



**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 Andrew Tandy, Trading Standards Officer

*(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**

Sam Mini Market  
681, Foleshill Road  
Coventry  
CV6 5JQ

**Post town** Coventry

**Post code (if known)** CV6 5JQ

**Name of premises licence holder or club holding club premises certificate (if known)**

Corina Florina Ondrea

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

LN/216000438

**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)



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**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address

Trading Standards  
Streetscene and Regulatory Services  
Coventry City Council  
PO Box 15  
Council House  
COVENTRY  
CV1 5RR

Telephone number (if any)

E-mail address (optional)

[trading\\_standards@coventry.gov.uk](mailto:trading_standards@coventry.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)

Corina Florina Ondrea applied for a premise licence for Sam Mini Market, 681, Foleshill Road, Coventry, CV6 5JQ in August 2016 to sell alcohol. The licence was granted on 23rd September 2016. Trading Standards made the following condition a requirement of the licence due to the previous history of the shop, and the shop owner who is also the Designated Premises Supervisor (DPS).

‘All alcohol and tobacco products must be purchased from legitimate traceable sources that provide receipts to confirm purchased items. Goods sold should not evade any duty or taxes and should be authentic goods, which comply with UK legislation. All receipts and records will be made available to officers at Coventry City Council for inspection when requested by that officer’.

The applicant, on behalf of the Trading Standards Section believes that this condition has not been adhered to. The history of interactions with Trading Standards Officers and third parties will illustrate this allegation and is detailed below.

**Please provide as much information as possible to support the application**

(please read guidance note 3)

Chronological events are as follows:-

14<sup>th</sup> July 2015 – initial inspection of premises when 4 packets of cigarettes were found that failed to comply with the requirements of the UK market as they were labelled in a foreign language. A written advice note was given to Ms Ondrea advising that it was illegal to sell such cigarettes from her premises.

11<sup>th</sup> August 2015 – inspection of premises that revealed a box with foreign language labelled cigarettes in a communal garden/parking area.



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13<sup>th</sup> November 2015 – inspection, 3 packs of foreign language labelled cigarettes on the premises, male assistant stated they were for personal use.

28<sup>th</sup> January 2016 – warrant of entry executed on the flat above the shop premises, 141 foreign labelled cigarettes and tobacco found in flat and 127 packs in the home address of Ms Ondrea. A warning letter issued to Ms Ondrea

30<sup>th</sup> March 2016 – tobacco manufacturer's representative purchased a packet of 20 cigarettes from the shop for £3. The manufacturer declared the packet of cigarettes sold as counterfeit and breaching the company's trade mark rights.

23<sup>rd</sup> August 2016 - Ms Ondrea applied for a premise licence and declared she would be the DPS through a third party agency. Trading Standards as a responsible authority sought the inclusion of the condition on the licence as detailed above based upon the history of the premise prior to the application. Ms Ondrea accepted that condition.

9<sup>th</sup> December 2016 – a search dog was taken to the premises and 6 packs of foreign labelled cigarettes were found hidden in sweet containers at the till area, 10 packs were found in a locked cupboard under the counter where the till is placed and 20 packs were in a concealment area of a sewage drain. Images are provided in annexe 1

17<sup>th</sup> January 2017 - Ms Ondrea was formally interviewed under caution in accordance with the Police and Criminal Evidence Act 1984 codes of practice.

5<sup>th</sup> February 2017 – anonymous complaint through Coventry City Council's website stated the premise was still selling foreign labelled or counterfeit cigarettes.

#### Conclusion:

The sale of tobacco products at a price of £3 shows that duty and value added tax has been evaded and in May 2017 a minimum price for cigarettes is being implemented by the UK government to strengthen the price threshold for cigarettes. The aim of maintaining a high price for tobacco products, clear labelling in English with warnings and pictures that are unpleasant facts about tobacco use is aimed at dissuading high use or young people from starting to use tobacco products and follows a stance across Europe which has been adopted in the United Kingdom on the tight regulation of tobacco products. In fact the UK Government has now adopted plain packaging to further restrict the marketing of cigarette and tobacco products to young consumers who may be tempted to start using tobacco products.

Therefore it is the opinion of the applicant that Corina Florina Ondrea may continue to sell illegal cigarettes from this shop, unless she is given a deterrent which may discourage her, or dissuade her altogether. The sale of foreign labelled or counterfeit tobacco products in disregard of the condition placed on the premise licence shows no concern about the implications of such sales.

The officer requests the following action to be considered in this instance:

- 1 Revoke the Premise Licence, or
- 2 Suspend the Premise Licence for a period of three months, and/or
- 3 Terminate Corina Florina Ondrea's position as the DPS at this premises, and / or any other premises.

Please tick ✓ yes



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Have you made an application for review relating to the 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 the 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 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 **15/03/2017**

Capacity **Trading Standards Officer / Responsible Authority Representative**

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

Mr A Tandy  
Trading Standards  
Streetscene and Regulatory Services  
Coventry City Council  
PO Box 15  
Council House  
COVENTRY  
CV1 5RR

**Post town**  
Coventry

**Post Code**  
CV1 5RR

**Telephone number (if any)**



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**If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) [trading.standards@coventry.gov.uk](mailto:trading.standards@coventry.gov.uk)**

#### 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.

#### Annex 1





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