



Gloucester City Council
Licensing Unit
Herbert Warehouse
The Docks
Gloucester
GL1 2EQ



Trading Standards Service

Tri Service Centre
Waterwells Drive
Quedgeley
Gloucester, GL2 2AX

email: rob.cardew@gloucestershire.gov.uk
glos.tradingstandards.uk

Please ask for: Mr R Cardew

Phone: (01452) 8876555

Our Ref:

Your ref:

Date: 17/07/2017

Dear Sirs

Licensing Act 2003

Review of Premises Licence - Saied OSANLOU

One Stop Shop, 107 Southgate Street, Gloucester, GL11UU

Gloucestershire County Council's Trading Standards Service, as a responsible Authority under the Licensing Act, is applying to Gloucester City Council, as Licensing Authority, for the review of the Premises Licence for the above named business which is held by Mr Saied OSANLOU.

Please find enclosed a copy of the Application for the review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003.

Yours sincerely

Robert Cardew
Senior Trading Standards Officer



INVESTORS
IN PEOPLE



**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 Robert John CARDEW

(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 One Stop Shop 107 Southgate Street	
Post town Gloucester	Post code (if known) GL11UU

Name of premises licence holder or club holding club premises certificate (if known) Saied OSANLOU
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Number of premises licence or club premises certificate (if known) 1600242GLPRMG
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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)

Please tick ✓ yes

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 Gloucestershire County Council Trading Standards Service Tri-Service Centre Waterwells Drive Quedgeley Gloucester GL2 2AX
Telephone number (if any) 01452 887655
E-mail address (optional) rob.cardew@gloucestershire.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 | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

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

Section 51 of the Licensing Act 2003 makes provision for a responsible authority or any other person to apply to the Licensing Authority for a review of the premises licence.

Gloucestershire County Council Trading Standards Service (Trading Standards Service) is such a responsible authority.

As one of its functions, The Trading Standards Service enforces legislation applicable to the possession for sale and sale of "illegal tobacco" products. This term "illegal tobacco" is given to tobacco products (cigarettes and loose tobacco) that cannot lawfully be sold because it breaches certain legislation:

1. The Tobacco and Related Products Regulations 2016. These regulations require that tobacco products must bear certain information and health warnings. Cigarettes and tobacco must bear a "combined health warning". This consists of a picture warning and text warning together with the message "Get help to stop smoking at www.nhs.uk/quit". This warning must appear on the front and back of the pack

covering 65% of the surface. Other warnings are also required. These regulations are based on the Tobacco Products Directive which applies to the whole of the European Union. Products for sale in the UK must be labelled in English. The seriousness of these regulations is demonstrated by the penalty on conviction for an offence. On summary conviction, the penalty is a fine and/or 3 months imprisonment. On conviction on indictment, the penalty is a fine and/or 2 years imprisonment.

2. The Standardised Packaging of Tobacco Products Regulations 2015. These regulations deal with so called plain packaging. Their purpose is to remove all branding, motifs and logos from tobacco to stop tobacco packaging from being eye catching especially to younger people. Only the manufacturer's name and variant can appear on the pack and this has to be in standardised format. These regulations only apply to the UK. The seriousness of these regulations is demonstrated by the penalty on conviction for an offence. On summary conviction, the penalty is a fine and/or 3 months imprisonment. On conviction on indictment, the penalty is a fine and/or 2 years imprisonment.
3. The Trade Mark Act 1994. This protects registered trade marks against unauthorised use. A trade mark is a sign of origin that show the consumer where a product originates. A counterfeit copy is not authorised by the trade mark holder and misleads consumers.
4. The Tobacco Products Duty Act 1979. This states that tobacco should carry the fiscal mark indicating that the correct level of duty has been paid. This mark is "UK DUTY PAID". Illegal tobacco has not had the required duty paid which consequently makes it far cheaper than legal tobacco.
5. The General Product Safety Regulations 2005. This requires that consumer goods are reasonably safe. In the case of cigarettes, these should meet reduced ignition propensity requirements which means they should self extinguish if not actively smoked. Some examples of illegal cigarettes fail to meet European requirements that mean they should self extinguish if not actively smoked in an effort to reduce fire risk.

Illegal tobacco is a serious problem in Gloucester. Over the past 7 years, there have been over 60 prosecutions brought by the Trading Standards Service against the owners of shops

and their employees who have sold illegal tobacco from their shops. Approximately half of those prosecutions have resulted in a term of imprisonment being imposed (immediate or suspended) with the longest sentence being 20 months.

There are a number of reasons why the Trading Standards Service enforces illegal tobacco legislation as a priority:

1. Illegal tobacco sells for between a third and a half of the price of legal cigarettes. This makes smoking affordable for those who might otherwise quit. It also makes smoking affordable for young people. Government health policy is designed to reduce smoking prevalence through taxation.
2. The sale of illegal tobacco damages honest business. A person purchasing their illegal tobacco from a shop takes trade away from shops lawfully selling tobacco products. Additionally, the purchaser of illegal tobacco may also purchase any other grocery items, including alcohol, from that same shop thereby taking non tobacco sales from honest businesses which are the backbone of Gloucester.
3. No UK Duty is paid on illegal tobacco therefore taking revenue from the Government. £2 billion is lost per year to illegal tobacco nationally.
4. In the case of counterfeit tobacco, the consumer is being misled about the provenance and quality of the product they are purchasing. Manufacturing controls will not be in place.
5. In the case of both "cheap white" cigarettes (which are those specifically made for smuggling) and counterfeit cigarettes, there is a danger that they will not meet reduced ignition propensity requirements and therefore pose a greater fire risk.

Illegal cigarettes typically sell for between £3.00 and £5.50 for a pack of 20, depending on whether they are a smuggled legitimate brand, or a counterfeit copy or an unknown brand such as Richman or Fest. Legal cigarettes cost from around £8.00 for the very cheapest brand and around £10.50 for a premium brand.

Illegal hand rolling tobacco typically sells for around £9 for a 50g pouch. The legal version costs around £18.

The relevant duty rate for cigarettes is determined by the retail price of the product subject to a minimum excise tax which came into force on 20 May 2017. The minimum tax on 20 cigarettes is £5.37. The relevant duty rate for tobacco is determined by weight and is currently £10.48 per 50g. Therefore most illegal tobacco is sold for less than the applicable level of excise duty.

In addition to the above in respect of illegal tobacco, Gloucestershire County Council has enforcement obligations under the Psychoactive Substances Act 2016. This regulates those substances previously referred to as “legal highs”. In an effort to control such substances, the Act regulates the effect rather than the substance. The Act defines a psychoactive substance by its effect, namely stimulating or depressing the person’s central nervous system such to affect the person’s mental functioning or emotional state. A Government document titled “Psychoactive Substances Act 2016: guidance for retailers” states at paragraph 3 “The new act captures psychoactive substances that aren’t covered by the existing misuse of drugs framework, e.g. nitrous oxide”. Paragraph 3.3 states “Nitrous oxide is a colourless sweet-tasting gas often referred to as laughing gas. Nitrous oxide has several legitimate uses in medicine and dentistry. It is also used as a fuel additive and as a component of rocket fuel, and is sold as an aerosol spray propellant within whipped cream canisters. Products include small canisters in large packs, each enough for a recreational dose, and paraphernalia such as creamers or crackers. These dispense the gas from canisters into balloons, which are used to inhale gas. It is an offence to possess a psychoactive substance for supply with the intention of supplying it for consumption. Having both nitrous oxide canisters and crackers in possession would indicate the intention of supplying the nitrous oxide for consumption.

Trading Standards submits this application for the review of the premise licence held at One Stop Shop, 107 Southgate Street, Gloucester. The Trading Standards Service submits that One Stop Shop is failing to comply with the licensing objective of the prevention of crime and disorder by reason of the premises being a shop that sells illegal tobacco and psychoactive substances.

The “Revised Guidance issued under section 182 of the Licensing Act 2003” dated April 2017 states at paragraph 11.27 in a section of the Guidance concerned with Reviews arising in connection with crime:

“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 or storage of smuggled tobacco and alcohol”.

Paragraph 11.28 states:

“It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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**”.

Please provide as much information as possible to support the application (please read guidance note 3)

The grounds for review are based on three distinct issues:

1. The sale and supply of illegal tobacco from the premises.
2. The presence of nitrous oxide and “crackers” at the presence in retail packaging.
3. The failure of the CCTV system to record.

1. The sale and supply of illegal tobacco from the premises.

As discussed above, the sale of illegal tobacco in Gloucestershire and Gloucester in particular is a serious and ongoing problem. The Trading Standards Service has provided further information in Schedule 1 for the other responsible authorities, the Premises Licence Holder and the Council regarding the sale of illegal tobacco from the premises.

2. The presence of nitrous oxide and “crackers” at the premises in retail packaging.

As well as illegal tobacco, the Trading Standards Service has provided further information in Schedule 1 for the other responsible authorities, the Premises Licence Holder and the Council regarding the presence of nitrous oxide canisters designed for use in cream whippers which are believed to have been at the shop for the purpose of sale. In addition, “crackers” were also present at the premises.

3. The failure of the CCTV system to record.

The Premises Licence for One Stop Shop contains a condition which states “A CCTV system with a minimum 4 colour camera recording at a frame rate of not less than 15 frames per second shall be maintained in good working order at the store and shall record at all times the premises are open. Recording shall be kept for a minimum of 14 days and shall be produced within 3 days on request of Police, Trading Standards or Council Officer”.

The Trading Standards Service has provided further information in Schedule 1 for the other responsible authorities, the Premises Licence Holder and the Council regarding the CCTV on the premises which gave the outward appearance of operating but which was in fact incapable of recording the input from the CCTV camera. Had the CCTV been operating properly in accordance with the licence conditions, then it would have provided compelling evidence in

respect of points 1 and 2 above.

This is a summary of the information in support of the application. The detailed information in support of the application is provided as "Schedule 1" to this application. Schedule 1 will be provided to other responsible authorities, to the Premises Licence Holder and to the Council. It is not for wider publication.

Gloucestershire Trading Standards Service, as a responsible authority, respectfully submits that the Premises Licence One Stop Shop, 107 Southgate Street, Gloucester should be revoked by the Licensing Committee on the grounds of preventing crime and disorder.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day Month Year

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

N/A

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, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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



Date **12 July 2017**

Capacity **Senior Trading Standards Officer**

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

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.