

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  Sevens Mini Market  57 Queens Road  Hastings  East Sussex	
Post town  Hastings	Post code (if known)  TN34 1RE
Name of premises licence holder or club holding club premises certificate (if known) Mr Baktyiar Kawani	
Number of premises licence or club premises certificate (if known)  HOP50353	

WK201126461.

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

<p><b>Please state the ground(s) for review</b> (please read guidance note 1)  <b>LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER</b>  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.</p> <p>There is certain criminal activity that may arise in connection with licensed premises,</p>
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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 Sevens Mini Market, Queens Road, Hastings.

On 08/12/11 an inspection visit to Sevens Mini Market, Queens Road, 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 12 bottles of vodka were suspected of being duty evaded and not genuine Vodka. The 12 bottles were seized for further examination.

The reason for their suspicion and the legislation that has been breached is detailed below. (see table in part 2)

- The Consumer Protection from Unfair Trading Regulations 2008.
- Food Labelling Regulations 1996 and
- General Food Regulations 2004 and

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)

**2010**

28/07/2010 Robert Newton Senior Trading Standards Officer visited Sevens Mini Market, Queens Road Hastings.

Nine suspicious bottles were seized and submitted for examination by the Public Analyst and the brand holders. The bottle seized were

- 4 bottles of Papus brand Brandy
- 4 bottles of Glens brand Vodka
- 1 bottle of Raymond Vadim champagne

The shop assistant Mr Aziz explained that the owner lived in London. Mr Newton took details of the premises licence holder from the displayed form in the shop. These were displayed as Mr Ali Kawani. He later checked with Hastings Borough Council and Harringey Council. LB Harringey confirmed Mr Kawani has been issued with a licence and confirmed his address and also supplied a photograph of Mr Kawani.

Samples of the brandy and vodka were submitted to the producers for authentication. The Brandy, vodka and champagne were also submitted to the Public Analyst for analysis.

The examination by the Public Analyst of the products taken from the premises showed labelling inconsistencies which indicated that these products were not genuine.

The Public Analyst also reported that the sample of vodka contained 2.8% methanol which is injurious to health making the product unfit for human consumption. Also the brand holders of each of the products submitted to them for examination stated that they were not genuine products manufactured by them.

Mr Newton asked at the time of the initial visit for information as to where these products were sourced. No such information has been received.

**Legislation breached**

The General Food Regulations 2004  
Trade Marks Act 1994  
Food Safety Act 1990  
Consumer Protection from Unfair Trading Regulations 2008

**A warning letter was sent to Mr Ali Kawani on 11/10/2011**

**2011**

On 08/12/11 an inspection visit to Sevens Mini Market, Queens Road, 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 12 bottles of vodka for sale in

the shop. The 12 bottles were seized for further examination. The reason for their suspicion and the legislation that was breached is detailed in the table below.

Item and amount	Reason for suspicion	Breaches of legislation
2X Passion Vodka	Passion vodka is on the Trading Standards within the South East Region list of problem non branded vodka, no business address of packer or seller within the EU	<p><b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold when it cannot.</p> <p><b>Food Labelling Regulations 1996</b> Item was not marked with the name or business name and address or registered office of either or both of the manufacturer or packer, or a seller established within the European Community.</p>
	<p>Information obtained for other Trading Standards within the South East Region states <b>Passion Vodka</b> is produced by Globe Spirits GMBH Germany. The analysis indicated that the product was <i>'unfit for human consumption'</i>.</p>	<p><b>Food Labelling Regulations 1996</b> Item was not marked with the name or business name and address or registered office of either or both of the manufacturer or packer, or a seller established within the European Community.</p> <p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 14 Unsafe Food.</b> Requires that unsafe food shall not be placed on the market. Unsafe food includes food that is injurious to health and food that is unfit for human consumption.</p> <p><b>Article 16 Presentation.</b> 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</p>

		mislead consumers.
	Duty stamp does not fluoresce	<b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold when it cannot.
	Traceability record not available	<b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b>  <b>Article 18 Traceability.</b> 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
5X Sopliva Vodka	No duty paid stamp	<b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold when it cannot.
	Traceability record not available	<b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b>  <b>Article 18 Traceability.</b> 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

3X Zubrowka Vodka	No duty paid stamp	<b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold when it cannot.
	Traceability record not available	<b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b>  <b>Article 18 Traceability.</b> 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
1X Sobieski Vodka	No duty paid stamp	<b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold when it cannot.
	Traceability record not available	<b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b>  <b>Article 18 Traceability.</b> 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
1X Krupnik Vodka	No duty paid stamp	<b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Creating the impression that a product can be legally sold

	Traceability record not available	<p>when it cannot.</p> <p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 18 Traceability.</b> 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>
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Under the General Food Regulations 2004, a business is 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.

Traceability was requested to be delivered within five working days. No traceability documents have yet been provided.

The Licensing officer provided the following information. The current owner of the business is new and NOT related (as far as he knows) to the previous owner. (BOTH have the family name Kawani).

The premises licence holder and designated premises supervisor were changed on 02/11/11 from

MR ALI KAWANI  
142 NORFOLK AVENUE  
LONDON  
N13 6AJ

To premises licence holder

BAKTYIAR KAWANI  
3B SISTERS AVENUE  
CLAPHAM  
LONDON SW11 5SP.

And designated premises supervisor

KARDO OSMAN  
36 KITE CLOSE

ST. LEONARDS ON SEA  
EAST SUSSEX  
TN38 8DR.

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

[Empty box for additional information]

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
- I understand that if I do not comply with the 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’s solicitor or other duly authorised agent** (see guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature: *h e b e e* .....

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

<b>Post town</b> Eastbourne	<b>Post Code</b> BN21 3UU
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**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.



