

**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 Russell Sharland

(Insert name of applicant)

apply for the review of a premises licence under section 51 (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Witney Polish Deli Ltd 62 Corn Street	
Post town Witney	Post code (if known) OX28 6BS

Name of premises licence holder or club holding club premises certificate (if known) Witney Polish Deli Ltd

Number of premises licence or club premises certificate (if known) 006097

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 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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Russell Sharland Tobacco Control Officer Oxfordshire County Council Graham Hill House Electric Avenue Ferry Hinksey Road Oxford OX2 0BY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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)

The grounds for review are as follows:

1. On 25th February 2018, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Witney Polish Deli and purchased 20 illegal cigarettes for £5.50 and a sleeve of 200 illegal cigarettes for £55.
2. On 23rd April 2018, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Witney Polish Deli and purchased 20 illegal cigarettes for £5.50. The seller was Sylwia Jablonska.
3. On 20th May 2018, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Witney Polish Deli and purchased 20 illegal cigarettes for £5.50 and a sleeve of 200 illegal cigarettes for £55. The seller was Jacek Mazurek.
4. On 20th May 2018, Oxfordshire County Council Trading Standards conducted an announced enforcement visit at Witney Polish Deli. 700 illegal cigarettes were identified behind the till point and seized. Outer packaging for 3600 cigarettes was discovered within the shop bin. Jacek Mazurek was questioned under caution at the time. He denied selling any of the illegal cigarettes to the public. And answered "yes" when he was asked if he was 100% sure of this.
5. On 29th September 2018, Oxfordshire County Council Trading Standards conducted a covert test purchase visit at Witney Polish Deli and purchased 200 illegal cigarettes for £55. The seller was Malgorzata Gerwatowska. Mrs Gerwatowska left the premises for nearly 5 minutes to retrieve the cigarettes. The sale was completed in view of Jacek Mazurek.

6. On 17th October 2018, Oxfordshire County Council Trading Standards and Thames Valley Police executed entry warrants at Witney Polish Deli and a residential premises in Highworth Place. 80 illegal cigarettes were seized from the shop. 24,380 were seized from the Highworth Place premises, the occupier of which is Sylwia Jablonska.

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

1. This review is being brought due to evidence that the licensed premises Witney Polish Deli Ltd, 62 Corn Street, Witney has been used to sell and store illegal tobacco. Further, this submission will show that this activity has been ongoing for a significant amount of time and an aggravating factor is that it continued after Jacek Mazurek, the sole director of the Company and the designated premises supervisor, had been interviewed under caution.

2. Illegal tobacco is defined in this context as including the following:

- Counterfeit: these are illegally produced cigarettes, which bear registered trade marks. As these are completely unregulated, the actual content of counterfeit cigarettes are unknown nor are the conditions of where they are being manufactured. They are unlikely to comply with European fire safety standards.

- Non-Duty Paid: these are genuine cigarettes, manufactured legally for sale in another country but which have been smuggled into the UK for illegal supply without any UK duty having been paid. They do not comply with UK standardised plain packaging requirements.

- "Cheap Whites": these cigarettes have no legal market in the UK and have often been manufactured for the purpose of wholesale smuggling into the UK. They are often among the cheapest type of illegal cigarettes in the UK, typically retailing for around £3-£3.50 per packet. They do not comply with UK standardised plain packaging requirements.

This review involves the supply and/or possession for supply of each type of illegal tobacco outlined above.

3. The supply and/or possession for supply may constitute breaches of the following legislation enforced by Trading Standards:

- Trade Marks Act 1994
- Tobacco and Related Products Regulations 2016
- Standardised Packaging of Tobacco Products Regulations 2015

These are serious criminal offences, triable either way with maximum sentences of 2 and 10 years imprisonment respectively and/or unlimited fines.

4. In addition, the Licensing Act 2003 creates a criminal offence if any person in a position of responsibility knowingly allows the keeping of smuggled goods on a licensed premises.

5. Jacek Mazurek was previously the director of Chopin Polish Deli Ltd, 37 Corn Street. This was a licensed premises and Mr Mazurek was the appointed designated premises supervisor.

6. On 10th March 2011, officers of Revenue & Customs visited 37 Corn Street and found tobacco products on which UK duty had not been paid. 2000 illegal cigarettes (8 brands) were seized from under the shop counter. 4,480 illegal cigarettes (5 brands) were seized from the shop store room. 38,200 illegal cigarettes (8 brands) and 500g of loose tobacco were seized from under the stairs at Mr Mazurek's then home address, also in Corn Street.

7. Mr Mazurek was interviewed under caution at the time and admitted that he owned the illegal tobacco found in his shop and his home, he had made the purchases over a few months including from a service station in Slough and also from people who come into the shop, he bought the cigarettes to sell in his shop, he was aware it was illegal to sell these cigarettes and he knew that cigarettes that don't bear the UK duty paid mark are illegal.

8. The total UK duty loss was £9,973.06. Mr Mazurek's vehicle was seized as he had admitted it had been used for the carriage of goods liable to forfeiture. It was restored to him upon payment of a civil penalty of £6000.

9. On 17th March 2011, HMRC issued a letter to confirm the seizure. The letter includes the following;

"You are formally warned that the carrying, removing, depositing, harbouring, keeping, concealing or in any manner dealing with excise goods on which UK excise duty had not been paid, with intent to defraud Her Majesty of any duty payable on the goods, is an offence under section 170 of the Customs & Excise Management Act 1979. A person found guilty of an offence under this section may be liable to an unlimited fine and/or up to seven years imprisonment."

It also states:

"It is not only within the Commissioners power to institute court action against you under Customs & Excise legislation. You should be aware that Revenue & Customs are actively assisting Local Authorities with action under the Crime & Disorder Act 1998"

10. In August 2017, Oxfordshire County Council appointed a dedicated Tobacco Control Officer for the first time with the remit to focus on tackling the illegal tobacco market within the County.

11. It was established that Chopin Polish Deli Ltd had ceased trading and that Witney Polish Deli Ltd was now trading from 62 Corn Street.

12. On 25th February 2018, a covert surveillance operative working on behalf of Oxfordshire County Council Trading Standards, visited Witney Polish Deli and purchased 20 Marlboro cigarettes. The cigarettes were retrieved from within a curtained area behind the counter and sold for £5.50. The operative then requested a "sleeve" (ie a carton of 200) Marlboro cigarettes which were retrieved from the same location and sold for £55. All the cigarettes were labelled in Polish, none of which complied with the standardised plain packaging requirements and were not marked UK Duty Paid. A receipt was issued for food purchases made at the same time. The 20 Marlboro cigarettes were recorded as "Meat & Sausage" (sic) but then cancelled. The receipt therefore shows that the premises was under-recording its actual turnover.

13. It should be noted that the operative was not Polish and had never visited the store before yet the sales of illegal tobacco were made without caution.

14. On 23rd April 2018, an officer from Oxfordshire County Council Trading Standards visited Witney Polish Deli and purchased 20 Marlboro cigarettes. The cigarettes were again retrieved from a curtained area behind the counter and sold for £5.50. The cigarettes were again labelled in Polish and did not comply with standardised plain packaging requirements and were not marked UK Duty Paid. Before the sale to the officer was made, another customer was seen openly purchasing Polish-labelled Marlboro cigarettes. Two female members of staff were

involved in making the sale to officer, one retrieving the cigarettes from behind the curtained area whilst the other took the the money and completed the transaction. The person who completed the transaction was subsequently identified as Sylwia Jablonska. A receipt was issued for a food purchase made at the same time. The 20 Marlboro cigarettes are recorded as "Dry Goods" but then cancelled. The receipt therefore shows the premises was again under-recording its actual turnover and, it is submitted, this was a deliberate act which members of staff were complicit in.

15. It should be noted that the officer was a different person from the operative who made the test purchase on 25th February, was not Polish and had never visited the store before. The sales of illegal tobacco were made openly in front of other customers. It is submitted that this indicates a comfort with this criminality born out of a familiarity with the process.

16. On 20th May 2018, a covert surveillance operative working on behalf of Oxfordshire County Council Trading Standards, visited Witney Polish Deli and initially purchased 20 Marlboro cigarettes. The cigarettes were retrieved from behind the same curtained area and sold for £5.50. A sleeve of 200 Marlboro cigarettes were also purchased for £55 at the same time and they were retrieved from the same location. As before, all the cigarettes were labelled in Polish, did not comply with standardised plain packagaing requirements and were not marked UK Duty Paid. The seller was subsequently established to be Jacek Mazurek. This purchase was recorded covertly. The recording shows Mr Mazurek telling the purchaser "We have as well NZ and Rothmans for £4"

17. A short time after the sale was made, officers from Oxfordshire County Council Trading Standards and Thames Valley Police entered Witney Polish Deli. Illegal tobacco products were identified and seized as follows:

- 8 x 20 L&M Red
- 11 x 20 L&M Blue
- 5 x 20 Rothmans
- 3 x 20 Marlboro Red
- 1 x 20 Marlboro Gold
- 3 x 20 P&S
- 4 x 20 Marlboro Micro

All the cigarettes were seized as they did not comply with standardised plain packaging requirements and were not marked "UK Duty Paid"

Also identified and seized was a quantity of cigarette sleeve sellophane wrapping for various brands retrieved from the shop bin. The wrapping was for cigarettes totalling 3600.

It should be noted that no NZ branded cigarettes were identified despite Mr Mazurek offering them to the test purchaser earlier the same morning.

18. Mr Mazurek was cautioned and questioned in his capacity as director of Witney Polish Deli Ltd at 12:20pm as follows:

Officer: Please explain why we found the illegal tobacco products behind the till point?

JM: Because I'm keeping this one for myself and my partner don't want to know when I'm using this.

Officer: Why are there several different brands?

JM: Because I'm not a regular smoker.

Officer: Have you sold any of those tobacco products to the public?

JM: No.

Officer: Are you 100% sure?

JM: Yes.

Officer: Where did you get the tobacco products from?

JM: Poland.

Officer: When?

JM: I bring this twice. I been to Poland twice this year. Last time about 3 weeks ago.

19. It is clear from the test purchases made on 20th May that Mr Mazurek lied under caution when questioned regarding sales to the public.

20. On 6th July 2018, Mr Mazurek attended an interview under caution. The key points from the interview can be summarised as follows:

- The shop sells only 20 packets of (legal) cigarettes in an average week and does not sell hand-rolling tobacco at all
- He was aware it was illegal to sell smuggled tobacco
- He admitted to selling illegal tobacco from a previous shop around nine years ago but said this was a "one-month situation" and he stopped following a visit from HMRC
- He believes the illegal tobacco problem in Oxfordshire is "huge"
- He was offered the opportunity to change the comments he made under caution on 20th May but declined to do so
- He was asked again whether he had sold any cigarettes on 20th May and he again stated "No" and said "Yes, I'm sure" when asked if he was sure
- The test purchases on 25th February and 23rd April were disclosed and when asked to offer an explanation for how they had come to be sold, he stated "Possibly by mistake"
- He speculated that maybe he or somebody else may have sold the Polish cigarettes thinking they were old, non-plain packaged UK cigarettes (NB this would still be illegal)
- However he could not explain how staff would have come to the price of £5.50 given the usual retail price for UK Marlboro is around £11.
- He could not explain why the receipt issued shows the cigarettes recorded as "Dry goods - £5.50" which is then voided

- When challenged again as to whether he personally had sold any cigarettes on 20th May, he changed his mind from being certain that he had not, to "I don't remember now"
- After being shown the covert footage from 20th May, he admitted he had sold illegal cigarettes and that he was aware that it would be illegal to sell them.
- He said he lied because he didn't sell much - "nearly nothing"
- He said the money from the sales goes into his pocket and he does not pay VAT on them
- He added that the shop had sold illegal tobacco "from time to time"
- He could not offer an explanation for the packaging in the bin other than he said he had tidied the shop up
- He said he lied "to avoid the problems because it wasn't a huge amount of cigarettes"
- He added "it's not like this problem you're thinking is like, like we selling a huge amount of tobacco" and "we will not be selling any cigarettes at all in the future"
- He ended with "I feel sorry for what has happened"

21. On 23rd July 2018 an officer of Oxfordshire County Council Trading Standards was on duty in Corn Street when a person known to be Jacek Mazurek was seen leaving the shop premises, crossing the road, going through a passageway which leads to The Crofts/Highworth Place and then returning minutes later carrying a blue plastic bag containing a rectangular shaped object (consistent with the size/shape of a sleeve of cigarettes) and then giving the bag to a man who was standing directly outside Witney Polish Deli. Mr Mazurek passed him the item and entered the shop. No conversation appeared to take place and no money appeared to change hands.

22. On 29th September 2018, a covert surveillance operative working on behalf of Oxfordshire County Council Trading Standards visited Witney Polish Deli and purchased a sleeve of 200 Marlboro cigarettes for £55. The person behind the counter at the time of the sale was Malgorzata Gerwatowska. The covert footage shows her leaving the till point and getting Jacek Mazurek from the back of the shop. She then leaves the premises whilst Mr Mazurek stays at the front of the shop. Just under 5 minutes later, Mrs Gerwatowska returns with the Marlboro cigarettes contained within a blue plastic bag and completes the transaction. The operative removes the cigarettes from the bag whilst in the shop. The transaction takes place in the presence of Jacek Mazurek. There are no other customers in the shop at that time. It should be noted that the operative had never visited Witney Polish Deli before.

23. The cigarettes are labelled in Polish, do not comply with standardised plain packaging requirements and are not marked UK Duty Paid.

24. On 17th October 2018, officers from Trading Standards and Thames Valley Police executed entry warrants at Witney Polish Deli and a residential premises at Highworth Place, Witney. A further warrant was executed at Mr Mazurek's home address.

80 Compliment cigarettes were seized from Witney Polish Deli

The following products were seized from a locked cupboard at the Highworth Place address:

- 26 x 200 + 9 x 20 Compliment Demi Slim
- 9 x 200 + 4 x 20 Compliment Super Slim
- 1 x 200 Marlboro Red
- 1 x 200 Marlboro Gold
- 19 x 200 + 6 x 20 L&M Blue
- 30 x 200 Marlboro Gold (Polish labelled)
- 29 x 200 Marlboro Gold (German labelled)
- large quantity of blue carrier bags

and the following seized from a wardrobe within the lounge at the same location:

- 2 x 200 L&M Blue
- 2 x 200 Marlboro Gold (Polish labelled)
- 2 x 200 Marlboro Gold (German labelled)

Total seizure: 24,380 cigarettes

25. None of the cigarettes seized comply with standardised plain packaging requirements and are not marked UK Duty Paid. In addition, the German-labelled Marlboro cigarettes are suspected of being counterfeit due to all having an identical code marking (whereas each should be unique) and a sample has been advised as being counterfeit from the trade mark representative (formal confirmation pending).

26. Jacek Mazurek, Sylwia Jablonska and Malgorzata Gerwatowska were each arrested and interviewed under caution by officers from Trading Standards that same day.

27. Malgorzata Gerwatowska initially denied any knowledge regarding illegal tobacco.

28. She explained that she had originally worked for Mr Mazurek at Chopin Polish Deli and that Sylwia Jablonska, who also worked at Witney Polish Deli, is her cousin although they usually work different shifts and don't work together very often.

29. She said she had never been to the Highworth Place address, retrieved illegal tobacco and then sold it at Witney Polish Deli.

30. After being shown still images of her taken from the covert footage of the test purchase on 29th September, she admitted lying.

31. She said she had brought the tobacco from Sylwia's (NB the Highworth Place address) and said she had lied as she didn't want to get her cousin into trouble but also that she didn't know it was illegal

32. She explained that illegal tobacco was being sold when she first started working and it has been sold all the time she has worked there

33. From what she knows, the Highworth Place address has been used to store illegal tobacco for maybe 3-4 years and that all members of staff are involved in retrieving it.

34. She insisted she did not know it was illegal. She added that Mr Mazurek explained to her that it was necessary to go to the house and sell the tobacco so she thought it was legal.

35. She estimated that illegal tobacco was sold 30 times per day (NB it is not clear whether this is packets, sleeves or simply occasions nor whether that it just during her shift or from the entire day's trading)
36. She picks up the key, goes to the house, retrieves from a white door underneath the stairs. She recalls Marlboro, L & M and some other brands. She puts the cigarettes in a blue bag and goes back to the shop and gives to the customer. As a rule the customer is in the shop but sometimes they wait outside.
37. She did think it was odd but it was her job and felt "what else can I do?". She describes it as part of her duties.
38. She added that she regretted that she didn't tell the truth from the beginning.
39. Sylwia Jablonska was then interviewed under caution. She offered "no comment" to the majority of questions asked regarding illegal tobacco being stored in her house and/or sold from Witney Polish Deli.
40. She did state that Malgorzata Gerwatowska was her cousin and that they both work at the Deli but that when one finishes her shift, the other starts.
41. She said she has known Jacek Mazurek for 8 years and started working for him on 18th August 2014 on a 19.5 hours per week basis. She described her relationship with him as a friendly one.
42. She said that the two other adults living at the Highworth Place property with her, that is her daughter and her daughter's boyfriend, know nothing about the illegal tobacco stored there.
43. When she was asked whether she had personally sold illegal tobacco from Witney Polish Deli, she answered "No". When then asked how certain she was of this, she answered "100%". When challenged that she had sold illegal tobacco to an officer (on 23rd April) she answered "No comment".
44. When questioned on the comments made by Malgorzata Gerwatowska in her interview under caution she offered no comment. When asked whether Mrs Gerwatowska had been lying, she again answered "No comment".
45. Finally, Jacek Mazurek was interviewed under caution. He stated "no comment" to all questions regarding the seizure from Highworth Place. He also stated "no comment" regarding whether he or his staff had sold any illegal tobacco since the 20th May seizure. However when asked when he had begun selling illegal cigarettes again, he answered "Never".
46. He admitted that he did visit the Highworth Place address as he was friends with the Jablonska family. He answered "no comment" to whether he had seen any illegal tobacco there.
47. He said he didn't remember the details of the previous HMRC seizure in 2011 from his shop and house, didn't remember the number of cigarettes seized and didn't remember the amount of the civil penalty he received.
48. He said he didn't know why Mrs Gerwatowska had said what she had said in her interview under caution.

49. Following the seizure on 20th May 2018, he told staff "to not sell anything at all" and that if they find any of his cigarettes they are not to sell them and to keep them in the kitchen. He added that to the best of his knowledge no sales of illegal tobacco have taken place in the shop since 20th May and he hadn't seen any staff members selling foreign labelled cigarettes.

50. He was shown a still image of Mrs Gerwatowska making the sale of a sleeve of 200 Polish Marlboro for £55 on 29th September 2018. He was asked whether he was aware of that sale and he said "No". He was asked if he had been there would he have allowed the sale to take place and he again said "No". He was asked whether he would have stopped her and he said "Yes". He was asked whether Mrs Gerwatowska had ignored his direct instruction not to sell illegal tobacco and he said "Yes". When asked how he felt about this sale he answered "Angry that it's happened".

51. After being shown a further still image showing the sale taking place in front of him and the circumstances of the test purchase further described to him, he was asked why he had just lied and he replied "I don't lie to you". He added "It wasn't at the front of me. It wasn't at the front of my till" and when it was put to him that he was present, he said "Shop is big one".

52. When asked where Mrs Gerwatowska had gone when she left the premises for nearly 5 minutes, he answered "I don't know where she gone". When asked what she had said to him when she left, he answered "Don't know" and "Don't remember".

53. The sale of illegal tobacco is a significant issue that not only affects communities in Oxfordshire but is a problem across the UK. The easy availability of illegal tobacco at half-price or less, undermines smokers efforts to quit and, in some cases, can result in some people smoking more than they would otherwise. Treating smoking related diseases costs the NHS more than £2 billion each year. In addition, HMRC estimate that last year, the tax payer was cheated out of £2.4 billion in lost tax from the sale of contraband tobacco.

54. Illegal cigarettes have been implicated in fatal house fires as counterfeit and "cheap white" versions typically do not comply with "Reduced Ignition Propensity" fire safety standards.

55. Further, law-abiding licensed premises selling legitimate tobacco products are put at a commercial disadvantage from competing premises routinely selling contraband product.

56. The revised guidance issued under section 182 of the Licensing Act 2003 provides some assistance in determining the seriousness of the sale or storage of illegal tobacco in licensed premises.

At para 11.24 it states:

"A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective".

At para 11.27 it states that:

"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 (and includes):

- for the sale or storage of smuggled tobacco.

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."

57. In R (Bassetlaw District Council) v Worksop Magistrates' Court (2008) EWHC 3530 MJ Slade found on the application for review of a premises licence involving criminal conduct connected with the licensed premises, consideration must be given to what was necessary to promote the objective of crime prevention, and to the needs of the wider community, and not be limited to guidance and remedial action and to the needs of the licence-holders. Deterrence is an appropriate consideration when the paragraphs specifically directed to dealing with reviews where there has been activity in connection with crime are applicable.

58. The evidence shows that Mr Mazurek, designated premises supervisor and sole director of the Company acting as premises licence holder, has been directly involved in alleged criminal conduct, conduct that has continued whilst under investigation. The evidence also shows that he has lied when given the opportunity to do so. The Trading Standards Service regards these as aggravating matters of particular concern. Given the statutory guidance and supporting precedent, it is the recommendation of the Service that the premises licence be revoked.

59. If revocation is strongly considered but not deemed appropriate, it is recommended that Mr Mazurek should be removed as designated premises supervisor with a period of suspension with appropriate conditions to act as a necessary deterrent to promote the crime prevention objective and to protect the needs of the wider community including law-abiding businesses as well as adults and young people. Those conditions to include:

1. Tobacco Products

1.1 All staff who are authorised to buy tobacco products must take all reasonable precautions and exercise due diligence in order to avoid buying illegal goods. This will include, but not limited to the following:

a. All authorised staff responsible for the purchase of tobacco products shall not purchase any goods from door-to-door sellers other than from established traders who provide full receipts at the time of delivery.

b. The authorised buyers shall ensure that all receipts for tobacco products bought include the following details:

- i. Seller's name and address
- ii. Seller's company details, if applicable
- iii. Seller's VAT details, if applicable
- iv. Seller's vehicle registration details, if applicable

1.2 Legible copies of invoices/receipts shall be retained on the premises and made available to inspection by Police or Trading Standards on request.

1.3 Where anyone working within the premises becomes aware that any non-duty tobacco may have been offered for purchase, they shall inform the Police or Trading Standards immediately and keep a written record of such action.

1.4 Smuggled or counterfeit tobacco products for personal use must not be stored on the premises

2. Signage

2.1 A3 Illegal Tobacco Keep it Out posters including the illegal tobacco hotline reporting number shall be displayed prominently at the entrance and sales area of the licensed premises at all times.

3. CCTV

3.1 CCTV shall be provided in the form of a recordable system, capable of providing pictures of evidential quality in all lighting conditions particularly facial recognition.

3.2 CCTV cameras shall cover all ingress and egress to the premises, fire exits, outside areas, and all areas where the sale/ supply of tobacco products occurs.

3.3 The CCTV Equipment shall be maintained in good working order, be correctly time and date stamped with the CCTV recordings be kept in date order, sequentially numbered and kept for a period of 31 days.

3.4 The Premises Licence Holder must ensure at all times that a DPS or appointed member of staff is capable and competent to download CCTV recordings in a recordable media format.

3.5 The CCTV recording equipment and tapes/discs shall be kept in a secure environment under the control of the DPS or appointed member of staff. An operational weekly log report must be maintained and endorsed by the signature of the DPS or the appointed member of staff indicating the CCTV system has been checked, is in working order and compliant, and in the event of any failings remedial actions taken are also to be recorded.

3.6 In the event of technical failure of the CCTV equipment the Premises Licence holder/DPS shall report the failure to the Police on contact number '101' immediately.

3.7 The CCTV recordings shall be provided upon demand by the Police, an authorised officer, as defined by Section 13 of the Licensing Act 2003, or an authorised officer of Trading Standards.

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 19th November 2018

Capacity Tobacco Control Officer

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

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) russell.sharland@oxfordshire.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.