

## NOTICE OF MEETING

# LICENSING SUB COMMITTEE

**Monday, 1st August, 2022, 7.00 pm - (watch the live meeting [here](#) and watch the recording [here](#))**

**Members:** Councillors Ajda Ovat (Chair), Emily Arkell, Holly Harrison-Mullane

**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. 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', 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**

To receive any 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 under 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**

The Committee will first hear from the Licensing Officer. After that, the objectors will present their case and the Committee and applicant will have the opportunity to ask questions. Then, the applicant will present their application and the Committee and objectors will have the opportunity to ask questions.

All parties will then have the opportunity to sum up, and then the meeting will conclude to allow the Committee to deliberate and reach a decision. This decision will then be provided in writing within five working days of this meeting.

## **6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE FOR STAR FOOD & WINE, 23 WESTBURY AVENUE, WOOD GREEN, LONDON, N22 6BS (NOEL PARK) (PAGES 1 - 50)**

To consider an application for a review of a premises licence.

## **7. NEW ITEMS OF URGENT BUSINESS**

To consider any items of urgent business as identified at item 3.

Nazyer Choudhury, Principal Committee Co-ordinator  
Tel – 020 8489 3321  
Fax – 020 8881 5218  
Email: [nazyer.choudhury@haringey.gov.uk](mailto:nazyer.choudhury@haringey.gov.uk)

Fiona Alderman  
Head of Legal & Governance (Monitoring Officer)  
George Meehan House, 294 High Road, Wood Green, N22 8JZ

Thursday, 21 July 2022

**Report for:** Licensing Sub Committee – 01<sup>st</sup> August 2022

**Title:** Application for a Review of a Premises Licence – Star Food & Wine, 23 Westbury Avenue, Wood Green, London, N22 6BS

**Report authorised by:** Daliah Barrett, Licensing Team Leader, Regulatory Services

**Ward(s) affected:** **Noel Park**

**Report for Key/ Non Key Decision:** Not applicable

## 1. Describe the issue under consideration

- 1.1 This application to review is submitted by Trading Standards RA and relates primarily to the objective to prevent crime and disorder. The application is set out at **Appendix 1** to the report.
- 1.2 The matter primarily concerns an incident at the premises on 22nd March 2022 during a Trading Standards inspection in which a locked safe was seized following an indication from tobacco search dogs. The safe was subsequently opened and found to contain a quantity of illegal tobacco.
- 1.3 The Premises Licence Holder (PLH) is Hunter Supermarket Ltd. The Designated Premises Supervisor (DPS) Mr. KEMAL AVCI. The premises is licensed for the following:

### Supply of Alcohol

**Monday to Sunday 0000 to 0000**

### The opening hours of the premises:

**Monday to Sunday 0000 to 0000**

**A copy of the Premises licence is attached at Appendix 2.**

## 1.4 Consideration for LSC

The Sub-Committee will be asked to determine this application and has the option to:

### a) **Modify the conditions of the licence**

This could include either imposing further conditions on the licence or changing (for example, further restricting) the hours of certain licensable activities, where this is proportionate and relevant to the licensing objectives;

For this purpose, the conditions of the licence are modified if any of them are altered or omitted, or any new condition is added.

### b) **Exclude a licensable activity from the scope of the licence**

The Sub-Committee may decide that it is proportionate and relevant to the Licensing objectives to remove one or more of the licensable activities;

c) **Remove the Designated Premises Supervisor**

d) **Suspend the licence for a period not exceeding three months**

e) **Revoke the licence**

Depending on the decision of the Sub-Committee, the licence holder and the applicant have rights of appeal to the Magistrates Court.

The Sub-Committee is asked to state its reasons considering the representations received and what is appropriate for the promotion of the licensing objectives.

1.4 Public Health has submitted a representation in support of the Trading Standards review. App 3

## **2. Background**

2.1 The existing premises licence took effect in November 2005. A copy of the premises licence is at Appendix 2. The review application relates to the prevention of crime and disorder licensing objective and is made on the grounds that smuggled goods have been found at the premises i.e. non-duty paid cigarettes.

## **3. Licensing Policy**

3.1 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information.

3.2 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].

3.3 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

3.4 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, It is expected that revocation of the licence – even in the first instance – should Be seriously considered [Guid s.11.28].

3.5 This Licensing Authority, in determining what action to take, will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.

## **4. Other considerations**

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4.1 Section 17 of the Crime and Disorder Act 1998 states: 'Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area'.

## **5. Human Rights**

5.1 While all Convention Rights must be considered, those which are of particular relevance to the application are:

- Article 8 – Right to respect for private and family life.
- Article 1 of the First Protocol – Protection of Property.
- Article 6(1) – Right to a fair hearing.
- Article 10 – Freedom of Expression.

## **6. Use of Appendices**

Appendix 1 – Review Application Form and supporting documents

Appendix 2 – Copy of current Premises Licence

Appendix 3- Public Health representation

## **7. Background papers**

Section 82 Guidance

Haringey Statement of Licensing Policy

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# Appendix 1

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

**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 L. B. Haringey Trading Standards (Responsible Authority)**

*(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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> 23 Westbury Avenue, Wood Green	
<b>Post town</b> London	<b>Post code (if known)</b> N22 6BS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Hunter Supermarket Limited (Co 10103567)
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<b>Number of premises licence or club premises certificate (if known)</b> LN/00001474 LN/000003539
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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)

fro

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

Name and address  Michael Squire L.B. Haringey Trading Standards Service 1 <sup>st</sup> Floor, River Park House, 225 High Road London N22 8HQ
Telephone number (if any) <b>020 8489-5158</b>
E-mail address (optional) <a href="mailto:Michael.squire@haringey.gov.uk">Michael.squire@haringey.gov.uk</a>

**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 injury

Please tick one or more boxes ✓

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

**Introduction:**

This application to review relates to the objective to prevent crime and disorder.

It primarily concerns an incident at the premises on 22<sup>nd</sup> March 2022 during a Trading Standards inspection in which a locked safe was seized following an indication from tobacco search dogs. The safe was subsequently opened and found to contain a quantity of illegal tobacco.

**Specific Details of Actions:**

In early January 2022 Intelligence information was received which suggested that the Licenced Premises at 23 Westbury Avenue, Wood Green, N22 was selling illegal tobacco.

On 19<sup>th</sup> January 2022, Trading Standards officers carried out an inspection of the Licenced premises. Kemal AVCI the DPS was present. No illegal products were found. During the visit officers noticed a locked safe behind the counter and asked to look inside. Mr AVCI informed the officers that the key was not on the premises. Officers advised Mr AVCI that in future they wished to look inside the safe to ensure there was no illegal tobacco on the premises. They advised Mr AVCI to keep the key on the premises from now on to allow access. Officers informed Mr AVCI that they would return to carry out another inspection at a later date.

On 22<sup>nd</sup> March 2022 a Trading Standards Officer accompanied by tobacco detection dogs and their handler visited the premises to carry out an inspection of the tobacco stocks. At the premises serving behind the counter again was the DPS Kemal AVCI.

An inspection was carried out and once again no illicit tobacco was found initially. Mr AVCI was asked to open the safe. Mr AVCI stated again that the key was not on the premises. A tobacco dog was deployed and the dog indicated the safe contained tobacco. When asked again to open the safe Mr AVCI again stated he could not open the safe.

A Code B Notice was therefore issued to Mr AVCI (**See Annex 1**) which explained Trading Standards powers and his rights.

The safe was seized and receipt given (**See Annex 2**). The safe was removed with some considerable difficulty as it was suspected to contain illegal tobacco. The safe was transported to secure storage at the Trading Standards Office. Mr AVCI was given instructions to provide the key within a reasonable time or the safe would be broken open.

Subsequently, a telephone call was received, and arrangements were made for Mr AVCI and his representatives to attend the Trading standards Office with the key where the safe was opened in his presence. Inside a quantity of cigarettes and cash was discovered.

The cash was returned uncounted, and the tobacco was seized. A receipt was given (**See Annex 3**)

Photographs were taken of the cigarettes in the safe (**See Annex 4**)

In total 1,040 cigarettes were seized. The Duty Value of these products is approximately £420.

The foreign tobacco products seized were not in UK Standardised packaging and many bore incorrect or foreign language health warnings so were legal to sell in the UK. Some of the cigarettes were brands which are not registered for sale within the UK.

It can be a criminal offence under Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015 to offer to supply tobacco products in non-standardised packaging which are not coloured pantone 448c (dark drab green).

It can be a criminal offence under the Tobacco and Related Products Regulations 2016 to sell tobacco products with no health warnings, non-English language health warnings or health warnings in the incorrect format for the UK market.

It can be a Criminal Offence under Section 144 of The Licensing Act 2003 to keep non-Duty paid goods on a Licenced Premises.

The business is operated through a Limited Company, Hunter Supermarket Limited who are the Premises Licence Holders. Kemal AVCI is the sole Director of the business.

A letter was sent to Kemal AVCI the DPS and Company Director on 8<sup>th</sup> April 2022 asking questions under caution in relation to the Investigation (This letter is attached as **Annex 5**). Trading Standards received a reply from Kemal AVCI on 25<sup>th</sup> April 2022 (Attached as **Annex 6**).

During the interview, Mr AVCI stated that he deliberately stored the tobacco in the safe to avoid it being discovered during an inspection. He added that the tobacco was not for sale and was for the use of shop workers who had brought it back from abroad. When asked who had access to the safe, he stated that he himself did and that the key was kept away from the premises to prevent a burglary.

Subsequent to the seizure further intelligence was received by Trading Standards from a major tobacco company who periodically conduct test purchases from Off Licences in the UK in order to combat the trade in illicit tobacco. Where a sale is made they in turn provide their findings to the relevant Licensing Authority. Information has been received relating to two test purchases carried out at the licenced premises on 17<sup>th</sup> February 2022 and 4<sup>th</sup> March 2022 prior to the date of the Trading Standards seizure. These purchases were carried out entirely independently from Trading Standards.

On the first occasion on 17<sup>th</sup> February 2022 test purchasers asked a shop worker serving behind the counter for "cheap Cigarettes" and were offered and sold a packet of Marlboro Gold Cigarettes for £7.50. On the second occasion on 4<sup>th</sup> March 2022 the test purchasers were sold a packet of Marlboro Touch Blue Cigarettes for £7.50. On both occasions the cigarettes sold were Non-Duty Paid, bore foreign language health warnings and were not in plain packaging. On both occasions the seller produced the cigarettes from a waistcoat style jacket he was wearing.

Trading Standards have made this application for a Licence Review as they are concerned that: -

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 tobacco causes huge losses to the UK's tax revenues.
- The trade in illicit tobacco facilitates teen smoking.
- The trade in illicit tobacco makes it harder to beat addiction.
- 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 at cheap prices undermines the public health message.
- Supplying alcohol to underage persons without challenge or asking for ID undermines the Licensing objective of the Prevention of Children from Harm

The business are not members of the Councils Responsible Trader Scheme.

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.

Recommendations:

This licensee has clearly demonstrated that there has been a major breakdown in due diligence in respect to the control of the premises. They also failed to source legitimate products to be sold by the business and failed to pay Duty to HMRC. In addition, there has been a disregard for legal requirements for standardised packaging, health warnings and legal requirements not to store non Duty paid products on a Licenced premises.

Trading Standards do not accept the DPS's explanation for the events , particularly as intelligence received indicates the cigarettes were likely to be for sale and casts severe doubt on his explanation that the cigarettes were for the sole personal use of shop workers.

It does not seem logical for the sole Director of the business not to keep the key to the safe on his person whilst in the shop as he would in all likelihood require access to cash to pay suppliers and use of the safe to store shop takings. Even his own explanation that the cigarettes were for shop workers would require the key to be available to him to distribute these items.

Overall, the Duty Evasion and concealment of illicit goods by Mr AVCI gives Trading Standards severely reduced confidence in the Designated Premises Supervisor.

Trading Standards, therefore, recommend that the Committee seriously consider suspending the Licence for a period to allow for additional controls to be implemented at the licenced Premises as detailed below.

Additional Conditions Proposed by Trading Standards

1. The business shall adopt a "Challenge 25" policy.
2. A refusals register shall be maintained to record instances where age restricted product sales are refused. These records shall be made available for inspection by Police and Authorised Council officers on request.
3. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.
4. Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.
5. Only Employees of the business who have been formally trained on licensing requirements and age restricted sales may serve behind the counter.
6. The refusals register shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This register shall contain:  
The date and time of the incident,  
The product which was the subject of the refusal  
A description of the customer,  
The name of the staff member who refused the sale

The reason the sale was refused.

7. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from a wholesaler registered with HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).and shall produce receipts for the same upon request for inspection.

8. 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.

9. 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. AWRS registration number
- V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request.

10. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

11. An ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.

12. Where the trader becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.

13. Only alcohol which is available for retail sale shall be stored at the licensed premises.

14. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for 'Tobacco Stock' shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.

15. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the undercounter shelf marked for 'Tobacco Stock' in order to make a sale.

16. Only tobacco which is available for retail sale can be stored at the licensed premises.

17. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.

18. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy. Where copies of recordings are



requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.

19. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.

21. Where a locked safe, cupboard or stock storage area is maintained at the licenced premises. Immediate access to these locked areas shall be provided on request to any Police or an Authorised Council officer who wishes to carry out an inspection during licensable hours. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed at the discretion of the Authorised officer.

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

#### Attached Documents

Annex 1: Code B Notice

Annex 2: Receipt for Safe

Annex 3: Receipt for Cigarettes Removed from Safe

Annex 4: Photographs of Seized Cigarettes

Annex 5: Letter to Kemal AVCI

Annex 6: Reply Received from Kemal AVCI

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

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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 ✓

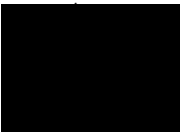
yes

- 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, 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   
 M Squire

.....

Date 16<sup>th</sup> June 2022

.....

Capacity Trading Standards Specialist Officer

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Michael Squire Trading Standards Specialist Officer Regulatory Services River Park House Level 1 (North) 225 High Road Wood Green	
<b>Post town</b> London	<b>Post Code</b> N22 8HQ
<b>Telephone number (if any)</b> 0208 489 5158 or 07870 157819	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> michael.squire@haringey.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.

Name of business/occupier CAGRA (over)  
 Name of person receiving notice Mr KAMAL AVCI  
 Address of premises 23 WERTSURE AVE CB Road + Winc  
N22 6J5

Officers of the London Borough of Haringey are given statutory powers to enable them to check compliance, enforce legislation and investigate breaches of the law. When you are not suspected of committing a breach the Powers of Entry Code of Practice applies. When you are suspected of a criminal breach the Police and Criminal Evidence Act Code of Practice B applies

**POWER UNDER WHICH ENTRY/SEARCH MADE (TICK WHICH APPLIES)**

1) **WARRANT** (Officers powers are summarised overleaf)

Under \_\_\_\_\_ Act \_\_\_\_\_ Date granted \_\_\_\_\_ By \_\_\_\_\_

2) **STATUTORY POWER**-(These powers are summarised overleaf)

Under the Consumer Rights Act 2015 Paragraph 23(6) Entry without prior Notice

Under the Consumer Rights Act 2015 Paragraph 23(3) Entry with prior Notice

Statutory Powers (other Please Specify) \_\_\_\_\_ Regs/Act

Purpose of Entry: To check there Alcohol

3) **WRITTEN CONSENT** (TICK THOSE WHICH APPLY AND OBTAIN A SIGNATURE)

With the written consent of a person entitled to grant entry (only applicable if not under warrant or statutory powers)

I CONSENT TO OFFICERS OF THE L.B. HARINGEY SEARCHING THE ABOVE NAMED PREMISES . I UNDERSTAND THAT ANYTHING FOUND MAY BE USED IN COURT PROCEEDINGS.

I CONSENT TO THE OFFICER MAKING USE OF EQUIPMENT ON THESE PREMISES, NAMELY A TILL SCANNER OR OTHER SIMILAR EQUIPMENT FOR THE PURPOSE OF CHECKING PRICES ON THESE PREMISES. I UNDERSTAND THAT ANY INFORMATION PRODUCED MAY BE USED IN COURT PROCEEDINGS.

Signature \_\_\_\_\_ Name (Capitals) \_\_\_\_\_

Status relative to premises \_\_\_\_\_

**OFFICER IN CHARGE OF SEARCH**

Name M SQUIRE

Date 22/3/12

Position Ts SPEAKING Officers sig. \_\_\_\_\_

Time Start 13-20 Finish 13-45

**(Complete After Search) Premises Searched Record**

**OFFICERS PRESENT AT SEARCH (Show Name & Organisation)**

M SQUIRE S HUSSEIN WASTAN

**Entry Forced/Damage/Arrangements to Secure Premises: Please state below**

**Extent of Search:**

**Worksheet visit No:**

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M SQUIRE 020 8489-5158

Regulatory Services

RS 00709



6<sup>th</sup> Floor, Alexandra House, 10 Station Road, London N22 7TR  
Tel: 020 8489 5134  
E mail: frontline@haringey.gov.uk www.haringey.gov.uk

Record of Seized Property/Notice of Additional Powers of Seizure\*/ Notice Following Visit

Name: Mr Kamal Avci Date: 22/3/2022

Address: 22 WESTBURY AVENUE  
N22 5BS Post Code

Enactment(s)

The following items have been received/returned

In accordance with the provisions of the above named Act(s), the documents/goods listed below which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me: (delete section if not applicable)

I agree to permanently hand over all of the items listed and they will be owned by Haringey Council. I will not be able to get these items back once i have signed below  
Signed (delete section if not applicable)

Notice /Observations/Action Required

(Circle if applicable)

Item No.	Description of Property Or Notice/Observations/Action	Seized by Officer	From Where Or Legislation	Time	Seal No. or Statutory Requirement
1	1 JARE E02028535	MS	CONSUMABLE RESOURCES Act	13-4	

Tick Box If applicable  \*Section 50 of the Criminal Justice and Police Act 2001 allows for the seizure and removal of property found on premises where it is not reasonably practicable to complete the process of examination, searching or separation at the scene. Section 52 requires the provision of a written notice to the person from whom the property was seized, specifying various information. Under Search Warrant  Without Search Warrant   
Reasons why it was not reasonably practicable to complete the relevant process at the scene. (See Overleaf)

Blank space for notes or reasons.

Authorised Officer (Signed) [Redacted]  
(Print Name) M SQUIRE  
(Designation) T.S. SQUIRE

Notice Received By: (Signed) [Signature]  
(Print Name) Kamal  
(Status) ...

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Regulatory Services

RS 00710



6<sup>th</sup> Floor, Alexandra House, 10 Station Road, London N22 7TR

Tel: 020 8489 5134

E mail: [frontline@haringey.gov.uk](mailto:frontline@haringey.gov.uk) [www.haringey.gov.uk](http://www.haringey.gov.uk)

Record of Seized Property/Notice of Additional Powers of Seizure\*/ Notice Following Visit

Name: Kamal Avci Date: 29/3/21

Address: 27 WILTON AVENUE

Post Code: .....

Enactment(s) .....

The following items have been **received/returned**  
 In accordance with the provisions of the above named Act(s), the documents/goods listed below which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me: (delete section if not applicable)

I agree to permanently hand over all of the items listed and they will be owned by Haringey Council. I will not be able to get these items back once i have signed below  
 Signed ..... (delete section if not applicable)

Notice /Observations/Action Required (Circle if applicable)

Item No.	Description of Property Or Notice/Observations/Action	Seized by Officer	From Where Or Legislation	Time	Seal No. or Statutory Requirement
1	1040 cigarettes	MS			
	P050/8629				
	P050/8628				

Tick Box If applicable  \*Section 50 of the Criminal Justice and Police Act 2001 allows for the seizure and removal of property found on premises where it is not reasonably practicable to complete the process of examination, searching or separation at the scene. Section 52 requires the provision of a written notice to the person from whom the property was seized, specifying various information. Under Search Warrant  Without Search Warrant   
 Reasons why it was not reasonably practicable to complete the relevant process at the scene. (See Overleaf)

.....

Authorised Officer: (Signed).....

Notice Received By: Kamal Avci (Signed).....

(Print Name).....

(Print Name).....

(Designation)..... Taj the funder

(Status).....

WHITE COPY -(Trader)

YELLOW COPY (Officer)

PINK COPY (Remains in Pad)

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Annex 4

Photographs of Seized Cigarettes and Safe







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**Environment & Neighbourhoods**

Regulatory Services Manager: Gavin Douglas



Kemal Avci  
Hunter Supermarket Ltd  
23 Westbury Avenue  
London  
N22 6BS

Your ref:

Date: 8<sup>th</sup> April 2022

Our ref: WK 531560

Dear Sir,

**Re: Tobacco and Related Products Regulations 2016: The Standardised Packaging of Tobacco products Regulations 2015: The Licensing Act 2003:**

I write further to my visit to your shop premises trading as Star Food and Wine from 23 Westbury Avenue, London N22 6BS on 22/03/2022.

During the visit a locked safe was seized following an indication by a tobacco detection dog. At the time you indicated you did not have the key to the safe on the premises. When the safe was opened, tobacco and cash was found in the safe. A total of 1,040 cigarettes were seized. The Duty Value of these products was approximately £305. These products did not carry the correct UK health warnings, were not Duty paid and were not in standardised packaging as required for the UK market. These facts can constitute offences under the above-mentioned legislation.

Keeping tobacco on a Licensed Premises which is not Duty paid can also be an offence under the Licensing Act 2003.

In order to complete my investigation I wish to put some questions to you as the Premises Supervisor and as the Director of Hunter Supermarket Limited. When replying please ensure that this letter is answered by you and you sign and date it to approve its content. Before I ask any questions I must caution you that is, **You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are also advised that you may wish to seek legal advice or consult a solicitor before replying to this letter.**

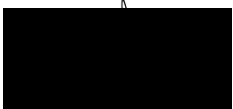
1. Can you state your full name?
2. What is your date and place of birth?
3. What is your home address?
4. Were you the Director of Hunter Supermarket Limited trading from 23 Westbury Avenue N22 6BS on 22<sup>nd</sup> March 2022?
5. Is the Business run through the company Hunter Supermarket Limited?
6. Would you agree you are active in the management of the business?

7. How long have you been trading as Star Food and Wine from that address?
8. Do you agree that you had tobacco which was not Duty paid and not packaged in UK standardised packaging in your shop safe on 22<sup>nd</sup> March 2022?
9. How much were you selling these tobacco products for?
10. Where did you buy these tobacco products?
11. Do you have any invoices for them? If yes, please enclose a copy with your reply?
12. Do you know it is illegal to sell tobacco without payment of UK Duty?
13. Do you know it is illegal to sell tobacco in the UK in non-standardised packaging?
14. Do you know it is illegal to sell tobacco with non UK approved health warnings?
15. Do you know it is an offence under the Licensing Act 2003 to keep non Duty Paid tobacco a Licenced Premises?
16. How much time do you spend at the business in an average week and what hours do you normally work there?
17. Who has access to the safe in which the tobacco products were stored?
18. Why were the cigarettes concealed in the safe?
19. Why did you not provide officers with access to the safe during their inspection despite the fact you were told at a previous inspection on 19<sup>th</sup> January 2022 that officers would require access to the safe on future visits to ensure that it did not contain illegal tobacco?
20. Do you agree you deliberately stored illegal tobacco in the safe to prevent officers from discovering these products during an inspection?
21. Do you have anything you would like to say in respect of the large quantity of non Duty Paid tobacco found at the Licensed Premises?
22. Is there anything you want to say in respect of this matter or to clarify anything you have already said in this letter in response to other questions?

I would be grateful if you could respond to my questions within 14 days so that I can complete my investigation. Please respond by post and sign and date your reply. You may also provide a copy of your response by E Mail to [Michael.squire@haringey.gov.uk](mailto:Michael.squire@haringey.gov.uk) which will assist me.

I thank you for your attention.

Yours faithfully



M Squire  
Trading Standards Specialist Officer

Commercial Environmental Health &  
Trading Standards  
Level 1, River Park House  
225 High Road, London  
N22 8HQ  
T 020 8489 5158  
E [michael.squire@haringey.gov.uk](mailto:michael.squire@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)



**Environment & Neighbourhoods**

Regulatory Services Manager: Gavin Douglas



Kemal Avci  
Hunter Supermarket Ltd  
23 Westbury Avenue  
London  
N22 6BS

Your ref:  
Date: 8<sup>th</sup> April 2022  
Our ref: WK 531560

Dear Sir,

Re: Tobacco and Related Products Regulations 2016: The Standardised Packaging of Tobacco products Regulations 2015: The Licensing Act 2003:

I write further to my visit to your shop premises trading as Star Food and Wine from 23 Westbury Avenue, London N22 6BS on 22/03/2022.

During the visit a locked safe was seized following an indication by a tobacco detection dog. At the time you indicated you did not have the key to the safe on the premises. When the safe was opened, tobacco and cash was found in the safe. A total of 1,040 cigarettes were seized. The Duty Value of these products was approximately £305. These products did not carry the correct UK health warnings, were not Duty paid and were not in standardised packaging as required for the UK market. These facts can constitute offences under the above-mentioned legislation.

Keeping tobacco on a Licensed Premises which is not Duty paid can also be an offence under the Licensing Act 2003.

In order to complete my investigation I wish to put some questions to you as the Premises Supervisor and as the Director of Hunter Supermarket Limited. When replying please ensure that this letter is answered by you and you sign and date it to approve its content. Before I ask any questions I must caution you that is, **You do not have to say anything. But it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. You are also advised that you may wish to seek legal advice or consult a solicitor before replying to this letter.**

1. Can you state your full name? **KEMAL AVCI**



4. Were you the Director of Hunter Supermarket Limited trading from 23 Westbury Avenue N22 6BS on 22<sup>nd</sup> March 2022? **YES**

5. Is the Business run through the company Hunter Supermarket Limited? **YES**

6. Would you agree you are active in the management of the business? **YES**

7. How long have you been trading as Star Food and Wine from that address? **22.07.2021**
8. Do you agree that you had tobacco which was not Duty paid and not packaged in UK standardised packaging in your shop safe on 22<sup>nd</sup> March 2022? **YES**
9. How much were you selling these tobacco products for? **NOT SELLING - STAFF HAS PUTTED IN THE SAFE FOR THEY OWN USE.**
10. Where did you buy these tobacco products? **STAFF HAS BOUGHT IT BACK FROM ABROAD.**
11. Do you have any invoices for them? If yes, please enclose a copy with your reply? **NO**
12. Do you know it is illegal to sell tobacco without payment of UK Duty? **YES**
13. Do you know it is illegal to sell tobacco in the UK in non-standardised packaging? **YES**
14. Do you know it is illegal to sell tobacco with non UK approved health warnings? **YES**
15. Do you know it is an offence under the Licensing Act 2003 to keep non Duty Paid tobacco a Licenced Premises? **YES**
16. How much time do you spend at the business in an average week and what hours do you normally work there? **8 HOURS A DAY FOR 6 DAYS OF THIS WEEK**
17. Who has access to the safe in which the tobacco products were stored? **ME**
18. Why were the cigarettes concealed in the safe? **IT WAS NOT FOR SALE.**
19. Why did you not provide officers with access to the safe during their inspection despite the fact you were told at a previous inspection on 19<sup>th</sup> January 2022 that officers would require access to the safe on future visits to ensure that it did not contain illegal tobacco? **IN CASE OF A BURGLARY.**
20. Do you agree you deliberately stored illegal tobacco in the safe to prevent officers from discovering these products during an inspection? **YES, I APOLOGIES.**
21. Do you have anything you would like to say in respect of the large quantity of non Duty Paid tobacco found at the Licensed Premises? **IT WASN'T LARGE QUANTITY BUT I HAVE LEARNED LEARNT MY DUTIES NOW.**
22. Is there anything you want to say in respect of this matter or to clarify anything you have already said in this letter in response to other questions? **I AM VERY SORRY FOR THE INCONVENIENCE CAUSED.**
- I would be grateful if you could respond to my questions within 14 days so that I can complete my investigation. Please respond by post and sign and date your reply. You may also provide a copy of your response by E Mail to [Michael.squire@haringey.gov.uk](mailto:Michael.squire@haringey.gov.uk) which will assist me.

I thank you for your attention.

Yours faithfully



M Squire  
Trading Standards Specialist Officer

Commercial Environmental Health &  
Trading Standards  
Level 1, River Park House  
225 High Road, London  
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T 020 8489 5158  
E [michael.squire@haringey.gov.uk](mailto:michael.squire@haringey.gov.uk)  
[www.haringey.gov.uk](http://www.haringey.gov.uk)

# PUBLIC NOTICE

## Notice of Application for the review of a Premises Licence.

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**STAR FOOD & WINE  
23 WESTBURY AVENUE  
WOOD GREEN  
LONDON N22 6BS**

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

**THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING OBJECTIVE OF:**

- **THE PREVENTION OF CRIME AND DISORDER**

**In relation to the sale and supply of illicit/ smuggled goods on licensed premises.**

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

**Lead Officer – [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)**

**By: 13<sup>th</sup> July 2022**

The grounds for review and Haringey Councils Licensing register may be viewed by emailing [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

**IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

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# Appendix 2

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LICENSING ACT 2003  
Sec 24

**PREMISES LICENCE**

**Receipt:** FO0103074307

**Premises Licence Number:** LN/00001474  
LN/000003539

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
1<sup>st</sup> Floor-North, River Park House, 225 High Road,  
Wood Green, London N22 8HQ**

**Signature:** .....

**Date:** 24<sup>th</sup> November 2005  
Minor Variation: 2<sup>nd</sup> August 2021

**Part 1 – PREMISES DETAILS**

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

**STAR FOOD & WINE  
23 WESTBURY AVENUE  
LONDON  
N22 6BS**

Telephone: 020 8829 9191

**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                      0000 to 0000

**The opening hours of the premises:**

Monday to Sunday                      0000 to 0000

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

Supply of alcohol for consumption **OFF** the premise.

LICENSING ACT 2003

Sec 24

**Part 2**

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

Hunter Supermarket Ltd  
23 Westbury Avenue  
London  
N22 6BS

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

10103567

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

Kemal Avci  
Flat 1 Howard Park House  
Perry Hill  
London  
SE6 4LZ

**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

LEW5740

Issued by:

London Borough of Lewisham



## **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

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

**Annex 1 –Mandatory Conditions**

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 to be trained regularly on Licensing Provisions and all of this is to be documented

Minimum of 2 staff to be on the premises after 23:00

### **THE PREVENTION OF CRIME AND DISORDER**

CCTV coverage inside & outside the premises.

Red care alarm system connected directly to the Police.

A General alarm system.

A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy in accordance with the Data Protection Act 2018. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.

Appropriate Staff left in charge of the premises will be trained in the operation of CCTV and the production of copies of recordings.

A refusals register shall be maintained to record instances where age restricted product sales are refused. These records shall be made available for inspection by Police and Authorised Council officers on request.

All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.

Only Employees of the business who have been formally trained on licensing requirements and age restricted sales may serve behind the counter.

A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This book shall contain:

- a) The date and time of the incident;
- b) The product which was the subject of the refusal;
- c) A description of the customer;
- d) The name of the staff member who refused the sale;
- e) The reason the sale was refused;

This book shall be made available to Police and all authorised council officers on request.

The Premises Licence Holder and Designated Premises Licence Holder will ensure alcohol is only purchased from a wholesaler registered with HMRC under the Alcohol Wholesaler Registration Scheme (AWRS) and shall produce receipts for the same upon request for inspection.

The Premises Licence Holder and Designated Premises Supervisor will 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.

## **Annex 2 – Conditions consistent with the Operating Schedule**

The Premises Licence Holder will 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. AWRS registration number
- V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases will be retained on the premises for six months and made available to Authorised Officers on request.

An ultraviolet light will be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.

Where the trader becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.

Only alcohol which is available for retail sale shall be stored at the licensed premises.

The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location.

This condition does not require the licensee to say anything while under caution.

### **PUBLIC SAFETY**

To comply with Fire Regulations and the provisions of the management regulations.

Maintain and check systems in place, smoke detectors, fire extinguishers, emergency safety lighting and fire alarms.

### **THE PREVENTION OF PUBLIC NUISANCE**

Discourage noise from patrons arriving, queuing or departing the premises by displaying polite notices, encouraging them to keep the noise down.

### **THE PROTECTION OF CHILDREN**

The business will adopt a "Challenge 25" policy.

Posters will be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

**Annex 2 – Conditions consistent with the Operating Schedule**

All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container will be kept within the storeroom or behind the sales counter.

Tobacco will only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

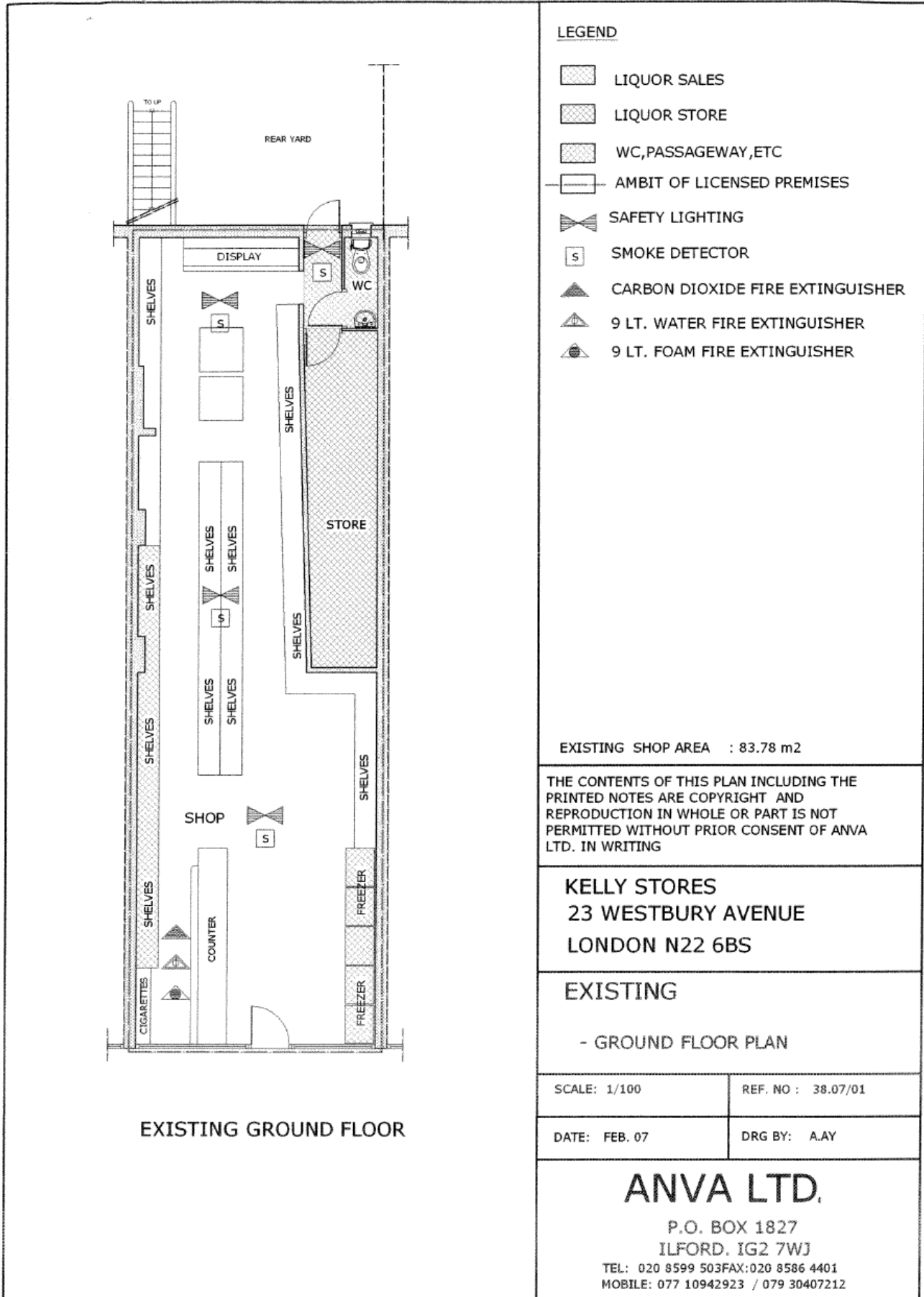
Only tobacco which is available for retail sale can be stored at the licensed premises.

The Licensee will join the Council's Responsible Trader Scheme.

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

Not applicable

Annex 4 – Plans



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# Appendix 3

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<b>Responsible Authority:</b>	Haringey Public Health, London Borough of Haringey
<b>Date:</b>	13/07/2022
<b>Name:</b>	Maria Ahmad, Health Improvement Officer Marlene D'Aguilar, Health In All Policies Officer
<b>Contact:</b>	<a href="mailto:Maria.Ahmad@Haringey.gov.uk">Maria.Ahmad@Haringey.gov.uk</a> <a href="mailto:Marlene.DAguilar@haringey.gov.uk">Marlene.DAguilar@haringey.gov.uk</a>

Public Health representation relation to:

STAR FOOD & WINE  
23 WESTBURY AVENUE  
WOOD GREEN  
LONDON N22 6BS

The Public Health Team as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003 and would like to make a representation in support of the review.

The representation is made under the following licensing objectives:

- Crime and disorder
- Protecting Children from Harm

### Local Context of the Premises

The premises is located within a busy residential area and surrounded by 5 primary schools located within 0.5 miles of the premises.

Noel Park Primary School (0.303 miles)  
North Harringay Primary School (0.358 miles)  
Belmont Infant School (0.373 miles)  
Belmont Junior School (0.373 miles)  
St John Vianney Catholic Primary School (0.446 miles)

There are 13 on licences and off licences within the LSOA.

Public Health has specific concerns about the applicant's ability to uphold the licensing objectives following seizures of illicit tobacco from the licensed premises under the control of the Designated Premises Supervisor, Kemal AVCI, on 22<sup>nd</sup> March 2022.

### Crime and disorder and Protecting Children from Harm

The sale of illicit tobacco constitutes illegal activity in direct contradiction to a commitment to the prevention of crime and disorder and has likely exacerbated issues in the area.

There were 14 alcohol related ambulance callouts within close proximity to the premises in 2019/20 and 12 alcohol related ambulance callouts in 2020/21. The rate of alcohol related ambulance call outs per resident in LSOA is higher than Haringey Average.

Due to the premises situated within a busy residential area and schools located nearby, we have concerns over the safeguarding of children. Illicit tobacco affects the community and brings crime and nuisance, potentially impacting children, and young people to get hold of cheap tobacco. The premises has not adequately demonstrated their commitment to uphold the licensing objectives, particularly relating to the prevention of crime and disorder and possible impact on protecting children from harm. The Licensing Authorities approach to the supply of illicit goods is set out in Haringey's Statement of Licensing Policy 2021-26 at paragraph 19.8. It states that where illicit goods have been found it is considered as poor management, which has the potential to undermine the licensing objectives.

## **Recommendation**

Public health is not confident in licensee's ability to promote the four licensing objectives going forward and therefore, we recommend the committee considers revoking the license.

If the committee does not revoke the license, we recommend the following conditions to be proposed.

1. The applicant to join the Responsible Retailers Scheme