mr Trevor Scrase. At the time of the visit the officers noticed five bottles of spirits for sale in the shop. The five bottles were seized for further examination. The reason for their suspicion and the legislation that has been breached is detailed in the table below.

Item and amount	Reason for suspicion	Breaches of legislation
5 x 70cl bottles of Dexter Whisky	<p>The Dexter brand has been tested by the Public Analyst and it is not a scotch whisky. This information came from the Scotch Whisky Association</p>	<p>The Consumer Protection from Unfair Trading Regulations 2008. Creating the impression that a product can be legally sold when it cannot and a misleading action with regard to the provenance of the product.</p> <p>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</p> <p>Article 16 Presentation. The labelling, advertising and presentation of food and feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed and the information which is made available about them through whatever medium shall not mislead consumers.</p>
	<p>Traceability record not available during this visit</p>	<p>Article 18 Traceability. Requires that the traceability records be made available on demand to the competent authorities on demand. The purpose is to assist with withdrawals and recalls of unsafe food. Food businesses should be able to produce their records within a short timescale in the event that they are needed for a recall or withdrawal.</p>

A sample of the Dexter's whisky is being sent to the Scotch Whisky Association for confirmation that it is not Scotch Whisky. We are waiting for the results. However based on the information we have from the Scotch Whisky Association we believe it is not Scotch Whisky.

General Food Regulations 2004, state businesses are required to maintain

records of traceability for all of the food and drink products they have on offer for sale and to produce those records when required to do so. No traceability documents have yet been provided.

East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met.

Taking all the information into account East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective has not been met and as such we would like to recommend that the licence is revoked.

Please tick if 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

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Please tick if 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

X

- I understand that if I do not comply with the 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 3 – Signatures (please read guidance note 3)

Signature of 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: LCBax

Date: 1/2/12

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Louise Baxter
Team Manager

East Sussex County Council Trading Standards Service
St Mary's House
52 St Leonards Road
Eastbourne
East Sussex

Post town

Eastbourne

Post Code

BN21 3UU

Telephone number (if any) 01323 463446

If you would prefer us to correspond with you using an e-mail address, enter your e-mail address here (optional) Louise.Baxter@eastsussex.gov.uk

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.

