

Licensing Act Sub-Committee

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The Licensing Act Sub-Committee meets in the Court Room of the Town Hall which is located on the ground floor. Entrance is via the main door or access ramp at the front of the Town Hall. Parking bays for blue badge holders are available in front of the Town Hall and in the car park at the rear of the Town Hall.



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MEMBERS: Councillor Dow (Chairman); Councillors Blakebrough and Swansborough

Agenda

- 1 Apologies for absence.**
- 2 Declarations of Disclosable Pecuniary Interests (DPIs) by members as required under Section 31 of the Localism Act and of other interests under the Code of Conduct.**
- 3 Review of Premises Licence - Ocean Gastronom, 9 Seaside.**
(Pages 1 - 32)

Report of Specialist Advisor

Inspection of Background Papers – Please see contact details listed in each report.

Councillor Right of Address - Councillors wishing to address the meeting who are not members of the Committee must notify the Chairman in advance.

Public Right of Address – Requests by members of the public to speak on a matter which is listed in this agenda must be **received** in writing by no later than 12 Noon, 2 working days before the meeting e.g. if the meeting is on a Tuesday, received by 12 Noon on the preceding Friday). The request should be made to Local Democracy at the address listed below. The request may be made by letter, fax or e-mail. For further details on the rules about speaking at meetings please contact Local Democracy.

Disclosure of interests - Members should declare their interest in a matter at the beginning of the meeting, and again, at the point at which that agenda item is introduced.

Members must declare the existence and nature of any interest.

In the case of a DPI, if the interest is not registered (nor the subject of a pending notification) details of the nature of the interest must be reported to the meeting by the member and subsequently notified in writing to the Monitoring Officer within 28 days.

If a member has a DPI or other prejudicial interest he/she must leave the room when the matter is being considered (unless he/she has obtained a dispensation). If a member has a DPI he/she may not make representations first.

Further Information

Councillor contact details, committee membership lists and other related information is also available from Local Democracy.

Local Democracy, 1 Grove Road, Eastbourne, BN21 4TW
Tel: (01323) 415021/5023 Minicom: (01323) 415111, Fax: (01323) 410322
E Mail: localdemocracy@eastbourne.gov.uk
Website at www.eastbourne.gov.uk

For general Council enquiries, please telephone (01323) 410000 or E-mail:
enquiries@eastbourne.gov.uk

Body: Licensing Sub Committee
Date: 29th July 2015
Subject: Application for a review of the premises licence HJ Food Ltd trading as Ocean Gastronom, 9 Seaside Road, Eastbourne, BN21 3PR
Report Of: Danielle Ball, Specialist Advisor
Ward(s) Devonshire Ward
Purpose To determine an application for a Review of a premises licence under the Licensing Act 2003.
Contact: Danielle Ball 01323 415333. Danielle.ball@eastbourne.gov.uk

1.0 Introduction & Background

- 1.1 An application has been received by Eastbourne Borough Council as the Licensing Authority, for a Review to the premises at 9 Seaside Road, Eastbourne BN21 3PR.
- 1.2 The premises is currently operating as an off licence.
- 1.3 The Premises licence was granted on 15th August 2007 with opening hours 07:00 to 23:00 hours Monday to Sunday and for the supply of alcohol 08:00 to 23:00 hours Monday to Sunday. A copy of the current premises licence is included at **Appendix 1**.
- 1.4 The Premises Licence holder and the Designated Premises Supervisor is a Miss Jenya Dinchera DIMITROVA.

2.0 Review Application

- 2.1 An application for a Review under the Licensing Act 2003 has been made by East Sussex County Council Trading Standards Service on the 23rd June 2015, under the prevention of crime and disorder licensing objective.
- 2.2 The review application was served on the Licensing Authority, the person who holds the Premises Licence, and all other Responsible Authorities as specified under the Licensing Act 2003.
- 2.3 The reason for the review is that East Sussex County Council Trading Standards Service found illegal cigarettes stored on the premises- these cigarettes did not comply with the relevant tobacco products regulations and had no UK duty paid. There is also a concern expressed that the Designated Premises Supervisor is not acting suitably as regards control of these premises.
- 2.4 The proper notices advertising the application for the review of the premises licence were prominently displayed on the premises and at the Council offices. These were in a place where they could be seen by members of the public.

- 2.5 A notice has also been posted on Eastbourne Borough Council's website with regard to the review application, in order to inform the wider public of the application. Proper consultation in accordance with the requirements of the Licensing Act 2003 has been undertaken for the required period.
- 2.6 A copy of the review application is included at **Appendix 2**.
- 2.7 As a result of the consultation process that has run from the 24th June 2015 to the 21st July 2015, 1 further representation has been received.

3.0 The Hearing

- 3.1 The Licensing Act 2003 (Hearings) Regulations 2005 state that a hearing must be held by the Licensing Authority within 20 working days after the initial 28 day consultation period.
- 3.2 A determination on the review application must be made no later than 2 months after the day of the original giving of notice by relevant parties seeking a review of the premises licence.

4.0 The Decision Making Process - The Licensing Objectives

- 4.1 In their decision making generally the Licensing Sub Committee must act to promote the four Licensing Objectives. All carry equal weight as part of the process. The Licensing Objectives are:
 - The prevention of crime and disorder
 - Public safety
 - The prevention of public nuisance
 - The protection of children from harm
- 4.2 With regard to this application for a Licence Review, the Trading Standards Service believe that the licensing objective relating to the prevention of crime and disorder is being undermined.

5.0 Eastbourne Borough Council's Statement of Licensing Policy & Section 182 Guidance Issued

- 5.1 Copies of the Council's Statement of Licensing Policy have previously been circulated to Members. A copy is also retained in the Members Room.
- 5.2 Whilst each application will be considered on its merits, the Licensing Sub Committee will act to promote the four licensing objectives and have due regard to:
 - Eastbourne Borough Council's Statement of Licensing Policy 2014 – 2019 available via:
<http://www.eastbourne.gov.uk/about-the-council/council-policies-plans-and-strategies/licensing-policy/licensing-policy-and-cumulative-impact-policy/>

- Section 182 Guidance issued by the Department of Culture Media and Sport, (revised in June 2014) available via:
<https://www.gov.uk/government/publications/revised-guidance-issued-under-section-182-of-the-licensing-act-2003>
- 5.3 Eastbourne Borough Council's Statement of Licensing Policy outlines the matters that the Authority will consider when determining matters under the Licensing Act 2003. As detailed above, the Trading Standards Service have brought this review based on an undermining of the prevention of crime and disorder licensing objective.

5.4 The Prevention Of Crime and Disorder

The Council's Statement of Licensing Policy states that the Operating Schedule should include steps to ensure the deterrence and prevention of crime and disorder on and in the vicinity of premises. The restriction of types of licensable activity, hours and imposition of conditions may be considered and applied as appropriate.

6.0 Representations

- 6.1 A full copy of the representation is included at **Appendix 3**, however a summary appears below.

Interested Parties
There have been 0 representations from members of the public.
Representations from Responsible Authorities
<p>There has been 1 representation from responsible authorities:</p> <ul style="list-style-type: none"> ➢ Sussex Police – No representation ➢ Eastbourne Borough Council Health and Environment Team – No representation. ➢ Eastbourne Borough Council Health and Safety Department – No representation. ➢ Eastbourne Borough Council Planning Department– No representation. ➢ Eastbourne Borough Council Licensing Team- Representation included at Appendix 3. ➢ East Sussex Fire and Rescue Service – No representation ➢ Area Child Protection Team– No representations ➢ Trading Standards (East Sussex County Council) – No further representation. ➢ Primary Care Trust- No representation

7.0 Options open to the Sub Committee

7.1 The Sub Committee must have regard to the following:

- Eastbourne's Statement of Licensing Policy 2014-2019;
- Statutory guidance as amended in June 2014, under Section 182 of the Licensing Act 2003;
- Representations from any Responsible Authority;
- Representations from "interested parties";
- Representations from Ward Councillors.
- The application and supporting material.

7.2 The Licensing Sub Committee must take the steps it considers necessary for the promotion of the Licensing Objectives and may decide:

- To modify the conditions of the licence
- To exclude a licensable activity
- To remove the Designated Premises Supervisor from the licence
- To suspend the licence for a period not exceeding 3 months, or
- To revoke the licence

7.3 The determination, if not completed at the hearing, shall be provided within 5 working days. Such a determination does not have effect until after the appeal period or, if an appeal is lodged, until after the appeal is disposed of.

8.0 Legal Considerations

- 8.1 The framework for the issue, variation, review and/or modification to licences is made under The Licensing Act 2003. The Department for Culture, Media and Sport has issued Guidance under Section 182 of the Act and regularly updates this guidance, most recently in March 2015. This Guidance is provided in order to assist the Council in carrying out functions under the Act.
- 8.2 Furthermore, the Licensing Sub Committee must have regard to Eastbourne Borough Council's Statement of Licensing Policy 2014-2019.

9.0 Human Rights

- 9.1 The provisions of the Human Rights Act 1998, must be borne in mind by the Committee when taking licensing decisions under the Licensing Act 2003. Particular regard should be had to Article 1 of the First Protocol, which relates to the protection of property and the peaceful enjoyment of possessions and property, and Article 8 - which relates to the right to respect for private and

family life, home and correspondence - should also be borne in mind. While the Human Rights Act makes it unlawful for a local authority to act or to fail to act in a way that is incompatible with a Convention right, Article 1 of the First Protocol and Article 8 are both qualified rights which means that interference - to a justifiable extent - may be permitted as long as what is done:

- Has a basis in law;
- Is intended to pursue a legitimate purpose
- Is necessary and proportionate; and
- Is not discriminatory.

Background Material

- LACORS Guidance – Committee Hearings 2006
- Section 182 Statutory Guidance to the Licensing Act 2003 (June 2014)
- Hearing and Regulations, Licensing Act 2003
- Eastbourne Borough Council Licensing Statement 2014-2019
- Human Rights Act 1998

Licensing hearing/ocean review

APPENDIX

- 1: Copy of the current premises licence
- 2: Copy of the review application.
- 3: The Representation from Eastbourne Borough Councils Licensing service.

Appendix 1

Part A Premises Licence

Premises Licence number

005936

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Ocean Gastronom
9 Seaside Road
Eastbourne
East Sussex BN21 3PR

Telephone number:

Where the licence is time limited, the dates:

Start Date 15th August 2007
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol

The public opening hours of the premises:

Monday 07:00hrs - 23:00hrs
Tuesday 07:00hrs - 23:00hrs
Wednesday 07:00hrs - 23:00hrs
Thursday 07:00hrs - 23:00hrs
Friday 07:00hrs - 23:00hrs
Saturday 07:00hrs - 23:00hrs
Sunday 07:00hrs - 23:00hrs

Licensing Team, 1 Grove Road, Eastbourne, East Sussex BN21 4TW

Tel: +44(0)1323 410000 Fax: +44(0)1323 415997 Minicom: +44(0)1323 415111 DX6921 Eastbourne

Email: licensing@eastbourne.gov.uk Web: www.eastbourne.gov.uk/licensing

The times the licence authorises the carrying out of licensable activities:

Sale by Retail of Alcohol:

Monday 08:00hrs - 23:00hrs
Tuesday 08:00hrs - 23:00hrs
Wednesday 08:00hrs - 23:00hrs
Thursday 08:00hrs - 23:00hrs
Friday 08:00hrs - 23:00hrs
Saturday 08:00hrs - 23:00hrs
Sunday 08:00hrs - 23:00hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted off the premises at the given times.

Signed: _____
Licensing Manager

Date: _____

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Miss Jenya Dinchera Dimitrova
9 Seaside Road
Eastbourne
East Sussex
BN21 3HJ

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Miss Jenya Dinchera Dimitrova
72 Longstone Road
Eastbourne
BN21 3SL

Tel: 07727 067590

Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises for the supply of alcohol:

Licence Number	1320/005940
Issuing Authority	Eastbourne Borough Council

Annex 1 – Mandatory conditions

Licensees should note that the under enclosed Mandatory conditions should be read in conjunction with the granted licence and these conditions shall be enforceable where relevant to the operation of the premise and its activities.

Supply of alcohol (Premises Licence)

	This registration authorises the supply of alcohol subject to the following conditions:
1.	No supply of alcohol may be made at a time when (a) there is no designated premises supervisor in respect of the premises licence, or (b) when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2.	Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door Supervision (where supervisors are engaged this condition applies)

3.	All door supervisors will be Security Industry Authority registered.
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Annex 2 – Conditions consistent with the Operating Schedule

All Licensing Objectives

- Well illuminated open style self service grocery store, internal mirror positioned until C.C.T.V installed.

Crime and Disorder

- Age restriction sign displayed
- Incident/Refusal book to be maintained

Public Safety

- Suitable access for disabled persons
- First Aid station on site

Public Nuisance

- Constant vigilance within store
- Member of local shop watch

Protection of Children from Harm

- 'Proof of age' cards required
- 'Under 18 years' sign displayed

Annex 2A – Embedded Restrictions

Not applicable

Annex 3 – Conditions attached after a hearing by the licensing authority:

Not applicable – Committee hearing not required

All Licensing Objectives

Crime and Disorder

Public Safety

Public Nuisance

Protection of Children from Harm

Annex 4 – Plans

At the time of submission the attached plans are an accurate reflection of the design and layout of the premises.

Part B

Premises Licence Summary

Premises Licence number:

005936

Premises details

Postal address of premises or, if none, ordnance survey map reference or description:

Ocean Gastronom
9 Seaside Road
Eastbourne
East Sussex BN21 3PR

Telephone number:

Where the licence is time limited, the dates:

Start Date 15th August 2007
End Date Ongoing unless otherwise indicated

Licensable activities authorised by the licence:

Open to the public
Sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities:

Are detailed as per the enclosed schedule

The public opening hours of the premises:

Monday 07:00hrs - 23:00hrs
Tuesday 07:00hrs - 23:00hrs
Wednesday 07:00hrs - 23:00hrs
Thursday 07:00hrs - 23:00hrs
Friday 07:00hrs - 23:00hrs
Saturday 07:00hrs - 23:00hrs
Sunday 07:00hrs - 23:00hrs

Sale by Retail of Alcohol:

Monday 08:00hrs - 23:00hrs
Tuesday 08:00hrs - 23:00hrs
Wednesday 08:00hrs - 23:00hrs
Thursday 08:00hrs - 23:00hrs
Friday 08:00hrs - 23:00hrs
Saturday 08:00hrs - 23:00hrs
Sunday 08:00hrs - 23:00hrs

Where the licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol is permitted off the premises at the given times.

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence:

Miss Janya Dinchera Dimitrova
9 Seaside Road
Eastbourne
East Sussex
BN21 3HJ

Email:

Registered number of holder, for example company number, charity number (where applicable):

Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol:

Miss Janya Dinchera Dimitrova

State whether access to the premises by children is restricted or prohibited:

Not applicable

Signed: _____
Licensing Manager

Date: _____

APPENDIX 2

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 Graham Wolstenholme Senior Trading Standards Officer (East Sussex County Council Trading Standards Service)
(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

HJ Food Ltd trading as Ocean Gastronom
9 Seaside *Road*

Post town Eastbourne

Post code (if known) TN38 0BU

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

Ms Janya Dimitrova

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

1

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

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 (if any)

--

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Graham Wolstenholme
Senior Trading Standards Officer
East Sussex County Council Trading Standards Service
St Marys House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UU

Telephone number (if any)

01323 464043

E-mail address (optional)

graham.wolstenholme@eastsussex.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
- 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
Revised Guidance issued March 2015 under section 182 of The Licensing Act 2003
lists certain criminal activity which may arise in connection with licensed premises
which the Secretary of State considers should be treated particularly seriously. This
list includes the use of licensed premises for the sale or storage of smuggled tobacco
and alcohol (Part 11.27)

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

On 23rd October 2014 an inspection of the licensed premises Ocean Gastronom 9 Seaside, Eastbourne TN38 0BU was carried out in response to intelligence received regarding the sale of illicit and counterfeit cigarettes. Illegal cigarettes had previously been seized by HMRC and the DSP , Jenya DIMITOVA had been advised of that fact.

During this inspection 192 packets (of 20's) cigarettes from various brands, some of which are not available within the legitimate UK market, were found stored on the premises. These cigarettes do not comply with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations and had no UK Duty paid. The majority of the packets bear foreign language duty stamps. The statement of Graham Wolstenholme date 23/10/2014 regarding that visit is included.

During a recorded interview conducted under caution the manager, Arum GRIGORYAN, stated the cigarettes were his and unconnected to HJ FOOD Ltd. A summary of that interview is included and audio copies can be provided.

A recorded interview conducted under caution with Jenya DIMITOVA the Designated Premises Supervisor and Company Secretary for HJ FOOD Ltd was undertaken. During that interview Jenya DIMITOVA stated that she very rarely attends the shop premises and in fact does not work there. She went on to say she is employed in a care home. She claimed that she was the DPS only because she understood English enough to pass the tests whereas the other members of staff did not. A summary of that interview is included and audio copies can be provided.

Jenya DIMITROVA is also DPS for HJ FOOD Ltd trading as Moscwichka at 1a Pevensey Road, St Leonards on Sea TN38 0JA. On the 4th November 2014 306 packets (of 20's) of illegal cigarettes, including counterfeit Mayfair, were found stored on that premise and were subsequently seized. These cigarettes do not comply with the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations and bear foreign language duty stamps. The MAYFAIR cigarettes infringe the Trade Mark Act 1994. This is subject to a separate licence review with Hastings Borough Council.

The premises were being used as an outlet to sell and store goods which evade duty allowing cheap tobacco product on to the market. This not only damages local traders who lose the revenue from the sale of legitimate goods, but also undermines the UK government's policy on smoking which is to set tax rates high enough to discourage people from smoking. 'It's been proven that high prices put people off smoking - especially young people and people on lower incomes. It's also important that cheap, black market cigarettes and tobacco don't undermine prices'1. Each part has been issued a warning in line with our enforcement policy.

HJ FOOD Ltd also has a store in Tunbridge Wells, Kent. Kent police applied for a licence review following a seizure of 112 packed of non-duty paid cigarettes on the 20th June 2014. At that review on the 27th August 2014 Tunbridge Wells Borough Council removed Jenya DIMITOVA as DPS of HJ FOOD trading as Ocean 2 , 4 Grove Hill Road, Royal Tunbridge Wells TN1 1 RZ Premises Licence number 09/00003/LAPRE/2270 .

The premises were being used as an outlet for the sale or storage of smuggled tobacco. This not only damages local traders who lose the revenue from the sale of legitimate goods, but also undermines the UK government's policy on smoking which

is to set tax rates high enough to discourage people from smoking. 'It's been proven that high prices put people off smoking - especially young people and people on lower incomes. It's also important that cheap, black market cigarettes and tobacco don't undermine prices'¹

East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met and that Jenya DIMITROVA is not a suitable person to be a Designated Premises Supervisor and should be removed as such.

The guidance from the Home Office referred to in our submission clearly demonstrates the weight that the Home Office places on such matters. With the evidence discovered in our investigation at other locations operated by the same company we would ask that the subcommittee consider our request for the licence to be revoked on this occasion. Trading Standards have no confidence in the management of this store or the staff operating it on a daily basis.

Reference:

- 1) 2010 to 2015 government policy: smoking 7/05/2015
<https://www.gov.uk/government/publications/2010-to-2015-government-policy-smoking/2010-to-2015-government-policy-smoking>

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

--	--	--	--	--	--	--	--

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

NONE

Please tick yes

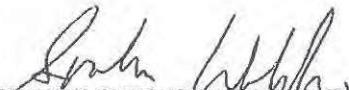
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

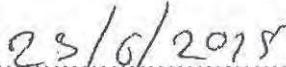
Part 3 – Signatures (please read guidance note 3)

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

.....

Capacity

.....

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

Trading Standards Service
East Sussex County Council
St Marys House
52 St Leonards Road
Eastbourne
East Sussex

Post town

Eastbourne

Post Code

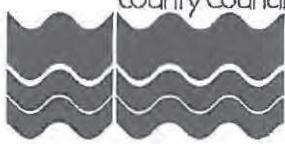
BN21 3UU

Telephone number (if any) 01323 464043

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

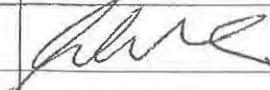
Notes for Guidance

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.



TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

			Exhibit No:	
Person Interviewed	Jenya DIMITROVA	DOB 18/2/71		This record consisting of 2 pages is the exhibit referred to in the statement made and signed by me.
Place of Interview	Trading Standards Offices, St Mary's House, 52 St Leonards Road , Eastbourne BN21 3UU			
Date of Interview	20/11/2014			
Time Commenced	14:07	Time Concluded	15:15	
Recording Reference Numbers				
Interviewing Officer(s)	Graham WOLSTENHOLME		Signed	
	Beverley PULFER		Signed	
Other Persons Present	NONE			
Signature of Officer preparing Record		Name		Date

Summary: Jenya DIMITROVA states that the tobacco removed by HMRC was UK stock. However after been warned by C Wolfe that sale of illegal tobacco could jeopardise the alcohol licence she claims to have told her staff not to sell illegal tobacco but did not document that advice.

JD does not work in the shops, she stated she was DPS because she was the only one capable of passing the tests to be a DPS.

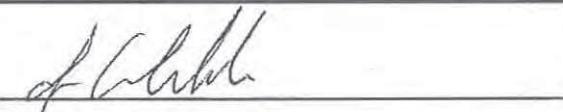
JD claims to have little or no contact with her shops of which she is the Designated Premises Supervisor.

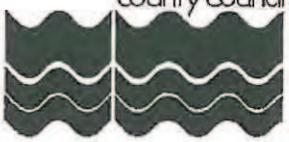
She states she knows nothing of the illegal cigarettes in either shop and that the cigarettes in question are been sold by the managers without her knowledge. With regard to the SLOS trading as Ocean 3 / Moscwichka she says that she very rarely visits the store.

Time		
2:20	JD agrees she can speak on behalf of the company	
3:00	Caution Given	BAP
	Conversation	
17:00	The way I became the DPS was only me that had command of English enough to pass the test, I am very good at studying you see, and that's how it happened. Meantime I have been educating the guys about alcohol the problems with the tobacco is something I never excepted to be honest with you .	JD
	Conversation continues about preventing underage sales	
18:00	Unfortunately my control was very minimal if existent at all because I had to go back to the nursing home where I was working for 10 years And Mr. Tangarani had three horrendous family events and spent so much time in his home country that he also lost control over things	JD
19:30	What did you do following this conversation with the licensing officer from Eastbourne licensing, what did you do to ensure the staff no longer sold illegal tobacco ?	
	JI spoke to him	

25:00	Whose cigarettes are those which we seized	GW
	I asked and was told that sometimes people bring us some but not a lot	JD
30:00	Its no secret to my self that I don't do my job properly	JD
30:30	I understand I don't do my job properly because if I was present in the shop every day like I am supposed to be then I would have known what was happening or at least nothing would happen but I can not afford to do that and that's how I came up on this interview	JD

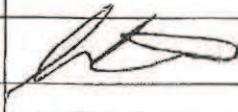
Signature of Officer preparing record





TRADING STANDARDS SERVICE

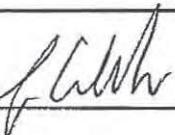
RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed	Arum Grigoryan	DOB	Exhibit No:	
Place of Interview	Trading Standards Offices, St Mary's House, 52 St Leonards Road , Eastbourne BN21 3UU			This record consisting of 2 pages is the exhibit referred to in the statement made and signed by me.
Date of Interview	20/11/2014			
Time Commenced	16:10	Time Concluded	16:45	
Recording Reference Numbers				
Interviewing Officer(s)	Graham WOLSTENHOLME		Signed	
	Beverley PULFER		Signed	
Other Persons Present				
Signature of Officer preparing Record				

Time		
1:38	Caution Given	BAP
	<p>Summary</p> <p>Arum Grigoryan admits that over the last two months he personally has been buying and selling tobacco products to members of the public, he states that he only sells to (HIS OWN PEOPLE) . He states that it was his own idea, that the Jenya D knew nothing about it and that the tobacco was purchased with his own savings and the profits came back to him.</p> <p>AG claims he was present when cigarettes were taken by HMRC, He claims these cigarettes were purchased from Bookers and that following that seizure he and Jenya were visited by PC C Wolfe and were warned about the implication of selling such items on their alcohol licence.</p> <p>With regard to exposing for sale out of date food (up to 13 day past use by date) AG claims it was a mistake but puts forward no defence other than to say he knows it should not be for sale and that the food is checked daily. He says the 13 day out of date item was missed by these checks.</p> <p>Food</p> <p>AG claims to now have checks in place to prevent reoccurrence but does not documented.</p>	
14:10	And this time I buy about 20 carton and keep it there so I can say nobody know about it , except me, even Jenya because she don't care she don't come and go, and I want to make some profits , I don't this if going to be like this. Nobody know about it	AG
	So the profits you made from selling these cigarettes where did that money go it come to my pocket	GW
		AG

	Conversation continues	
16:58	Are you saying that you admit that you sold illegal tobacco	BAP
	Conversation continues	
18:31	Do you admit the offence of selling illegal tobacco?	BAP
18:33	Yes	AG
18:34	Thank you	BAP

Signature of Officer preparing record



Continuation of Tape Recorded Interview Of _____

Signature of Officer Preparing Record

Signature of Child Preparing Record

Page ... of ...

Appendix 3

Report of Adrian Albon, Specialist Advisor, Licensing.

Review of premises licence HJ Food Ltd trading as Ocean Gastronom 9 Seaside Road

Eastbourne Borough Council is a responsible authority for the premises licence of Ocean Gastronom.

A review of the licence has been sought by Trading Standards with regards to the sale or storage of smuggled tobacco.

Eastbourne Borough Council licensing would consider the Designated Premises Supervisor, Miss Jenya DIMITIROVA, has shown a disregard for the legislation, had no control of the premises and is in breach of the conditions / objectives of the licence.

We support the request of Trading standards to remove the DPS, Miss Jenya DIMITIROVA.

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