

NOTICE OF MEETING

LICENSING SUB COMMITTEE A

Monday, 30th January, 2017, 7.00 pm - Civic Centre, High Road, Wood Green, N22 8LE

Members: Councillors Natan Doron (Chair), Zena Brabazon and Clive Carter

Quorum: 3

1. FILMING AT MEETINGS

Please note this meeting may be filmed or recorded by the Council for live or subsequent broadcast via the Council's internet site or by anyone attending the meeting using any communication method. Although we ask members of the public recording, filming or reporting on the meeting not to include the public seating areas, members of the public attending the meeting should be aware that we cannot guarantee that they will not be filmed or recorded by others attending the meeting. Members of the public participating in the meeting (e.g. making deputations, asking questions, making oral protests) should be aware that they are likely to be filmed, recorded or reported on. By entering the meeting room and using the public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings.

The Chair of the meeting has the discretion to terminate or suspend filming or recording, if in his or her opinion continuation of the filming, recording or reporting would disrupt or prejudice the proceedings, infringe the rights of any individual, or may lead to the breach of a legal obligation by the Council.

2. APOLOGIES FOR ABSENCE

3. URGENT BUSINESS

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 7 below).

4. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

(i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and

(ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct

5. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

6. EURO MARKET, 12 LYMINGTON AVENUE LONDON N22 6JA (PAGES 3 - 34)

To consider an application for a premises licence review brought by the Trading Standards Team as a responsible authority.

7. ITEMS OF URGENT BUSINESS

To consider any new items of admitted under item 2 above.

Maria Fletcher, Principal Committee Co-ordinator
Tel – 020 8489 1512
Fax – 020 8881 5218
Email: maria.fletcher@haringey.gov.uk

Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Friday, 20 January 2017

APPENDIX 3

LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
1.	The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.
2.	The Chair invites Members to disclose <ul style="list-style-type: none"> i) any prior contacts (before the hearing) with the parties or representations received by them; and separately any declarations of interest.
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.
NON-ATTENDANCE BY PARTY OR PARTIES	
4.	If one or both of the parties fails to attend, the Chair decides whether to: <ul style="list-style-type: none"> (i) grant an adjournment to another date, or (ii) proceed in the absence of the non-attending party. Normally, an absent party will be given one further opportunity to attend.
TOPIC HEADINGS	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is: <p>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</p> <ul style="list-style-type: none"> (i) the prevention of crime and disorder, (ii) public safety, (iii) the prevention of public nuisance, and (iv) the protection of children from harm.
6.	The Chair invites comments from the parties on any other topic headings to be discussed.
WITNESSES	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
DOCUMENTARY EVIDENCE	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
THE LICENSING OFFICER'S INTRODUCTION		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours sought to be varied and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
THE HEARING		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Review Applicant's main representative	
(ii)	an introduction by the Premises Licence Holder or representative	
(iii)	questions put by Members to the Review Applicant	
(iv)	questions put by Members to the Premises Licence Holder	
(v)	questions put by the Review Applicant to the Premises Licence Holder	
(vi)	questions put by the Premises Licence Holder to the Review Applicant	
CLOSING ADRESSES		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Review Applicant makes their closing address before the Premises Licence Holder, who has the right to the final closing address.	
THE DECISION		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	


 Licensing Act 2003 Sub-Committee on 30TH JANUARY 2017

Report title: Application for a Review of a Premises Licence at EURO MARKET, 12 LYMINGTON AVENUE LONDON N22 6JA

Report of: The Licensing Team Leader

Ward(s) affected NP

1. Purpose

To consider an application by The Trading Standards Team for a review of the premises licence at Euro Market.

Summary of application

- The applicants – Trading Standards as a Responsible Authority are seeking a review of the Premises Licence with reference to the licensing objectives of the Prevention of Crime and Disorder and Public Safety.

 Date review application served: 15th December 2016

In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, officers arranged for notices of the review to be published for 28 days on the affected premises, on the public notice board at the Civic Centre and on the Council's website.

A copy of the review application and supporting documents are at Appendix 1.

2. Officers Observations

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) need to promote the four licensing objectives
 (b) representations
 (c) relevant sections of the statutory guidance to licensing authorities (appendix 2)
 (d) relevant sections of the licensing authority's statement of licensing policy (appendix 3)

Report authorised by: Daliah Barrett

Licensing Team Leader

Contact Officer: Ms Daliah Barrett -Williams

Telephone: 020 8489 8232

3. Access to information:

Local Government (Access to Information) Act 1985
Background Papers

The following Background Papers are used in the preparation of this Report:

File: EURO MARKET

The Background Papers are located at Regulatory Services, Alexandra House Level 6, 10 Station Road, Wood Green, London N22 7TR

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4. REPORT

Background

A premises licence was originally granted to Mr Kurda Mustapha in April 2016, the licence was subsequently transferred in September 2016 to Ms Roz Hussain and a Shorish Hamza. However, it is apparent that the named individuals were managing and had control of the business as early as July 2016. The Environmental Health Officer had carried out an inspection on 22nd July and became suspicious of the activity and products seen in store at the time of the visit. The officers concerns were passed over to the Trading Standards officer who carried out a follow up inspection and came across the illicit goods referred to in the review papers. The licence holder and DPS have not engaged in the process and have failed to attend meetings to discuss these matters.

The Licence and its conditions are shown as Appendix 1A.

Licensable activities authorised by the Licence:

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

Supply of Alcohol

Monday to Saturday	0800 to 2300
Sunday	1000 to 2230
Good Friday	0800 to 2230
Christmas Day	1200 to 1500 & 1900 to 2230

The designated premises supervisor is: Mr Shorish Hamza

4.2.1 Details of the Application for Review and Supporting Documentation. Appendix 1

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

The premises were found to be stocking and selling non duty paid tobacco and alcohol from the premises.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

No representation made

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

No comments made.

7.0 POLICY CONSIDERATIONS

7.1 The following provisions of the Licensing Act 2003 apply to this application: Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.24-11.28 These provisions are attached at **Appendix 2.**

8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; Section 78, these provisions are attached at **Appendix 3.**

8.2 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

**Appendix 1- APPLICATION FOR REVIEW AND SUPPORTING
DOCUMENTATION**

[Insert name and address of relevant licensing authority and its reference number (optional)]

NK/372/98

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

HARINGEY COUNCIL
LICENSING
RECEIVED
15 DEC 2016

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 Rebecca Whitehouse/Felicia Ekemezuma

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Euro Market 12 Lymington Avenue	
Post town London	Post code (if known) N22 6 JA
Name of premises licence holder or club holding club premises certificate (if known) Roz HUSSAIN	
Number of premises licence or club premises certificate (if known) LN000015863	

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 I, 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

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 L.B.Haringey Trading Standards Service 6 th Floor, Alexandra House, 10 Station Road, London N22 7TR
Telephone number (if any) 020 8489-5158
E-mail address (optional) Rebecca.whitehouse@haringey.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

-
-
-
-

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

This application to review relates to the objectives to prevent crime and disorder and on the grounds of public safety.

It particularly relates to the discovery of counterfeit tobacco, illicit tobacco and illicit alcohol in the shop under the control of Premises Licence holder Roz HUSSAIN and Designated Premises Supervisor Shorish HAMZA which indicates that the highest standards of management have not been exhibited by the business.

Roz HUSSAIN and Shorish HAMZA took over their roles following an application to vary the Premises Licence Holder and Designated Premises Supervisor on 2nd September 2016. This application was made by the then current Premises Licence holder Kurda USMAN. There is significant evidence which is set out in this application which leads the Trading Standards Service to believe that Roz HUSSAIN and Shorish HAMZA had a significant role in the ownership and control of the business on or before 24th July 2016 which is the date of the first incident detailed in this review application.

On 24th July 2016, officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the premises of Euro Market at 12 Lymington Avenue, London N22 6BX to inspect the stock of alcohol and tobacco. Neither the then Premises Licence holder Kurda USMAN nor the then Designated Premises Supervisor David GLAZIK were present during the inspection.

Shorish HAMZA was on the premises and was in sole charge on the day of the visit. He informed officers that the business was owned by Mr USMAN

As a result of the visit HMRC seized the following tobacco products 15.3kg of hand rolling tobacco and 2,580 cigarettes all of which were not Duty Paid.

The tobacco products were found either behind the counter of the premises in a position where they could be reached easily for sale and in larger quantities in boxes in the rear storeroom of the premises.

The Duty evasion of all the seized products calculated by HMRC amounted to £3,620.20

Trading Standards took samples of the cigarettes and hand rolling tobacco as they bore foreign language health warnings which did not comply with UK requirements under the Tobacco and Related Products Regulations 2016 which is a criminal offence. In addition, the hand rolling tobacco was detained under the Trade Marks Act 1994 as well it was suspected to be counterfeit in addition to having incorrect health warnings.

A sample of the Golden Virginia Tobacco hand rolling tobacco was submitted to Imperial Tobacco for examination to check its authenticity. Imperial Tobacco have confirmed that the Golden Virginia was indeed a counterfeit product and not manufactured by them and in breach of their Trade Marks. Although the Amber leaf tobacco has not been formally examined it is believed by Trading Standards to be counterfeit also.

On 18th August 2016 Trading Standards wrote to Kurda USMAN the Premises Licence holder and the man who was at that time believed to be the owner of the business. The letter requested he attended an interview at the Trading Standards Office on 13th September 2016. Copies of the letter were sent to the shop address and the correspondence address he had given on his Premises Licence. Mr USMAN did not contact Trading Standards and did not attend the interview appointment.

A second visit was made to the shop premises by Trading Standards and HMRC on 27th September 2016 on this occasion an Employee of the business Emilia Ruszczuk was in charge of the shop.

An examination of the stock revealed 10 bottles of Krupnik vodka which did not carry UK Duty Paid markings. The vodka was on the display shelf behind the counter and to all intents and purposes in the view of HMRC and Trading Standards was on offer for supply like any other product in the shop. The vodka was in fact an illicit Duty Free Product which had not had UK Duty paid on it. The vodka was seized by HMRC for non payment of Duty and a sample was taken by Trading Standards. The Duty evaded in respect of this visit is in excess of £90

Attempts have been made to interview both Shorish HAMZA and Roz HUSSAIN which are detailed below.

On 30th September 2016 a letter was sent to Roz HUSSAIN at the shop address and at the address given to the Licensing Authority namely 60 Riding House Street, London W1W 7EY requesting she attend for interview on 12th October 2016. On that date she did not attend.

A telephone call was made to Roz HUSSAIN on 12th October 2016 by Michael Squire of Trading Standards asking why she did not attend the interview. She stated she did not attend as she had not received the letters. When questioned further she informed the officer that the first line of the address namely "60 Riding House Street" as given on the Licence transfer application was not complete as she lived at Apartment 505 at "60 Riding House Street..". With her agreement a second appointment was made and a confirmation letter was sent on 12th October confirming a new interview appointment namely 3rd November 2016. Roz HUSSAIN did not attend that interview appointment either and did not contact Trading Standards.

Attempts have also been made to interview Shorish HAMZA by the Trading Standards Service. Following an initial telephone conversation a letter was sent to him on 30th September 2016 asking him to attend for interview on 12th October 2016. He failed to attend this interview. The only explanation given by Shorish HAMZA was made during a telephone call where he stated to a Trading Standards Officer officer that the vodka found on the second visit to the shop on 27th September 2016 was in fact his property and that it had been left on the premises in preparation for his birthday party and was not for sale. It is worthy of note that Mr Hamza gave his date of birth to officers on the first visit to the shop as 18th August 1985.

There are a number of reasons why Trading Standards believe the business was under the control and direction of the premises Licence Holder Roz HUSSAIN and the Designated

Premises Supervisor Shorish HAMZA during both visits on 24th July 2016 and 27th September 2016. These are as follows

Roz HUSSAIN is according to Council Records liable for the Business Rates on the Premises and has been so since 15th November 2015. This would indicate that Roz HUSSAIN was involved at the premises in some capacity as early as November 2015.

Roz HUSSAIN is a Director of a Limited Company KTBC Limited (Co 10269068) which was incorporated on 8th July 2016. She was appointed as Sole Director on 8th July 2016. Roz HUSSAIN gives her correspondence address as the Licenced Premises address subject to this review and describes herself as a Shop Keeper. The nature of business of the Limited Company is described on Companies House Records as "Retail sale in non-specialised stores with food, beverages or tobacco predominating." From these records it is the view of Trading Standards that Roz HUSSAIN was actively in control of the business premises and running the shop business on 8th July 2016 prior to the first visit by Trading Standards and HMRC.

The Food Registration Application for the business which was completed on 4th August 2016 in the name of KTBC Limited was signed by S HAMZA. This record illustrates the involvement of both the KTBC Limited and Shorish Shorish HAMZA in the business prior to the date of the Licence transfer. Taken together with the fact that HAMZA was present at the shop and in charge of the premises on 24th July 2016 leads Trading Standards to conclude that Mr Hamza was actively involved in the business during both visits and that the Limited Company KTBC Limited was running the business during both visits and that Roz HUSSAIN was the Directing mind of the business during both visits.

It can be an offence under Section 144 of the Licensing Act 2003 for the Designated premises Supervisor and Premises Licence holder to knowingly keep or allow goods to be kept on the premises which have been imported without payment of duty.

Trading Standards are concerned that the tobacco products and alcoholic spirits were being sold from the premises evading substantial amounts of Duty.

Trading Standards are particularly concerned that a sample of the tobacco has been found to be counterfeit. Counterfeit tobacco as well as not being Duty Paid is an organised criminal enterprise with these products being manufactured in conditions which are not controlled. There are, therefore, increased risks of contaminants being present in such products which may be harmful to health and a risk to public safety.

It can be a criminal offence to have in possession for supply goods bearing a false trade mark. In this instance the Golden Virginia Tobacco which has been examined is falsely bearing the Trade Mark of Imperial Tobacco. An offence under Section 92 of the Trade Marks Act 1994 may have, therefore, been committed which is categorised as a serious criminal offence as it carries a potential maximum sentence on indictment of 10 years imprisonment with an unlimited fine.

It is a Criminal Offence to have tobacco products in possession for supply with incorrect written and or pictorial health warnings.

Trading Standards are concerned that the Premises Licence Holder and Designated Premises Licence Holder have not given an adequate explanation to this Service in respect of the incidents which brings into question their attitude towards the Licensing Objectives.

Trading Standards are concerned at the possession for supply of illicit tobacco for the following reasons:

- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and / or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.
- The trade in illicit alcohol and tobacco causes huge losses to the UK's tax revenues.
- The trade in illicit alcohol and tobacco facilitates teen drinking and smoking
- The trade in illicit alcohol and tobacco makes it harder to beat addiction
- The trade in illicit cigarettes poses a risk to public safety through increased risk of fire from non fire retardant cigarettes.
- Illicit goods may be harmful as they do not come from legitimate, legal and/or traceable suppliers. There is no guarantee that they are safe and comply with other legislation.
- Supplying tobacco products with incorrect health warnings undermines the effectiveness of public health messages designed to discourage smoking.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. The London Borough of Haringey is a local weights and measures authority and that function is carried out by the Trading Standards team.

Here is a summary of events supporting this application:-

Date	Event	Description
16 th July 2016	Inspection of Licensed Premises. visit by Trading Standards and HMRC	HMRC Seized illicit tobacco and alcohol with a Duty value of £3620.20 Trading Standards seize samples of these goods including cigarettes and tobacco with foreign language health warnings.
18 th August 2016	Trading Standards write to Kurda USMAN at two addresses	Kurda USMAN requested to attend an interview on 13 th September 2016
22 nd August 2016	Imperial Tobacco Provide Evidence	A sample of Golden Virginia tobacco seized from the premises is sent for

	that the Golden Virginia Sample they examined is counterfeit	examination by Imperial Tobacco who confirm that it is a counterfeit product in breach of Trade Marks owned by them.
13 th September 2016	Interview of Kurda Usman is expected to take place	Kurda USMAN the Premises licence Holder fails to attend an interview with Trading Standards and does not make contact.
13 th September 2016	Further interview Letters Sent to Kurda USMAN	Further Letter sent to Kurda USMAN requesting he make contact for interview. To date no contact has been made
27 th September 2016	2 nd Inspection of Euromarket carries out	10 bottles of Krupnik Vodka Seized by HMRC as non UK Duty Paid (Sample of 1 bottle taken by Trading Standards)
30 th September 2016	Letter Sent to Shorish HAMZA requesting an interview	Interview arranged for 12 th October 2016.
30 th September 2016	Letter Sent to Roz HUSSAIN requesting interview	Interview arranged for 12 th October 2016
12 th October 2016	Interview Date of Shorish HAMZA	Shorish HAMZA fails to attend for interview.
12 th October 2016	Interview date of Roz HUSSAIN	Roz HUSSAIN fails to attend for interview
12 th October 2016	Further appointment letter Sent to Roz Hussain confirming agreed interview date	Following a telephone conversation with Roz HUSSAIN a further Interview arranged for 3 rd November 2015.
3 rd November 2016	Roz HUSSAIN is Scheduled to attend for interview	Roz HUSSAIN fails to attend agreed appointment

Recommendations:

This licensee has clearly demonstrated that there is a breakdown in due diligence in respect to the sourcing of legitimate products to be sold by the business and a failure to pay substantial amounts of Duty to HMRC.

The presence of counterfeit hand rolling tobacco on the premises indicates a willingness to be involved in organised criminal activity and commit serious criminal offences.

The lack of co-operation with the Trading Standards investigation so far would indicate a real likelihood that the premises may be used for further re offending.

Trading Standards recommends that the Committee consider revocation of the Licence due to the large amount of Duty evaded and the Seriousness of the Trade Marks Offence in relation to the hand rolling tobacco.

If the Committee are not minded to revoke the Licence Trading Standards would recommend that the Committee consider removing the Designated Premises Licence Holder Shorish HAMZA from the Licence and consider imposing a significant suspension period on the Licence.

If the Committee is minded not to revoke the Licence, Trading Standards recommend the following conditions be attached to the Licence in addition to any suspension considered.

1. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
2. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
3. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased 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. Vehicle registration detail, if applicable
4. Legible copies of the documents referred to in Condition 3 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on

request.

5. Copies of the documents referred to in Condition 3 above shall be retained on the premises for period of not less than twelve months.
6. An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
7. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the The Council of this immediately.
8. Only products available for retail sale can be stored at the licensed premises.
9. All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
10. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

No conditions have previously been attached by the Licensing Authority.

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

Attached Documents

1. Photographs of Seized tobacco x 4 from visit on 26/7/2016
2. Information to Occupier Notice re visit on 26/7/2016
3. Receipt for Trading Standards Samples re visit on 26/7/2016
4. Statement of HMRC officer STRAUSS
5. Statement from Imperial Tobacco from Steven HORSEY
6. Information to occupier Notice re visit on 27/09/2016
7. Receipt for Trading Standards Samples re visit on 27/09/2016
8. Photograph of Krupnik Vodka found during visit on 27/09/2016
9. Copy of letters sent to USMAN by Trading Standards x 4
10. Letters Sent to Roz HUSSAIN by Trading Standards x3
11. Letters sent to Shorish HAMZA by Trading Standards x2
12. Companies House Documentation KTBC Limited
13. Application to Vary/Transfer Licence dated 2nd September 2016
14. Food Registration Application dated 4th August 2016

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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, 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 *R. M. Hurre*

Date 14th December 2016

Capacity Manager - Commercial Environmental Health Trading Standards.

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.

Appendix 1A- COPY OF THE LICENCE

LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG754682

Premises Licence Number: LN/000015863

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....

Date: 27th April 2016

Transfer & Vary DPS: 3rd October 2016

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**EURO MARKET
12 LYMINGTON AVENUE
LONDON
N22 6JA**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

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

Supply of Alcohol

Monday to Sunday 0730 to 2300

The opening hours of the premises:

Monday to Sunday 0730 to 2300

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

Supply of alcohol for consumption **OFF** the premises only

LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Roz Hussain
60 Riding House Street
London
W1W 7EY

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

Not applicable

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Shorish Hamza
8A Ashfield Parade
Southgate
London
N144 5AB

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

Personal Licence Number: LN/201600071
Issued By: London Borough of Haringey

Annex 1 –Mandatory Conditions

No supply of alcohol may be made under the premises licence -

- a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

Annex 1 –Mandatory Conditions

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

Staff will be trained in First Aid, age verification and underage sales prevention.

Alcohol displays will not be located by entrance/exits.

There will be no self service of strong alcohol i.e. spirits; which will be displayed behind the counter.

THE PREVENTION OF CRIME AND DISORDER

A digital CCTV system will be installed in the premises

Cameras must be sited to observe the entrance doors from inside.

Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

Provide a linked record of the date, time of any image.

Provide good quality images - colour during opening times.

Have a monitor to review images and recorded quality.

Be regularly maintained to ensure continuous quality of image capture and retention.

Member of staff trained in operating CCTV at venue during times open to the public.

Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) any complaints received
- (c) any incidents of disorder
- (d) any faults in the CCTV system or searching equipment or scanning equipment

All alcohol will be sold in sealed containers.

No super strength beer, lagers or ciders of 5.5% ABV or above will be sold.

PUBLIC SAFETY

Adequate and appropriate first aid equipment and materials will be kept on site, they will be regularly checked and kept in an easily accessible place by staff.

All Fire Safety equipment including a lit 'Fire Exit' signs shall be maintained in accordance with the legislation.

Public areas will be maintained and kept free of obstruction and trip hazards.

THE PREVENTION OF PUBLIC NUISANCE

No deliveries will take place between 23:00 to 06:00 hours

No collections, including refuse and recyclable food waste will take place between 23:00 to 08:00 hours.

Notices will be prominently displayed at all exits requesting patrons to leave the premises quietly.

Annex 2 – Conditions consistent with the Operating Schedule

The pavement from the premises line to the kerb edge, immediately outside, including gutter/channel at its junction with the kerb edge, will be swept and or washed, litter and sweepings collected and stored in accordance with the approved refuse storage arrangements.

THE PROTECTION OF CHILDREN

The 'Challenge 25' policy will be implemented, notices will be displayed accordingly.

A alcohol refusal log will be kept. The log will include the date and time of refusal, name off staff member who refused the sale and will be signed by the DPS on a monthly basis.

The log will be made available for inspection at the premises by Police and authorised officer upon request.

Staff will be trained in Licensing laws will regard to age verification, children and alcohol and procedures to be adopted with if persons are considered to be under 18 years of age.

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

Not applicable

Annex 4 - Plans

