

NOTICE OF MEETING

LICENSING SUB COMMITTEE

Tuesday, 30 May 2023, 7.00 pm - Microsoft Teams (watch the live meeting [here](#) and watch the recording [here](#))

Members: Councillors Sheila Peacock (Vice Chair), Barbara Blake and Nick da Costa

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 Sub-Committee will first hear from the Licensing Officer. After that, the applicant will present their application and the Sub-Committee and objectors will have the opportunity to ask questions. Then, the objectors will present their case and the Sub-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 Sub-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 AT MAXXI FOOD & WINE, 42 TOPSFIELD PARADE, LONDON, N8 (CROUCH END) (PAGES 1 - 214)

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.

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Fiona Alderman
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Thursday, 18 May 2023

Report for: Licensing Sub Committee – 30 May 2023

Title: Application for a Review of a Premises Licence –Maxxi Food & Wine 42 Topsfield Parade. London N8

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

Ward(s) affected: Crouch End

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

1. Describe the issue under consideration.

- 1.1 This matter was originally scheduled for a hearing on 04th April 2023 but was adjourned for a later hearing date on request from Mr Sutherland the legal representative acting for Maxxi Food & Wine.
- 1.2 On 17th March 2023 an application to review the licence was submitted by Trading Standards. The current Premises Licence LN/200600265 permits:
Hours the premises are open to the public: 06:30 to 23:00 daily.
Supply of alcohol (off supplies only): 06:30 to 23:00 daily.
A copy of the current premises licence LN/000008708 is attached to the review application at Appendix 1.
- 1.3 Trading Standards have cited the reasons for the review as:

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE
LICENSING CONDITIONS OF:

THE PREVENTION OF CRIME AND DISORDER
THE PROTECTION OF CHILDREN FROM HARM

In this regard the premises was found to be stocking for sale controlled medication and non-compliant E cigarettes. Also, NOS gas being sold to customers who then consumed the substance outside the premises which then led to nuisance and anti-social behaviour. and the objective of the prevent crime and disorder being impacted. The application is set out in **Appendix 1** of the report. It should be noted that failure to promote the 'Prevention of Public nuisance' is also added to the review due to the anti- social behaviour that resulted from the operation of the premises. As is the 'Public Safety' objective due to the illicit goods being harmful to health.

- 1.4 The Appendices to support the Trading Standards review are produced in Appendix 1 as listed below:
- Annex 1: Code B Notice
 - Annex 2: Photographs Taken During Trading Standards Visit on 11th January 2023
 - Annex 3: Letter to DPS 12th January 2023
 - Annex 4: Reply form DPS 14th January 2023
 - Annex 5: Photographs taken from visit of 24th January 2023
 - Annex 6: Code B Notice 24/1/2023
 - Annex 7: Receipt 24/1/2023

- Annex 8: Letter to DPS 25 /1/23
- Annex 9: Reply received From DPS 03/2/2023.
- Annex 10: Photographs taken by public and Member of the Council
- Annex 11: Web capture TikTok Page
 - Annex 12: Video from TikTok page
 - Annex 13: Video from TikTok page
 - Annex 14 Companies House Document
 - Annex 15: Companies House Document
 - Annex 16: Companies House Document

- 1.5 The review application has been submitted as Trading Standards believes that Mrs Aylin Yengin is not promoting the prevention of crime and disorder licensing objective. A wide range of unlawful activity has taken place whilst Mrs Aylin Yengin has been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity includes:
- illicit tobacco has been seized from the premises.
 - breaches of licence conditions.
 - selling non-compliant vapes and e-cigarettes.
 - selling Viagra and Sildenafil without a medical registration from Medicines and Healthcare products Regulatory Agency MHRA;
 - selling drug paraphernalia.
 - selling nitrous oxide (known as NOx).
- 1.6 The review application sought to request the LSC to consider a suspension of the licence and addition of further conditions. Ms Yengin and those associated with the business have sought to break the law without regard over a period of time, including from other premises they operate in Enfield. Furthermore, Mrs Aylin Yengin's husband is now known to be Mr Kemal (Uygar) Altun who has a history of selling illicit tobacco/ alcohol and other non-duty paid items. Their operation mainly family operated with licences being transferred amongst family and associates when issues arise. Mr Kemal ALTUN had changed his name by deed poll to Mr Uygar ALTUN in 2014.
- 1.7 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 1.8 Each of the Responsible Authorities were consulted in respect of the application.

2.0 Relevant Representations

- 2.1 **Metropolitan Police** – Representation was made in support of the review and provides additional information that Mrs Aylin Yengin, the premises licence holder, does not uphold the prevention of crime and disorder licensing objective as she is linked to other premises in Enfield that have had their licences reviewed for similar reasons. A copy of the Police representation can be seen in Appendix 2.
- 2.2 **Licensing Authority** – Representation was made in support of the review and highlighted the history of the operational style of the parties concerned in not upholding the licensing objectives. Officers request revocation of the licence. App 3
- 2.3 **Public Health** – Representation in support of the review and highlighted the health harm impacts from the illicit drugs and vapes. Officers are requesting revocation of the licence. Appendix 4
- 2.4 **Noise RA** – Representation speaks to the engagement with the business relating to anti-social behaviour arising from the sale of NOS gas from the premises. Appendix 5.

- 2.5 **Other Parties** – Representations have been made by the three Crouch End ward councillors in support the review, as they believe the review application demonstrates that Mrs Aylin Yengin, the premises licence holder does not support any of the four licensing objectives: the prevention of crime and disorder; public safety; the prevention of public nuisance and protection of children from harm. A copy of the ward councillors representation can be seen in Appendix 6.
- 2.6 **Other persons**- residents directly impacted by the poor management and sale of NOS gas which is then consumed by people using balloons late in the evening and the associated anti-social behaviour has led to the licensing objectives being ignored by the business. Appendix 7
- 2.7 **Premises Licence Holder** – No representation has been made by Mrs Aylin Yengin in response to this review application at the time the report was prepared.

3.0 Licensing history

- 3.1 The premises has been previously known as Tops Newsagent before being taken over and re-named Maxxi Food & Wine.
- 3.2 The operators first came to the attention of the Licensing Authority on 28th September 2022. Cllr Cawley-Harrison submitted a complaint on behalf of residents due to the significant change in anti-social behaviour that was being experienced in the location. On checking our records, it became apparent that the named licence holder had left the premises but had failed to notify the Licensing Authority. The new occupiers had also failed to transfer the Premises License and assign a new designated premises supervisor.
- 3.3 The records held by ASB Enforcement Team also shows a complaint made at 3am on 27th September relating to noise and anti-social behaviour taking place in the location. There was no officer on duty at the time, so the complaint was just logged.
- 3.4 On 28th September following on from Cllr Cawley -Harrison complaint the Licensing Team requested a visit be made by the ASB Team. The ASB Officer attended and observed alcohol on display. He requested CCTV footage from the trader. A warning letter was also handed to the trader requiring them to stop all alcohol sales and cover over all alcohol display.
- 3.5 On 29th September the transfer and DPS application was submitted. The transfer application, which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Ms Aylin Yengin as the Premises Licence Holder (PLH) and became the DPS. The Business Rates Team have advised that Aylin Yengin registered as the ratepayer and has been liable. since 1/12/21. Their most recent contact with her was February 2023.
- 3.6 Complaints of nuisance and selling alcohol beyond permitted times have continued. Ms Yengin has not been the main point of communication for the business. Her husband Mr Uygur (Kemal) Altun has been the main point of contact.
- 3.7 A number of emails/warnings were sent to both parties asking them to stop selling the NOS gas due to the problems that were arising in the area. The parties failed to comply and Mr Altun responded to say he was selling to caterers only.
- 3.8 Mr Altun and Ms Yengin have other premises that have been subject of reviews and or prosecutions for stocking and selling illicit goods.

4.0 History:

- 4.1 In 2006 Mr Altun operated from **495 Hertford Rd Enfield** – he was prosecuted in 2009 for selling illicit Vodka that contained dangerous levels of methane. In 2012, Mr Altun was permitted to make a Minor Variation to add conditions to the licence following the discovery of counterfeit alcohol. The licence was subsequently revoked in 2015 on the ground of the Prevention of Crime and Disorder as the premises had been found to be selling non duty paid tobacco and alcohol and licence conditions were being breached.
- 4.2 An associate of Mr Altun a Mr Ali Riza Tulu applied for a new licence for 495 Hertford Road 2015. In 2020 Enfield Council's Trading Standards inspected the premises and found illicit goods as well as licence breaches. Ms Aylin Yengin was onsite at the time and spoken to by the officers. A review was submitted, and the licence subsequently revoked.
- 4.3 We are aware that Mr Aydin Yengin (the father of Ms Aylin Yengin/Altun) has applied for a New Premises Licence for 495 Hertford Rd, the consultation finished on 17th Feb 2023 but the application is subject to a LSC hearing by Enfield Licensing Authority.

5.0 Maxi Food & Wine - 38 Chase Side:

- 5.1 On 7 June 2021, a transfer application which was not subject to any representations, was granted by officers in accordance with delegated powers, naming Mrs Aylin Yengin as the Premises Licence Holder (PLH), and also became the DPS.

A licence review in relation to that premises was submitted by Trading Standards at the end of 2022 and was heard in January 2023. The review sought to revoke the premises licence. A wide range of unlawful activity had taken place whilst Ms Aylin Yengin had been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity included:

- illicit tobacco being seized from the premises;
- breaches of licence conditions;
- selling non-compliant vapes and e-cigarettes;
- selling Viagra and Sildenafil without a medical registration from MHRA;
- selling drug paraphernalia.
- selling nitrous oxide (known as NOx).

- 5.2 Whilst that review was waiting to go to a hearing a Transfer and Vary DPS application was submitted. The named person apparently being Mr Altun's sister. – Nuray Ozdemir. This a step that is taken in an attempt to void the review process being concluded. However, considering the history of the premises and the family connection of the new licence holder the licence review application was still deemed relevant and was still put before the Licensing Sub Committee. The premises licence was suspended for three months and the licence conditions were strengthened by Enfield LSC.
- 5.3 Mr Sutherland the legal representative spoke with Ms Barrett – Haringey Licensing Team Leader on the morning of 05th April 2023 following the adjourned hearing, where he stated The paragraph above at 5.2 was wholly incorrect and denied that the application was made at the time to Enfield Council in this matter to void the review process. A copy of the Enfield LSC minutes that took place on 4th January 2023 is attached at Appendix 9.
- 5.4 Mr Sutherland also advised that in the coming days an application will be made to Haringey to vary the DPS at 42 Topsfield Parade and potentially an application for the transfer of the licence. Mr Sutherland advised that his client had now contracted Atlas

Licensing who would be submitting the application/s. It was stated to Mr Sutherland that neither actions would impact the current review process as the matter still needed to be determined. Mr Sutherland agreed that to be the case and for all parties to be heard on the issues. Mr Sutherland was asked to ensure that he state his clients name and position (in the company/Premises Licence) when responding to confirming attendance for the rearranged hearing as it was noted that Ms Yengin the PLH and DPS was not present on the Teams meeting but her husband Mr K Altun was present.

- 5.5. It should be noted that Ms Aylin Yengin applied to be the PLH and DPS at 42 Topsfield Parade at a time when the existing premises under her responsibility was being investigated. That being said, that fact or knowing of the previous mis-steps did not deter or enable Ms Aylin to reconsider how she would manage the Topsfield Parade operation differently to break the cycle of non compliance.
- 5.6 The Licensing Authority has had very little contact with Ms Aylin. Mr Altun her husband did say at one point that she was not at the premises due to having had a baby and it was his intention that a new DPS be assigned. This has not been acted upon to date. Mr Altun also stated this to be the case for his wife's absence and inability to attend a PACE interview in December 2022 at Enfield in relation to the review that was initiated in relation to 38 Chase Side.
- 5.7 It should be noted that the substances such as Kamegra Gel is not permitted to be sold in the UK. The erectile dysfunction drugs should only be sold under licence from the Medical and Healthcare products Regulatory Agency. The products seized have been notified to them and a Compliance notice has been issued against the business operator by the MHRA.
- 5.8 Both Ms Yengin and Mr Altun have continued to operate their businesses with little or no regard to the law.
- 5.9 The Government has recently announced that NOS gas will be banned. Under the plans, possession of laughing gas, also known as nitrous oxide, will be made a criminal offence for the first time, and tighter controls on retailers will be introduced to prevent the supply of the gas for misuse.

6.0 PROPOSED LICENCE CONDITIONS:

- 6.1 If the Licensing Committee is not minded to revoke the licence in its entirety, Trading Standards have proposed additional conditions be added to the premises licence as have Public Health.
- 6.2 The Licensing Authority was informed by the Trading Standards Officer Mr Squires that Mr Sutherland had indicated in a telephone call on 4th April 2023 that his client was accepting all the conditions. A copy of the email detailing the conversation with Mr Sutherland is attached at Appendix 10.
- 6.3 A copy of the proposed conditions arising from the review application can be seen in App 8.

7.0 RELEVANT LAW, GUIDANCE & POLICIES:

- 7.1 The paragraphs below are extracted from either :
- the Licensing Act 2003 ('Act'); or
 - the Guidance issued by the Secretary of State to the Home Office of April 2018 ('Guid'); or

- the London Borough of Enfield's Licensing Policy Statement of January 2021 ('Pol').

8.0 General Principles :

8.1 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

8.2 The licensing objectives are :

- the prevention of crime and disorder;
- public safety;
- the prevention of public nuisance; &
- the protection of children from harm [Act s.4(2)].

8.3 In carrying out its functions, the Sub-Committee must also have regard to :

8.4 the Council's licensing policy statement; &

8.5 guidance issued by the Secretary of State [Act s.4(3)].

9.0 Review:

9.1 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 [Pol s.16.10].

9.2 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. (Pol s.19.8) 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].

9.3 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].

9.4 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].

9.5 Applications for transfer of a premises licence following application for a review
This Authority is concerned over the frequently observed practice of an application for a transfer of a premises licence being made following an application for a review of that same licence being lodged. Where, such applications are made, this Authority will require documented proof of transfer of the business / lawful occupancy of the premises (such as a lease), to the new proposed licence holder to support the contention that the business is now under new management control. (Pol s16.6)

10. Decision:

10.1 Having heard all the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

- to modify the conditions of the licence;

- to exclude a licensable activity from the scope of the licence;
- to remove the designated premises supervisor
- to suspend the licence for a period not exceeding three months;
- to revoke the licence [Act s.52].

10.2 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be an appropriate and proportionate response to address the causes of concern that instigated the review. [Guid s.11.20].

11.0 Other considerations

11.1 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'.

11.2 Human Rights

11.3 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.

12. Use of Appendices

Appendix 1 – Review Application Form and copy of current licence
Supporting documents - Annex 1-16.

Appendix 2- Met Police representation

Appendix 3- Licensing Authority Representation

Appendix 4- Public Heath Representation

Appendix 5- ASB Noise Representation

Appendix 6- Ward Councillors representation

Appendix 7- Residents representations (a-g as listed)

Appendix 8- Offered conditions for ease of reference.

Appendix 9- Minutes of Enfield LSC held 4th Jan 2023 relating to 38 Chase Road.

Appendix 10 - Email setting out conversation with Mr Sutherland

Background papers

Section 82 Guidance

Haringey Statement of Licensing Policy

Background Papers :

None other than any identified within the report.

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LICENSING AUTHORITY

INFORMATION FOR LSC REVIEW HEARING

Name and address of premises: Maxxi Food & Wine,
42 Topsfield Parade, London N8

Nitrous oxide is normally treated as a “psychoactive substance” under the Psychoactive Substances Act 2016.

The following information is taken from the Talk to Frank website:

[Nitrous Oxide | Laughing Gas | FRANK \(talktofrank.com\)](#)

What is nitrous oxide?

Nitrous oxide is a colourless gas that is commonly used for sedation and pain relief, but is also used by people to feel intoxicated or high.

It is commonly used by dentists and medical professionals to sedate patients undergoing minor medical procedures. It is also a food additive when used as a propellant for whipped cream, and is used in the automotive industry to enhance engine performance. It is also increasingly being used to treat people withdrawing from alcohol dependence. Nitrous oxide is classified as a dissociative anaesthetic and has been found to produce dissociation of the mind from the body (a sense of floating), distorted perceptions and in rare cases, visual hallucinations.

How is it used?

The gas is inhaled, typically by discharging nitrous gas cartridges (bulbs or whippets) into another object, such as a balloon, or directly into the mouth.³ Inhaling nitrous oxide produces a rapid rush of euphoria and feeling of floating or excitement for a short period of time.

Other names

Laughing gas, nitro, N₂O, NOS, nangs, whippet, hippy crack, buzz bomb, balloons.

Effects of nitrous oxide

There is no safe level of drug use. Use of any drug always carries risk. It's important to be careful when taking any type of drug.

Nitrous oxide affects everyone differently, based on:

- the amount taken
- the user's size, weight and health
- whether the person is used to taking it
- whether other drugs are taken around the same time

The following effects may be felt almost immediately and can last for a few minutes:

- euphoria
- numbness of the body

- sedation
- giddiness
- uncontrolled laughter
- uncoordinated movements
- blurred vision
- confusion
- dizziness and/or light-headedness
- sweating
- feeling unusually tired or weak
- sudden death.

If a large amount of nitrous oxide is inhaled it can produce:

- loss of blood pressure
- fainting
- heart attack.

Inhaling nitrous oxide can be fatal if you don't get enough oxygen, which is known as hypoxia.

Long-term effects

Prolonged exposure to nitrous oxide may result in:

- memory loss
- vitamin B12 depletion (long-term depletion causes brain and nerve damage)
- ringing or buzzing in the ears
- incontinence
- numbness in the hands or feet
- limb spasms
- potential birth defects (if consumed during pregnancy)
- weakened immune system
- disruption to reproductive systems
- depression
- psychological dependence
- psychosis.

It is illegal to sell Nitrous Oxide for human consumption and it is also illegal to sell it to anyone under the age of 18 years. It is not illegal to possess nitrous oxide.

The Authority is of the opinion that the TikTok posts and the choice of music have been created to encourage the use of nitrous oxide and is an irresponsible action on the part of the Maxxi Food & Wine. Such actions undermines all of the licensing objectives – the prevention of crime and disorder, public safety, the protection of children from harm and the prevention of public nuisance.

As well as the dangers to the individual, antisocial behaviour has been the resulting outcome for residents whose life has been impacted by this enabling behaviour. Noise nuisance and littering have been a significant concern from the selling of NOS gas from this location.

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

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

**42 Topsfield Parade,
Tottenham Lane**

Post town London

**Post code (if known)
N8 8PT**

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

TOPS NEWSAGENTS

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

LN/000008708

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

<p>Name and address</p> <p>Michael Squire L.B. Haringey Trading Standards Service 4th Floor, Alexandra House 10 Station Road Wood Green N22 7TR</p>
<p>Telephone number (if any)</p> <p>020 8489-5158</p>
<p>E-mail address (optional)</p> <p>Michael.squire@haringey.gov.uk</p>

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 ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

Introduction:

This application to review relates to the objectives to prevent crime and disorder and the protection of children from harm.

The Premises under review is licenced in the name of Tops Newsagents but is in fact T/A Maxxi Food & Wine with the latter trading name displayed on their fascia. The licenced premises is a convenience store/mini-market.

The Review primarily relates to two inspections carried out by Trading Standards on 11th January 2023 and 24th January 2023.

Specific Details of Actions:

On 11th January 2023 at 10:40AM Trading Standards Officers visited the licenced premises with tobacco search dogs as part of the ongoing national project "Operation Cece", with the aim of checking the Borough's shops for illegal tobacco. On entry, officers introduced themselves and showed their Warrant cards to shop employee Rohat ULGER, who was working behind the counter. The officers stated they wished to carry out an inspection of the premises.

The Premises Licence holder (PLH) and Designated Premises Supervisor (DPS) Aylin YENGİN was not present during the inspection. A Code B Notice was issued and is attached as **Annex 1**. No illegal tobacco was found by the search dogs during the inspection.

When a Trading Standards Officer went behind the counter he found nitrous oxide cartridges (NOS) stored in multipacks. See **Annex 2 (Photograph 3)**. Further stocks of larger 640g NOS canisters were also found in boxes in the rear store room of the premises. See **Annex 2 (Photographs 1 and 2)**. Officers asked the employee why the NOS was on the premises in such large quantities. ULGER informed officers that they were sold to local cafes. Mr ULGER was asked if he knew that NOS was often misused as a psychoactive substance, could potentially be bought as a drug by customers and that the smaller cartridges in particular could be bought and misused by young people. He replied that he had no knowledge of the misuse of these products.

Also, behind the counter on display on the shelf edges officers discovered Sildenafil Citrate (Erectile dysfunction tablets) which were visible to customers on the other side of the counter. **(See Annex 2: Photograph 4)** (These tablets and gels containing sildenafil citrate are colloquially often referred to by the public by the leading brand name "Viagra". They are controlled medicines and should be available only on prescription or for sale over the counter from pharmacies, usually after a consultation with a registered pharmacist who will assess suitability. They should not be available freely at a local shop. The shop worker was therefore, ordered to remove the items from sale and inform the owner that they should not be on the premises. (A close up of the tablets can be seen as **Annex 2: Photograph 5**. The officers then left the shop.

Trading Standards were concerned about the presence of the NOS and the erectile dysfunction medicines on the licenced premises so they wrote to the Premises Licence holder/DPS and

asked for her comment. A letter to Aylin YENGİN is attached as **Annex 3**.

A reply from Aylin YENGİN was received by email and is attached as **Annex 4**.

Following the response received from the DPS Trading Standards decided to revisit the shop to carry out a further more comprehensive inspection and to check the premises again to ensure the erectile dysfunction tablets had actually been removed from sale.

On 24th January 2023, Trading Standards returned to the licenced premises. On this occasion again the PLH and DPS were not present. Officers introduced themselves to the shop worker Hakam DABAK. Behind the counter officers noticed that boxed cartridges of NOS were still stored where they could be easily accessed by persons serving behind the counter. (**See Annex 5: Photograph 3**)

The large stocks of NOS cartridges were no longer in the rear storeroom, however a smaller number of cannisters were found in the kitchen area. (**See Annex 5: Photograph 4**)

The display of Erectile disfunction tablets had been altered but a tablet and a sachet of Kamagra gel was on open display where they could be seen by customers (**See Annex 5: Photograph 1**). Further stocks of tablets and gels were again found behind the counter. (**See Annex 5 Photograph 2**). Altogether 11 Kamagra Gel sachets and 102 Sildenafil Citrate tablets were seized.

There was a large display of electronic cigarettes (VAPES) on the counter which were examined. Although the majority of the stock was compliant, non-compliant E cigarettes were found at the rear of the counter display with larger stocks found behind the counter. (**See Annex 6: Photograph 5 and 6**). The issues with the VAPES are as follows:-

- All the VAPES seized had tank sizes in excess of 2ml. The legal safe size would be 600-650 puffs. All the Vapes seized were in excess of this with some as large as 3500 puffs.
- Some of the Vapes had incorrect health warnings.
- The majority of the seized VAPES did not have UK addresses as they were not intended for the UK market.
- The VAPES were not of the types registered and approved by the Medicines Healthcare Regulation Authority (MHRA) which is a legal requirement.

33 Elux disposable vapes (3500 Puffs) and 10 Geek Bar (1500 Puff) disposable vapes were seized from the counter display along with and 40 Elux 3500 puff disposable vapes found behind the counter.

A Code B Notice was Issued (See Annex 6) and the E cigarettes and a receipt given. See Receipt (**See Annex 7**).

(**Annex 5: Photograph 7**) shows the seized Vapes and medicines in evidence bags.

During the visit it was also noted there was a display of "Poppers" on the counter. Although, these are not marketed for human consumption on their label and are not illegal to sell for their labelled purpose, they are also known to be used by purchasers for their psychoactive properties. (**See Annex 5: Photograph 8**).

Trading Standards wrote to the DPS on 25th January 2024 with questions under Caution following the seizure. This letter is attached as **Annex 8**.

A reply was received attached by email on 3rd February 2023. **(See Annex 9)**

Trading Standards have been made aware of concerns about NOS cartridges discarded in the street from local residents and Council Member. On 18th January 2023 Trading Standards were provided with two photograph of discarded NOS cannisters. These photographs are attached as **Annex 10**.

Although it is conceded there is no direct evidential link to the licenced premises it should be noted that the canisters are of the same brand "Fast Gas" as found on the premises on 11th January 2023 and 24th January 2023. **(See photographs in Annex 2 and Annex 5)**

On 3rd February 2023 Trading Standards were made aware of a "TikTok" web page which appears to promote the business <https://www.tiktok.com/@maxxifoodwine>. The page was "captured" by Trading Standards from the web and is included as **Annex 11**. The page shows three videos, two seemingly showing NOS cannisters and one relating to E cigarettes. The two videos associated with the NOS on the page were downloaded using a video capture tool and these are attached as **(Annex 12 and Annex 13)**. An examination of the "TikTok" page shows the following:-

- The page quotes the name and postcode of the licenced premises and other associated businesses.
- The videos depicted appear to have been filmed at the licenced premises.
- The videos embedded in the page appear to promote NOS alongside E cigarettes.
- The music associated with the NOS videos includes the titles "This is how we do it" – Mantell Jordan and "Cool Kids" (Our Sped Up version) - Echosmith. The video associated with the E cigarettes features "Bam Bam (Full Beat)" by Nata HG.

In the view of Trading Standards when the "TikTok" page is looked at as a whole it is not unreasonable to conclude that the video and music on this this page is intended to promote the NOS for its psychoactive properties rather than for its legitimate purpose in baking. Its depiction alongside E cigarettes reinforces a recreational purpose. Concerningly the web platform "TikTok" is known to be associated with a younger demographic.

It can be a criminal offence under the Tobacco and Related Products Regulations 2016 to Sell Electronic cigarettes which are not notified to the Medicines Healthcare Regulatory Authority (MHRA), do not carry the correct UK health warnings, do not have a UK address, and have a tank size of over 2ml (Equivalent to 600-650 puffs).

It can be an offence under the Human Medicines Regulations 2012 to sell controlled medicines over the counter and a banned practice under The Consumer Protection from unfair Trading Regulations 2008 to give the impression that a product is legal to sell when it is not.

It can be a criminal offence under the Psychoactive Substances Act 2016 to supply or offer to supply psychoactive substance if the person who supplies it knows, suspects or ought to know or suspect, that the substance is a psychoactive substance and the person knows or is reckless as to whether the substance is likely to be consumed by the person to whom it is supplied or by

some other person for its psychoactive effects.

Ownership and Persons Associated With the business.

Alyin YENGİN the PLH and DPS has stated in her letter that she is the owner of the business.

ALTUN ASYA Limited is registered at the Licensed Premises address and Alyin YENGİN (PLH and DPS) stated the business is run under this company.

According to Companies House Kemal ALTUN is the person with significant control and is the Director of ALTUN ASYA Limited. (see Companies House documents Annex 14, Annex 15 and 16)

According to the DPS Uygar ALTUN is AKA Kemal ALTUN and is Alyin YENGİN's partner)

Trading Standards have made this application as they are concerned that the licensed premises is not being run in a responsible manner and that the licensing objectives are not being promoted.

The reasons for this belief are as follows:-

- The DPS states in her letter that she removed the erectile dysfunction tablets from sale when she found out they were illegal following the Haringey Trading Standards visit on 11th January 2023. During the second visit by Trading Standards on 24th January 2023 tablets were still behind the counter and there was still a customer facing display of the tablets which was different to the initial display found on 11th January 2023 which indicates a rearrangement of stocks and a likely willingness to continue to supply these tablets.
- Trading Standards believe that the DPS was aware that erectile dysfunction tablets were illegal to sell over the counter prior to the first Trading Standards visit on 11th January as similar products were seized by Enfield Council from a shop under her control before that date.
- In her letter of 12th January 2023 the DPS states she trains and informs her employees on the risks associated with the NOS. Mr ULGER the employee who was present on 11th January 2023 did not appear to have any knowledge on that date that these products could be misused as a psychoactive substance.
- The electronic cigarettes seized present a significant safety risk as they have over-size tanks. If these products were to leak on the skin the larger quantities of nicotine could present a risk to health if absorbed into the skin.
- Trading Standards believe that the PLH and DPS were aware of the requirements for electronic cigarettes prior to the date of seizure as similar products were seized from a shop under the control of the PLH and DPS by Enfield Council prior to this date. It is therefore believed the DPS was reckless in stocking these products

- It is the view that the presence of NOS in large quantities behind the counter and in the store room does not reasonably correlate with the legitimate local demand for these products for baking purposes. It is believed that commercial operators would be more likely to source these products from specialist wholesalers.
- The presence of other products known as “poppers” openly displayed on the counter indicate to Trading Standards and potentially could indicate to customers that the business has a tolerant attitude towards the sale of these and other psychoactive substances.
- The photographic evidence of NOS cannisters discarded in the street matches (circumstantially) with the brand of cannisters sold on the licenced premises. However it is accepted there is no direct evidence that these cannisters originated from the licenced premises.
- The “TikTok” page associated with the business in the view of Trading Standards is clearly marketing NOS alongside electronic cigarettes in a manner, which on the face of it, appears to be using imagery and music which would promote nitrous oxide and E cigarettes side by side in a manner and form which could be appealing to young people. The page also shows indications that it was filmed on the licenced premises.

Trading Standards have brought this Review as they are concerned that the licenced premises is willing to sell illegal goods such as prescription medicines and non-compliant E-cigarettes.

The sale of erectile dysfunction tablets without controls or medical approval could cause health and safety risks to consumers.

E-cigarettes with large tank sizes could present a safety risk to consumers if they leak due to the larger amounts of nicotine containing liquid present.

Trading Standards are not convinced that the NOS is being sold in a responsible manner from the premises.

It should be noted the business is not currently a member 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 and Trading Standards are concerned that The Licence holders are not taking their responsibilities Seriously and have displayed a reckless attitude towards the Licensing Objectives.

Trading Standards recommend the removal of the Designated Premises Supervisor as it is believed she has not acted responsibly to promote the Licensing objectives.

Trading Standards recommend a period of Suspension of the licence for 3 months to allow for proper controls and training to be put in place at the premises.

Trading Standards recommend the conditions below are added to the Licence.

Additional conditions are also proposed by Trading Standards

1.0The business shall adopt a “Challenge 25” policy.

2.0All 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.

3.0Posters 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.

4.0A 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:

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.

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

5.0The 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.

6.0The 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.

7.0The 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.

8.0 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.

- 9.0 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.
10. Where the trader becomes aware that any alcohol or tobacco may be not duty paid, they shall inform the Council of this immediately.
11. Only 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 storeroom or behind the sales counter.
12. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
13. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.
14. No Nitrous Oxide (Laughing gas) shall be stored on the premises or sold from the premises.
15. No medicines which require prescription or a pharmacist's approval for sale shall be stored on the premises.
16. Sales of all products from the Licenced premises should be made over the counter of the shop. Shop staff should not leave the premises to deliver items to customers on the street outside the premises or to customers in vehicles in the vicinity of the licenced premises. (With the exception of providing assistance to customers with mobility issues such as wheelchair and mobility scooter users who may not be able to access the 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.

20. Any breakdown or malfunction of the CCTV system which is likely to prevent the recording of CCTV images shall be reported to the Licensing Authority immediately

21. The business shall apply to join the Councils Responsible Trader Scheme.

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: Photographs Taken During Trading Standards Visit on 11th January 2023

Annex 3: Letter to DPS 12th January 2023

Annex 4: Reply form DPS 14th January 2023

Annex 5: Photographs taken from visit of 24th January 2023

Annex 6: Code B Notice 24/1/2023

Annex 7: Receipt 24/1/2023

Annex 8: Letter to DPS 25 /1/23

Annex 9: Reply received From DPS 03/2/2023

Annex 10: Photographs taken by public and Member of the Council

Annex 11: Web capture TikTok Page

Annex 12: Video from TikTok page

Annex 13: Video From TikTok page

Annex 14: Companies House Document

Annex 15: Companies House Document

Annex 16: Companies House Document

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
<input type="text"/>	<input type="text"/>	<input type="text"/>

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 16th February 2023
.....

Capacity Trading Standards Specialist Officer
.....

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

Michael Squire
Trading Standards Specialist Officer
Regulatory Services
River Park House
Level 1 (North)
225 High Road
Wood Green

Post town London	Post Code N22 8HQ
----------------------------	-----------------------------

Telephone number (if any) 0208 489 5158 or 07870 157819

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



REGULATORY SERVICES: INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers

Powers of Entry Code of Practice

Police and Criminal Evidence Act 1984 Code of Practice

Schedule 5 Consumer Rights Act 2015 Entry Notice

Name of business/occupier MAXI ^{FOOD} WINEName of person receiving notice Mr ROHIT ULGERAddress of premises 42 TRESHAM POLEN8 8PT

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 tobacco + 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 SQUIREDate 11-1-2023Position T S GRANT Officers sig. [Signature]Time Start 6-45 Finish 10-55

(Complete After Search) Premises Searched Record

OFFICERS PRESENT AT SEARCH (Show Name & Organisation)

M SQUIRE M KAMARATHAN + WATKINS

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

Extent of Search:

Shop + Store + 6 units

Worksheet visit No:



REGULATORY SERVICES: INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers

Powers of Entry Code of Practice

Police and Criminal Evidence Act 1984 Code of Practice

Schedule 5 Consumer Rights Act 2015 Entry Notice

SUMMARY OF POWERS OF ENTRY/SEARCH

This visit is being carried out under statutory powers under legislation mentioned overleaf. Entry to the premises may be made at any reasonable hour. In practice this would normally mean at any time whilst the premises is open for business or normal working hours. You should expect any officer involved in the inspection to provide evidence of identity. Entry under warrant may be made at other times. Authorised officers may:-

- Enter any premises without warrant which other than that used wholly or mainly as a dwelling and take with them such persons as appear necessary
- Inspect any products, documents, procedure, apparatus, fixed installation premises and equipment.
- Take samples and or observe the carrying on of business
- Test any weighing and measuring equipment

If there are grounds to suspect or believe an offence has been committed officers may

- Require the production of documents, including computer records and take copies
- Seize goods for examination or to ascertain if any offence has been committed
- Seize goods and/or documents required as evidence
- Seize equipment that is liable to forfeiture
- Break open containers to facilitate seizure
- Suspend any good

SEIZE AND SIFT

- An Officer may remove material from premises so that they can examine it elsewhere where it is not possible to examine it properly on the premises due to constraints of time or technology.
- An Officer may also retain material which would not otherwise be seizable, but which is "inextricably linked" (such information held on a computer) to other material they do have grounds to seize.

OBSTRUCTION OFFENCE: Obstructing a duly authorised officer is an offence. Obstruction includes where a person intentionally obstructs an officer; intentionally fails to comply with instructions given by an officer; without good reason fails to give an officer assistance or information reasonably required; makes a statement or a reckless statement which they know to be false or misleading.

RIGHTS OF THE OCCUPIER

Copies of the Powers of Entry: code of practice and the Police and Criminal Evidence Act: code of practice is available online. In addition a copy will be made available on request from:

Regulatory Services, 6th Floor, Alexandra House, 10 Station Road, London N22 7TR.

- Reasonable advance notice (usually not less than 48 hours) should be given to you unless the officer considers this will frustrate the purposes of exercising the power of entry in which case no advance notice will be given.
- The number of persons present during any visit should be no more than is reasonable and proportionate in the circumstances to ensure powers are exercised effectively.
- If an officer seizes and detains any goods or records then within a reasonable time you are entitled to a list or description of the items seized.
- Upon request and where practicable. You and/or your representative will be allowed supervised access to your property to examine it or have it photographed. The access will be at your own expense. You may also request a copy or photograph to be provided, again at your own expense.
- If damage is caused in entering your premises or whilst on your premises, or loss is suffered due to your goods being seized or detained, you may be entitled to compensation and you should seek further information about this by writing to the address above..
- All information relating to manufacturing process or trade secrets will be treated as confidential.
- If you have any complaint concerning the conduct of Officers on this visit then details of the L. B. Haringey Public Complaints Procedure are available. Please contact the Regulatory Services Manager at the address above.

Annex 2 Photographs of Visit on 11th January 2023

Photo 1: Picture below 4x 640g Nitrous Oxide cannisters In boxes In rear store room



Photo 2: Below contents of Nitrous Oxide Boxes in rear store room.

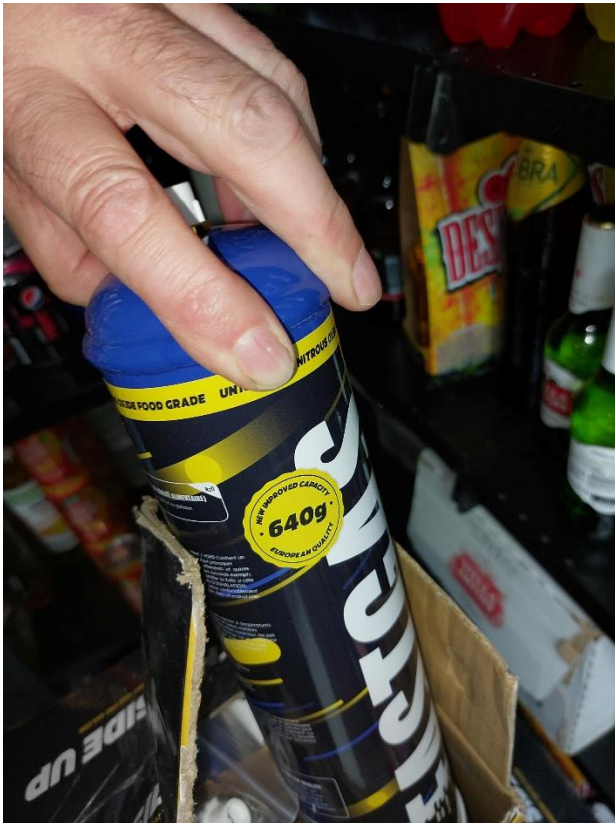


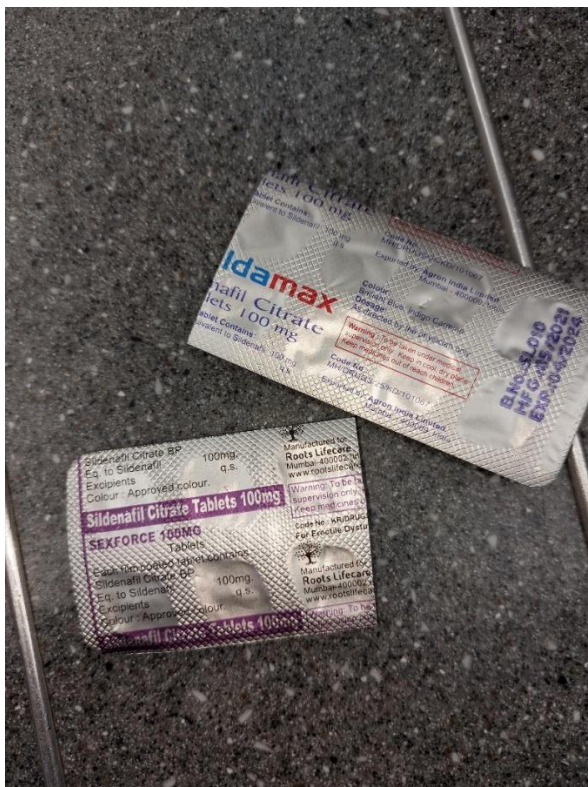
Photo 3 Below shows Nitrous Oxide Cartridges Found Behind Counter (24 cartridges per box)



Photo 4 below shows Erectile Dysfunction tablets as displayed on shelf edge (At the base of spirit bottles)



Photo 5: Picture below "Close up" of erectile dysfunction tablets



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Environment & Neighbourhoods

Regulatory Services Manager: Gavin Douglas

Aylin Yengin
[REDACTED]
[REDACTED]
[REDACTED]

Your ref:

Date:

12/01/2023

Our ref: WK 557428

Dear Sir or Madam,

Re: Psychoactive Substances Act 2016: Consumer Protection From Unfair Trading Regulations 2008: The Human Medicines Regulations 2012: Licensing Act 2003

I am writing to you in your capacity as Premises Licence Holder and Designated Premises Licence Holder of Tops Newsagents (Maxi Food and Wine) 42 Topsfield Parade, Tottenham Lane, N8 8PT.

This Service visited the Licence Premises on 11th January 2023 and noticed erectile dysfunction prescription only medicines on display on shelf edges behind the counter for sale. The medicines had been removed from their original carded packaging and were displayed without any accompanying instructions or warnings. It can be an offence under the Human Medicines Regulations and a banned practice under the Consumer Protection from Unfair Trading Regulations to have these products for sale outside a registered pharmacy and without prescription.

Further, officers also noticed small nitrous oxide cannisters stored behind the counter and unusually large stocks of large nitrous oxide cannisters in the rear store rooms. It can be an offence to sell these cannisters to a person where the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance, and the person knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects.

This Service is concerned about the presence of these items on the Licenced premises and therefore, I am seeking responses to my questions below as Responsible Authority Under the Licensing Act 2003.

Commercial Environmental Health &
Trading Standards
Level 4, Alexandra House
10 Station Road, London
N22 7TR
T 020 8489 5158
Michael.squire@haringey.gov.uk
www.haringey.gov.uk

- 1) Are you aware that erectile dysfunction tablets for example, "Viagra" are prescription only products and illegal for you to sell at the licenced premises?
- 2) Why were these medicines removed from their original packaging and displayed in small quantities along the shelf edge if not for the intention for them to be sold at affordable prices without controls?
- 3) Why were nitrous oxide cannisters stored behind the counter. Do you agree you were reckless as to whom you intended to sell them to and for what purpose?
- 4) Why does your shop need to keep such large stocks of nitrous oxide?
- 5) Are you aware of the psychoactive effects of nitrous oxide and the risks that these products will be misused?
- 6) Your staff member Rohat Ulger who was present was able to explain that the cannisters were sold to local cafes but stated he was unaware of the psychoactive effects and potential for the products to be misused. If this is true why have you not provided training in this respect to your staff.

I would be grateful for a response to this letter within 14 days of the date of this letter so we can consider the matter further as a Responsible Authority under the Licensing Act 2003.

Yours faithfully,



Michael Squire

Trading Standards Specialist officer

Dear sir/madam

I am Aylin Yengin I am currently the premises license owner of 42 Topsfield parade, Tottenham N8 8PT, I am writing this letter as I have received a letter regarding dysfunctional Medication and nitrous oxide canisters. You have asked me to answer some questions regarding these two products and I will be more than happy to answer.

Questions

- 1) When I took over the premises these items were already being sold so therefore the reason for them still being on sale was regarding this, when the member of Harringay council informed me that it is not legal I immediately removed it off the shelves.
- 2) As I have told you on my previous answer I didn't have any intentions of selling them for more affordable prices the items were removed from their original packaging before I even took over the premise.
- 3) The reason for the canisters being behind the till is because sometimes my employees are alone in the premises as they cannot go to the back of the store whilst the premises is open. As well as that I do not allow sales to minors also people that are under the age of 18 and to those that have the intention of using this product for "laughing gas".
- 4) The company that I receive these canisters from does not sell them without getting a large quantity of them also it's more affordable as it costs less when you buy in crates. As well as that it's very hard to find these products on the market so when I have the chance to buy them I purchase more.
- 5) I am aware of the side effects of nitrous oxide canisters but I do not allow them to be sold to people that will misuse this product.
- 6) When my employees start working within my store they all get trained, I inform them about every detail of product such as the one that's listed above.

Your sincerely



Aylin Yengin

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Annex 5 Photographs of Trading Standards Visit on 24th January 2023

Photo 1 Below Shows Erectile Dysfunction Tablet and Gel on Display on Shelf Edge



Photograph 2 Below Shows Stocks of Erectile Dysfunction Tablets and gels behind Counter



Photograph 3 Below Shows Nitrous Oxide Cartridges Behind Counter



Photograph 4 Below shows Stocks of Nitrous Oxide Cannisters in Kitchen area at rear of shop



Photograph 5 Below Shows Elux 3500 Puff Electronic Cigarettes: legal Tank Size 2ml Max (650 Puffs)



Photograph 6 Below Shows Electronic cigarettes with Incorrect Non UK Health Warnings



Photograph 7: Below Shows Electronic Cigarettes Seized



Photograph 8: Below Shows Display of “Poppers” In Shop



Name of business/occupier MAXI FOOD + WINE - ALTON ASYA LTD
 Name of person receiving notice Mr HAKAM DABAK
 Address of premises 42 Topsfield PARKWAY
LONDON N8 8PT

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 Shop Stock + VAPTS

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

Position Tally Clerk Officers sig. [Signature]

Date 24/1/23

Time Start 11-30 Finish 13-01

(Complete After Search) Premises Searched Record

OFFICERS PRESENT AT SEARCH (Show Name & Organisation)

M. Squire M. BARRACLOUGH

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

Extent of Search:

Shop + Store

Worksheet visit No:



REGULATORY SERVICES: INFORMATION TO THE OCCUPIER

Notice of the powers to search premises and the rights of occupiers

Powers of Entry Code of Practice

Police and Criminal Evidence Act 1984 Code of Practice

Schedule 5 Consumer Rights Act 2015 Entry Notice

SUMMARY OF POWERS OF ENTRY/SEARCH

This visit is being carried out under statutory powers under legislation mentioned overleaf. Entry to the premises may be made at any reasonable hour. In practice this would normally mean at any time whilst the premises is open for business or normal working hours. You should expect any officer involved in the inspection to provide evidence of identity. Entry under warrant may be made at other times. Authorised officers may:-

- Enter any premises without warrant which other than that used wholly or mainly as a dwelling and take with them such persons as appear necessary
- Inspect any products, documents, procedure, apparatus, fixed installation premises and equipment.
- Take samples and or observe the carrying on of business
- Test any weighing and measuring equipment

If there are grounds to suspect or believe an offence has been committed officers may

- Require the production of documents, including computer records and take copies
- Seize goods for examination or to ascertain if any offence has been committed
- Seize goods and/or documents required as evidence
- Seize equipment that is liable to forfeiture
- Break open containers to facilitate seizure
- Suspend any good

SEIZE AND SIFT

- An Officer may remove material from premises so that they can examine it elsewhere where it is not possible to examine it properly on the premises due to constraints of time or technology.
- An Officer may also retain material which would not otherwise be seizable, but which is "inextricably linked" (such information held on a computer) to other material they do have grounds to seize.

OBSTRUCTION OFFENCE: Obstructing a duly authorised officer is an offence. Obstruction includes where a person intentionally obstructs an officer; intentionally fails to comply with instructions given by an officer; without good reason fails to give an officer assistance or information reasonably required; makes a statement or a reckless statement which they know to be false or misleading.

RIGHTS OF THE OCCUPIER

Copies of the Powers of Entry: code of practice and the Police and Criminal Evidence Act: code of practice is available online. In addition a copy will be made available on request from:

Regulatory Services, 6th Floor, Alexandra House, 10 Station Road, London N22 7TR.

- Reasonable advance notice (usually not less than 48 hours) should be given to you unless the officer considers this will frustrate the purposes of exercising the power of entry in which case no advance notice will be given.
- The number of persons present during any visit should be no more than is reasonable and proportionate in the circumstances to ensure powers are exercised effectively.
- If an officer seizes and detains any goods or records then within a reasonable time you are entitled to a list or description of the items seized.
- Upon request and where practicable. You and/or your representative will be allowed supervised access to your property to examine it or have it photographed. The access will be at your own expense. You may also request a copy or photograph to be provided, again at your own expense.
- If damage is caused in entering your premises or whilst on your premises, or loss is suffered due to your goods being seized or detained, you may be entitled to compensation and you should seek further information about this by writing to the address above..
- All information relating to manufacturing process or trade secrets will be treated as confidential.
- If you have any complaint concerning the conduct of Officers on this visit then details of the L. B. Haringey Public Complaints Procedure are available. Please contact the Regulatory Services Manager at the address above.

1st Floor, Alexandra House, 10 Station Road, London N22 7TR
Tel: 020 8420 5134
Email: frontline@haringey.gov.uk www.haringey.gov.uk

Haringey
LONDON

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

Name: MAN FAN WING Date: 23/1/22
Address: 63 TONG TONG AVE, LUNAN
Post Code: 112 21
Enrollment No: 11071 17 2015

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
(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)

	Description of Property Or Notice/Observations/Action	Seized by Officer	From Where Or Legislation	Time	Seal No. or Statutory Requirement
1	11 strips - KAMAH (GEL) 1000	MS	P.L.A. 6/10/1978		
2	12 strips VUKRA / 102 TAZ	MS	+ OUNAT	12-56	No 52163
3	33 GUX VAPL 3500 PUFF	MS	OUNAT	12-57	Page 13
4	42 GUX 3500 PUFF	MS	UNDER GUARD	13-00	Page 14
5	10 GUX 1500 PUFF	MS	ON GATE	13-00	Page 13/14

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 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).....
(Print Name).....
(Designation).....
WHITE COPY -(Trader)

Notice Received By:
(Signed).....
(Print Name).....
(Status).....

WHITE COPY -(Trader)

YELLOW COPY (Officer)

PINK COPY (Remains in Pad)

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Environment & Neighbourhoods

Regulatory Services Manager: Gavin Douglas

Aylin Yengin
[REDACTED]
[REDACTED]
[REDACTED]

Your ref:

Date: 26th January 2023

Our ref: WK 557428

Dear Madam,

Re: Consumer Protection From Unfair Trading Regulations 2008: Tobacco and Related Products Regulations 2016: The Human Medicines Regulations 2012: Licensing Act 2003

I am writing to you in your capacity as Premises Licence Holder and Designated Premises Licence Holder of Tops Newsagents (T/A Maxxi Food and Wine) 42 Topsfield Parade, Tottenham Lane, N8 8PT.

This Service visited your licenced premises on 24th January 2023 and seized a total of 102 Sildamax Tablets and a quantity of Sildenafil "Kamagra" oral jelly sachets, which should not be sold outside registered pharmacies. The items were found both under the counter and on the shelf-edge behind the counter. It is possible that offences may have been committed under the Consumer Protection From Unfair Trading Regulations 2008 by giving the impression these items were legal to sell when in fact they were not as they are controlled by the Human Medicines Regulations 2012.

Further, an inspection was carried out of the E cigarettes (Vapes) on the counter and behind the counter. Vapes were found with tanks which are believed to be in excess of the 2ml allowed in that instead of the allowed 600-650 puffs they contained an indicated 3500 puffs. In addition, some of the vapes bore incorrect health warnings and most did not have UK addresses. These facts could constitute offences under the Tobacco and Related Product Regulations 2016

As I have previously advised you, this Service visited the Licenced Premises on 11th January 2023 and noticed erectile dysfunction medicines (blue Sildamax tablets and Kamagra oral jelly) on display on shelf edges behind the counter for sale. The medicines had been removed from their original carded packaging and were displayed without any accompanying instructions or warnings. It can be an offence under the Human Medicines Regulations and a banned practice under the Consumer Protection from Unfair Trading Regulations 2008 to have these products for sale outside a registered pharmacy and available without prescription where required? These medicines were still in the shop on my second visit.

Commercial Environmental Health &
Trading Standards
Level 4, Alexandra House
10 Station Road, London
N22 7TR
T 020 8489 5158
Michael.squire@haringey.gov.uk
www.haringey.gov.uk

In order to complete my investigation I wish to put some questions to you. 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) Are you the sole owner of business Trading from the Licensed Premises?
- 2) If you are not the owner can you tell me who the owner is?
- 3) What is Uygar ALTUN's role in the business?
- 4) What is Kemal YENGİN's role in the business?
- 5) What is Kemal ALTUN's role in the business?
- 6) What ALTUN ASYA Limited's role in the business?
- 7) Do you agree you were previously the Designated Premises Supervisor and involved in the running of Maxxi Stores, 38 Chase Side, London N14 5PA?
- 8) How much time do you personally spend at the business in Haringey an average week?
- 9) Are you aware most erectile dysfunction tablets for example, "Sildamax and Kamagra" are controlled medicines and illegal for you to sell at the licenced premises and that these products and their generics containing Sildenafil require a pharmacists approval to sell?
- 10) Why did you continue to stock and display these products despite being informed they were illegal to sell over the counter at your premises and in my letter to you of 12th January 2023?
- 11) How much were you charging for the Sildamax and Kamagra tablets?
- 12) Why did you not remove the medicines from the premises when the matter was brought to your attention previously?
- 13) Do you agree you were fully aware that these products were controlled as similar products were seized by Enfield council From an Off Licence T/A Maxi Stores on 4th August 2022 and that you were at the time the Designated Premises Supervisor?
- 14) Are you aware of the legal controls surrounding electronic cigarettes (VAPES)?
- 15) Why were you stocking illegal Electronic Cigarettes at the premises on 25th January 2023. Do you agree you were made aware that these products were illegal by Enfield Council in 24th March 2022 as illegal Electronic cigarettes were seized by them on this date from a premises under your control?
- 16) Did you knowingly move illegal goods which you knew should not be sold from your business in Enfield to the Haringey branch of your business in order to sell them?

17) Do you wish to say anything in respect of this matter or do you want to clarify any of the answers you have already given?

I would be grateful for a response to this letter within 10 days of the date of this letter.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'M Squire', with a stylized flourish at the end.

Michael Squire

Trading Standards Specialist officer

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1. Are you the sole owner of business trading from the Licensed Premises?

Yes.

2. If you are not the owner can you tell me who the owner is?

I am the owner my name is Aylin Yengin.

3. What is Uygur Altun's role in the business?

Uygur Altun is my partner.

4. What is Kemal Yengin's role in the business?

There is nobody I know that's called Kemal Yengin, I think this could be a misunderstanding.

5. What is Kemal Altun's role in the business?

Kemal Altun is my partner he is the same person as Uygur Altun.

6. What ALTUN ASYA Limited's role in the business?

The business is run under Altun Asya Limited.

7. Do you agree you were previously the designated premises supervisor and involved in the running of Maxxi stores, 38 Chase side, London N14 5PA?

I was the previous owner of this business but not anymore.

8. How much time do you personally spend at the business in Haringey an average week?

40 hours per week.

9. Are you aware most erectile dysfunction tablets for example "slidamax and kamagra" are controlled medicines and illegal for you to sell at the licenced premises and that these controlled medicines are generics containing sildenafil require a pharmacist's approval to sell?

At the time when the supervisor came to the store I was not aware of this, that's why after the supervisor that visited us and informed about it being illegal it was immediately removed of shelves and was not on sale for the public or anyone.

10. Why did you continue to stock and display these products despite being informed they were illegal to sell over the counter at your premises and in my letter to you of 12th January 2023?

We did remove them from display and did not sell or promote any of these products to the anyone in the public, last time when somebody came to check the store they told us to remove them and we did but my employee's forgot the stock that was left and the person that recently visited realised them and my staff immediately threw them away.

11. How much were you charging for the slidamax and kamagra tablets?

At the time where I was not aware that they were illegal so before 12th January 2023, the 1 pack was sold for £50.

12. Why did you not remove the medicines from the premises when the matter was brought to your attention previously?

We have removed them as I said on my answer above but the stock that was left was forgotten by my staff from the previous visit, but when the supervisor realised that's when we realised and removed the left over stock as well.

13. Do you agree you were fully aware that these products were controlled as similar products were seized by Enfield council from an off licence T/A Maxi store on 4th August 2022 and that you were at the time the designated premises supervisor?

At the time of 4th August 2022 I had a family loss and I was having a very difficult pregnancy that's why I chose to stay at home due to the risks of my pregnancy and my depression due to the family loss that I have had, therefore because of these reasons I was not in control of the businesses as much as before, after I gave birth and my mental health was gone better I was back on track then I informed my staff to remove the items that was said on the letter at the time.

14. Are you aware of the legal controls surrounding electronic cigarettes (VAPES)?

Yes, I am aware as I have being informed about these when the council visited.

15. Why were you stocking illegal Electronic Cigarettes at the premises on 25th January 2023, Do you agree you were made aware that these products were illegal by Enfield council in 24th March 2022 as illegal Electronic cigarettes were seized by them on the dates from a premises under your control ?

When the council came and seized the products that were illegal they explained to me the reason why they were taking them so I have a clear knowledge about it, I understood and after they left with the illegal vape's that was not allowed to be sold, my staff enlightened me that there was stock left that my employees didn't see neither did they see them from the council as they were stocked behind the rizlas due to my old member of staff that was organising the place at the time, so my staff that is currently working with me asked if they could take them so they left them below the counter for their own use when there vapes finished they would open another one, it was not sold to anyone.

16. Did you knowingly move illegal goods which you knew should not be sold from your business in Enfield to the Haringey branch of your business in order to sell them?

I would like to say that these items was not sold at all to the public, no item was moved from any branch it was just left over stock.

17. Do you wish to say anything in respect of this matter or do you want to clarify any of the answers you have already given?

I would just like to say that I have not sold any of the products that the council has informed me not to put on sale, my staff found more items AFTER couple days of council visiting the branch and asked me if they could take them instead and I approved, due to most of their time is at work they put

them under the counter where all staff put their belongings, as I am fully aware and have more knowledge within this case these items were now all removed from the premises.

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Annex 10: Photographs supplied by a Council Member and a Resident

Photograph below of fast Gas NOS cannisters received by a Member of the Council purportedly taken in the vicinity of Maxxi Food and Wine during the weekend of 14-15 January 2023



Photograph Below of a Fast Gas Cannister taken by a Member of the Council at Montenotte Road, near the entrance with Highgate Woods School taken during the weekend of 14-15th January 2023



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maxxi food wine

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CROUCHEND. N8 8PT

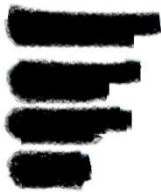
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ALTUN ASYA LTD

Company number **13892574**

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Overview

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Registered office address

42 Topsfield Parade Tottenham Lane, London, England, N8 8PT

Company status

Active

Company type

Private company limited by guarantee without share capital

Incorporated on

3 February 2022

Accounts

First accounts made up to **28 February 2023**
due by **3 November 2023**

Confirmation statement

First statement date **2 February 2023**
due by **16 February 2023**

Nature of business (SIC)

47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating

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ALTUN ASYA LTD

Company number **13892574**[Follow this company](#)[File for this company](#)[Overview](#)[Filing history](#)[People](#)[More](#)[Officers](#)[Persons with significant control](#)

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Current officers

1 officer / 0 resignations

[ALTUN, Kemal](#)

Correspondence address

42 Topsfield Parade, Tottenham Lane, London, England, N8 8PTRole **ACTIVE****Director**

Date of birth

November 1982

Appointed on

3 February 2022

Nationality

British

Country of residence

England

Occupation

General Manager[Tell us what you think of this service](#)[Is there anything wrong with this page?](#)[Policies](#) [Cookies](#) [Contact us](#) [Accessibility statement](#) [Developers](#)Built by [Companies House](#)

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ALTUN ASYA LTD

Company number **13892574**

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1 active person with significant control / 0 active statements

Mr Kemal Altun **ACTIVE**

Correspondence address

42 Topsfield Parade, Tottenham Lane, London, England, N8 8PT

Notified on

3 February 2022

Date of birth

November 1982

Nationality

British

Country of residence

England

Nature of control

Right to appoint and remove directors

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LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG984926

Premises Licence Number: LN/000008708

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
4th Floor Alexandra House, 10 Station Road,
Wood Green, London N22 7TR**

Signature:

Date: 11th December 2010

Transfer & Vary DPS:13th October 2022

Part 1 – PREMISES DETAILS

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

**TOPS NEWSAGENTS
42 TOPSFIELD PARADE
TOTTENHAM LANE
LONDON
N8 8PT**

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 Friday 0630 to 0000

Saturday to Sunday 0700 to 0000

The opening hours of the premises:

Monday to Friday 0630 to 0000

Saturday to Sunday 0700 to 0000

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:

Aylin Yengin

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:

Aylin Yengin

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/000021089

Issued by: London Borough of Haringey

Annex 1 –Mandatory Conditions

Supply of alcohol.

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. (1) The premises licence holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
 (2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 (3) 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 either—
 - (a) a holographic mark, or
 - (b) an ultraviolet feature.

4. Prohibition on Sale of Alcohol below Cost of Duty plus VAT

- (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption 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^{ll} is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(6) ;

- (b) —permitted price^{ll} is the price found by applying the formula —

$$P = D + (D \times V)$$

Where —

- (i) P is the permitted price,
- (ii) D is the rate 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^{ll} 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^{ll} 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) —valued added tax^{ll} 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 this 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.

Annex 1 –Mandatory Conditions

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

(b) 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.

Door supervision.

1. Any person(s) required to be on the premises to carry out a security activity must be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001 or be entitled to carry out that activity by virtue of Section 4 of that Act.

Annex 2 – Conditions consistent with the Operating Schedule

Alcohol will be served under the supervision of the personal licence holder, they will train staff as to whom, when and what to serve under the Licensing Act.

THE PREVENTION OF CRIME AND DISORDER

To prevent crime in the premises clear signage informing thieves of prosecution will be displayed.

CCTV camera will be installed on the premises.

Alcohol will not be sold to drunken or violent persons.

Police will be called if any situations get out of control.

PUBLIC SAFETY

Precautions will be made to prevent a fire.

Fire extinguisher will be provided.

Fire exits will be clearly signed.

THE PREVENTION OF PUBLIC NUISANCE

No loud music will be played in the premises.

Deliveries will be during day working hours between 0900 hours to 1700 hours, so not to disturb neighbours or the public.

Dealing with complaints

A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Security lights will be positioned to minimise light intrusion to nearby residential premises

THE PROTECTION OF CHILDREN

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

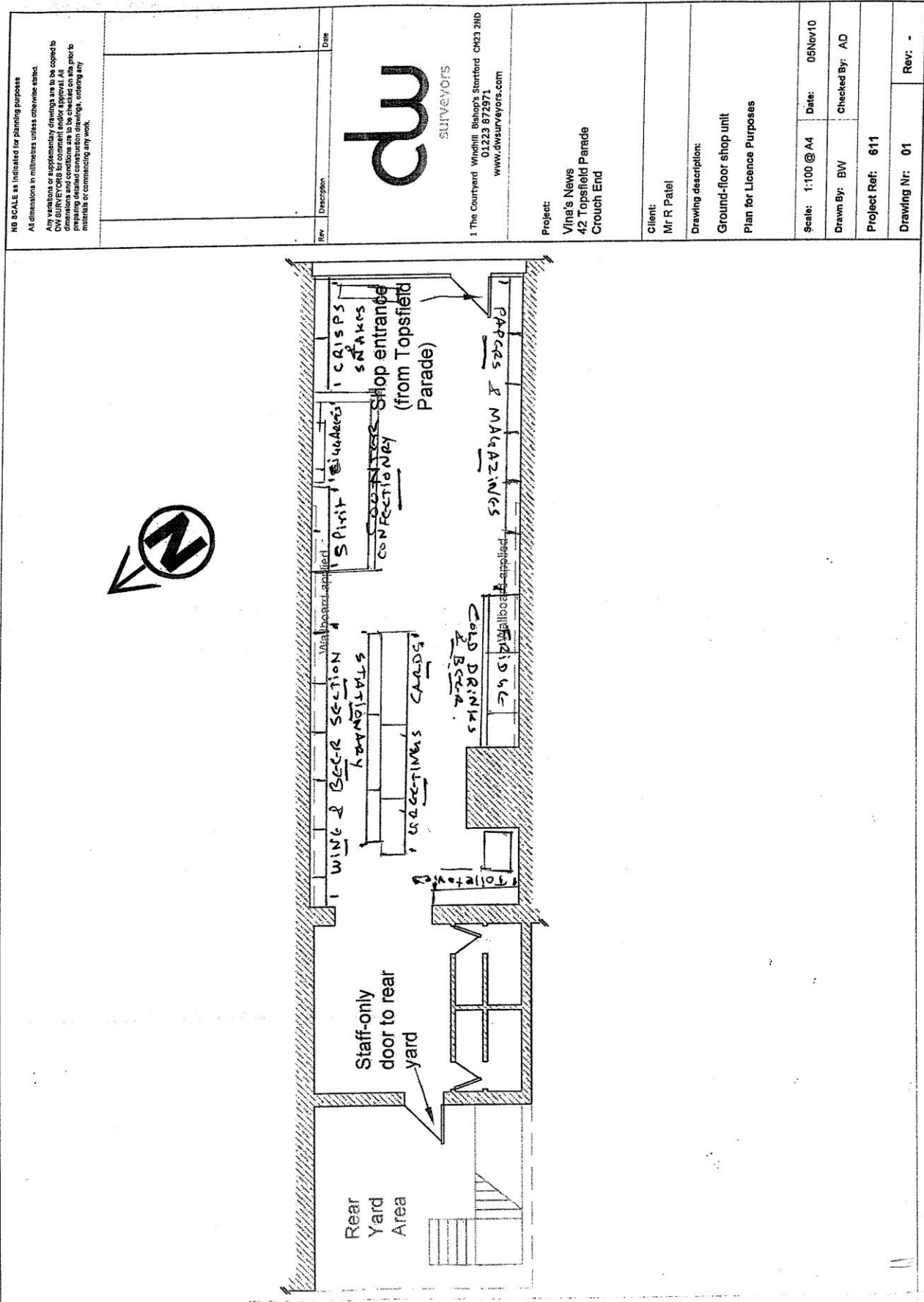
- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

Signage will be displayed 'NO ID NO SALE'.

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

Not applicable

Annex 4 – Plans



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Appendix 2

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Haringey Licensing Authority
Licensing Team
Level 1 River Park House
225 High Rd
London
N22 8HQ

Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW

PC Derek Ewart 1277NA

www.met.police.uk

21/02/2023

POLICE REPRESENTATION

**TOPS NEWSAGENTS (Trading as MAXXI FOOD & WINE), 42 TOPSFIELD PARADE,
TOTTENHAM LANE, HORNSEY, LONDON N8 8PT (WK/560463)**

Dear Sir/Madam,

In summary, I wish to make supporting representation following representation from Trading Standards on the following objectives:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of Children From Harm

Having read and considered the application, police would like to bring to your attention a history of issues related to the premises.

Tops Newsagents (Trading as Maxxi Food and wine centre) is a family run business with 3 other locations under similar names across both Haringey and Enfield. The business is essentially a convenience store with off sale Alcohol.

Background

The designated premises supervisor for the premises is Ms Aylin YENGİN .Aylin Yengin is the wife of Ugar Altun (Also known previously as Kemal Altun) who until 2015 ran **MAXXI Wine Centre, 495 Hertford Road, Enfield, EN3 5XH** when that premises licence was revoked on the grounds of the Prevention of Crime and Disorder because the premises had been found to be selling non duty paid tobacco and alcohol and licence conditions were being breached. Both Ms Aylin Yengins home address and Mr Ugar Altun (Previously Kemal Altun) home address are the same.

Recently (4th January 2023) Whilst Aylin Yengin was acting as the DPS for the premises shown as Maxi **Food & Wine, 38 Chase Side, Southgate, N14 5PA** a review By the London Borough of Enfield Trading Standards was carried out following a number of unlawful activities that included:

- ❖ illicit tobacco being seized from the premises;
- ❖ breaches of licence conditions;
- ❖ selling non-compliant vapes and e-cigarettes;
- ❖ selling Viagra and Sildenafil without a medical registration from MHRA;
- ❖ selling drug paraphernalia;
- ❖ **Selling nitrous oxide (known as NOx).**

The Licensing Sub Committee (Enfield) decided to suspend the premises licence for three months and the additional licence conditions were added to the premises licence.

Context

This information supports the fact that this is a family run business whereby Aylin Yengin is shown as the designated Premises supervisor for three separate locations thus:

- 1) Tops newsagents (trading as Maxxi Food & Wine), 42 Topsfield parade, Tottenham lane, Hornsey, London, N8 8pt
- 2) Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA
- 3) Maxxi Wine Centre, 495 Hertford Road, Enfield, EN3 5XH

History

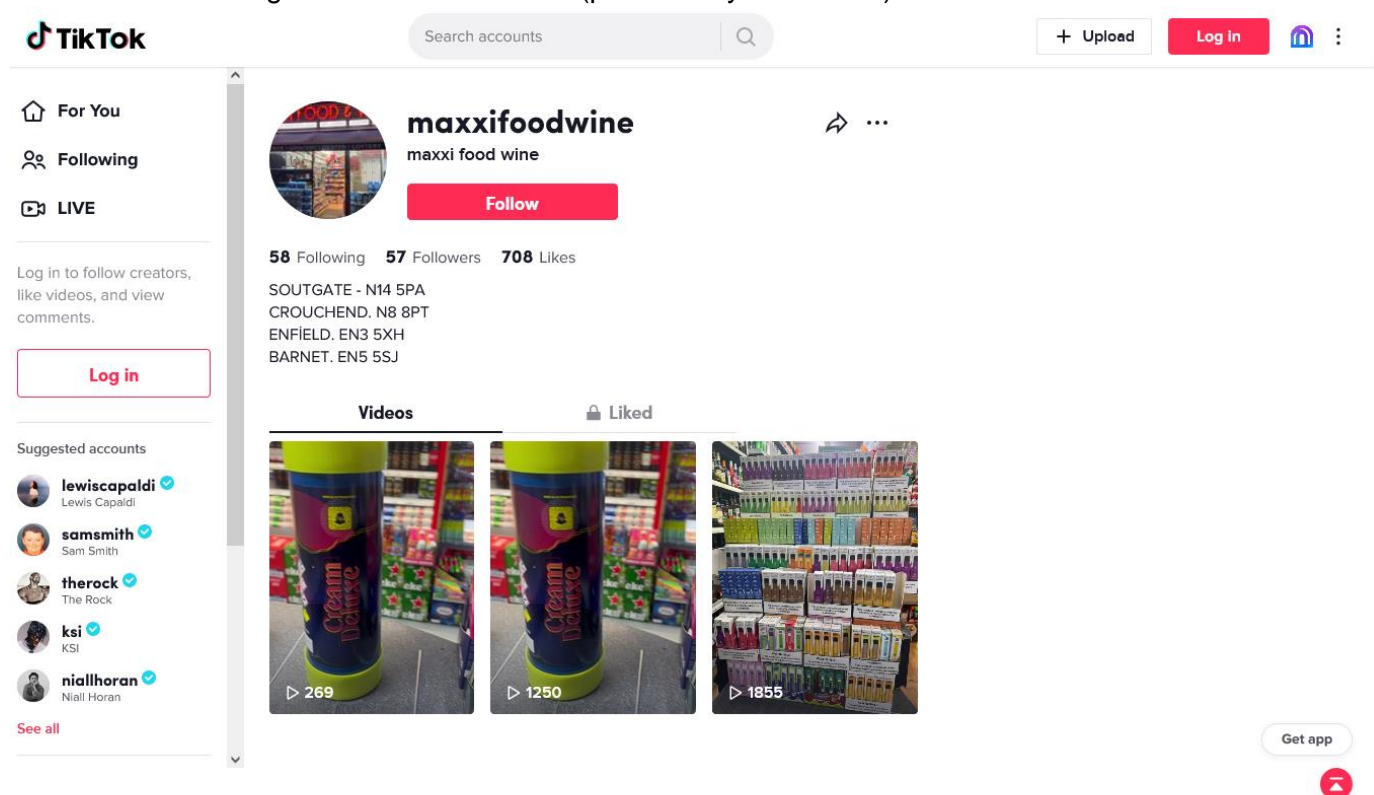
In respect of these premises 42 Topsfield Parade a search of Police data indices reveals that these premises are also associated with incidents involving crime and disorder. The Police CAD database shows that in the less than **1 month from Dec 2022 to January 2023** There were **8 calls** made by members of the public regarding Anti-social behaviour and associated crime, **7** calls were informing Police that the premises were attracting both people and people in vehicles to buy the large NOx canister's whereby they were seen to exit the shop and inhale the contents both outside the shop and in the surrounding streets and discarding the large canisters on the footways and in the alleyway to the side of the premises in the alleyway .

Residents stating that the youths inhaling the NOx canister's often doing it from balloons on a nightly basis and then becoming aggressive if challenged with one resident being threatened that they would have eggs thrown at their windows .large groups hanging around next to the shop with cars pulling up playing loud music and inhaling NOx in the cars having purchased from the premises. Reports of bags of possible drugs being passed through car windows. All callers felt intimidated and threatened by both dealing with the "customers" and staff in the premises.

The One call other than the 7 relates to a call from the premises stating they were being robbed at knifepoint.

February 2023: The blatant advertisement of the sale of Nitrous Oxide Canisters on the social website TIK TOK (with Tik Tok demographic being predominantly used by the age group 18-24 and younger) under the name of maxxi Food Wine with 4 maxxi premises addresses shown including "Crouch End N8 8PT" i.e. the address the subject of this review. The videos appear to have been filmed in licenced premises and the background popular music "This is how we do it" is clearly designed to appeal to a younger audience and promote the use of Nitrous Oxide for consumption other than its intended purpose i.e. used within the baking industry. Additionally this is coupled with vape advertisement.

Screen shot showing Advertisement videos (provided by LB Enfield)



Video Link is as follows : <https://www.tiktok.com/@maxxifoodwine>

Legislation

Psychoactive Substances Act 2016

The Act contains provision about psychoactive substances, Section 2 defines what is meant by a “psychoactive substance” and states thus

Any substance which—

“Is capable of producing a psychoactive effect in a person who consumes it, and is not an exempted substance”.

The act in section 2 goes on further to say:

“For the purposes of this Act a substance produces a psychoactive effect in a person if, by stimulating or depressing the person’s central nervous system, it affects the person’s mental functioning or emotional state; and references to a substance’s psychoactive effects are to be read accordingly.

(3) For the purposes of this Act a person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way".

Offences

5. Supplying, or offering to supply, a psychoactive substance

(1) A person commits an offence if—

(a) the person intentionally supplies a substance to another person,

(b) the substance is a psychoactive substance,

(c) the person knows or suspects, or ought to know or suspect, that the substance is a psychoactive substance, and

(d) the person knows, or is reckless as to whether, the psychoactive substance is likely to be consumed by the person to whom it is supplied, or by some other person, for its psychoactive effects.

Summary

Part of the role of a designated supervisor is to have a good understanding of the social issues and potential problems associated with the sale of alcohol and other items from a premises.

The DPS must ensure that the business is run in accordance with the conditions of the premises licence and that the licensing objectives are properly promoted. These objectives include the prevention of crime and disorder, public safety, the prevention of public nuisance and the protection of children from harm.

It is therefore the view of the Metropolitan Police based upon the information shown that there has been a total disregard in respect of upholding the licensing objectives of:

- Prevention of crime and disorder
- Prevention of public nuisance
- Public safety
- Protection of Children From Harm

In that clearly large groups of people including youths attending the premises to purchase NOx a Psychoactive Substance in the form of "fast gas" catering Gas who then consume the gas outside the shop and surrounding neighbourhood in full view of both the public, the Residents and the sales staff clearly to become intoxicated and obtain a "High" is not selling for the legitimate purpose of use in catering processes.

This promotes crime, this promotes public nuisance by attracting youths seeking a "legal high" who then by their presence cause Anti-social behaviour and harassment and threats to the residents.

The sales of which are reckless as to whether any harm will be caused to the individuals purchasing the canister's thus causing a public safety concern.

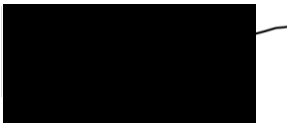
The sales are unregulated so that any age group including those under 18 years old can purchase essentially placing children in harm due to the risk associated with breathing such psychoactive substances.

Clearly the premises staff and DPS knows or suspects or ought to know or suspect this is a psychoactive substance (illustrated by the blatant advertisement on TIK TOK designed to attract custom to a demographic that are essentially young in years) and they know and are reckless to the fact it is being supplied for the purpose of achieving a psychoactive effect upon the purchaser.

It is therefore our submission that the DPS Aylin Yengin has failed in her role wholeheartedly as she has done in other premises she has been DPS .She has shown a total disregard in upholding the licensing objectives and has created around the environs of the premises areas of Anti-social behaviour by not upholding these objectives and failing to run the premises in a diligent manner this conduct should not be tolerated **and it is our submission that the premises licence should be revoked** in order to prevent the “Broken windows effect” created by this irresponsibility further impacting the residents and community ,this in our submission is in the public interest .The police have no faith in Aylin Yengin acting In the capacity of DPS.

I reserve the right to provide additional evidence .

Respectfully submitted for due
Consideration,

A black rectangular redaction box covering the signature of the sender.

PC Derek Ewart 1277NA –Police Licensing Officer, Enfield and Haringey

Metropolitan Police Service, North Area BCU (*Enfield & Haringey*)

Edmonton Police Station, 462 Fore Street, N9 0PW

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From: Lucia.Popovici@met.police.uk <Lucia.Popovici@met.police.uk>

Sent: Sunday, February 19, 2023 12:51 PM

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk Jennifer Barrett <Jennifer.Barrett@Haringey.gov.uk>; April Smart <April.Smart@haringey.gov.uk>

Subject: RE: PREMISE LICENCE REVIEW APPLICATION - BY TRADING STANDARDS TEAM - TOPS NEWSAGENTS (MAXXI FOOD & WINE), 42 TOPSFIELD PARADE, TOTTENHAM LANE, HORNSEY, LONDON N8 8PT (WK/560463)

All, Daliah

While I was looking through the attached papers yesterday, Saturday, I've noticed that Mr UYGAR stated in the licence review application attachment that he is selling gas canisters to coffee shops in Crouch End.

Well, as today Sunday is a gorgeous day, I've decided to walk down to Crouch End and visit the coffee shops and ask myself where are they buying the canisters from.

It was amazing to find out that from over 11 coffee shops we visited, none of them actually uses gas canisters and some of them don't use them at all, the ones that use cream they just use the traditional tube sold in supermarkets.

Lucia



PCSO Lucia Popovici
Designated Ward Officer – Crouch End

Wood Green Police Station, 347 High Rd, London, N22 8JA

www.met.police.uk

[MPScrouchend](https://twitter.com/MPScrouchend)

Unless otherwise stated this email is GSC Code – Official



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Appendix 3

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LICENSING AUTHORITY REPRESENTATION

MAXXI FOOD & WINE 42 TOPSFIELD PARADE LONDON N8

This representation is made by Haringey Licensing RA in support of the review submitted by Trading Standards.

We wish to make representations in support of the review submitted by Trading Standards that the operation and management of the premises by Ms Yengin and Mr Kemal Altun has had a significant impact on the Licensing Objectives. The operators have been granted Premises Licences in other boroughs which has led to reviews being instigated for similar offences and breaches.

Mr Kemal Altun has also been prosecuted under the Food Safety Act 1990 offences.

Operators History:

Ms Yengin is the wife of Mr Urgur Altun who is the director of Maxxi Stores.

Mr Kemal Altun changed his name by deed poll to Mr Urgur Altun around 2014. Mr Altun has been operating other businesses in the Enfield area also.

495 Hertford Road

In 2009 Mr Altun was prosecuted under the Food Safety Act 1990 following the seizure of 25 bottles of Spar brand Imperial Vodka containing excessive levels of methanol. Mr Altun was found guilty and ordered to pay a fine and costs. A minor variation was issued in 2012 to add conditions to the licence following the discovery of counterfeit alcohol. Mr Altun's premises licence was revoked in 2015 on the ground of the Prevention of Crime and Disorder as the premises had been found to be selling nonduty paid tobacco and alcohol and licence conditions were being breached.

A new licence was later granted to a Mr Ali Riza Tulu in 2015. With conditions barring Mr Altun from being involved in any way in the operation and / or management of the business or be permitted to work in the business in any capacity'.

However in 2022 Enfield Council's Trading Standards Team reviewed the licence following two seizures of non-duty paid goods and licence breaches. The licence was revoked. It should be noted that when the Enfield Trading Standards Officers visited the premises it was Ms Aylin Yengin that they spoke with, the wife of Kemal Altun and the current licence holder and DPS for the premises at 42a Topsfield Parade.

38 Chase Side Southgate N14

Until recently Ms Aylin Yengin was the premises licence holder of another business in Enfield. A licence review in relation to that premises was submitted by Trading Standards at the end of 2022 and was heard in January 2023. The review sort to revoke the premises licence. A wide range of unlawful activity had taken place whilst Ms Aylin Yengin had been the premises licence holder, despite advice to prevent such activity having been provided by Enfield Council previously. The unlawful activity included:

- illicit tobacco being seized from the premises;
- breaches of licence conditions;
- selling non-compliant vapes and e-cigarettes;
- selling Viagra and Sildenafil without a medical registration from MHRA;
- selling drug paraphernalia;
- selling nitrous oxide (known as NOx).

Whilst that review was waiting to go to a hearing a Transfer and Vary DPS application was submitted. The named person apparently being Mr Altun's sister. – Nuray Ozdemir. In light of the history of the premises and the family connection of the new licence holder, the licence review application was still deemed relevant and was still put before the Licensing Sub Committee. The premises licence was suspended for three months and the licence conditions were strengthened.

The above background to other premises operated by Mr Altun and his wife Ms Yengin shows that they are not prepared to comply with the law. Haringey Licensing Authority considers that given their history of illegal activity, that Ms Yengin is not a responsible DPS or a reliable Premises Licence holder. Despite previous breaches and warnings she has knowingly permitted the stocking and sales of illicit and illegal goods at **42 Topsfield Parade**. The Licensing Authority has no confidence in her ability or willingness to trade legally.

The continued sales of NOS gas from 42a Topsfield Parade by the operator even after receiving various warnings from officers and the Police led to anti-social behaviour of noise and intimidation affecting residents.

It should be noted that Ms Yengin herself has not led on any communications relating to the day-to-day operation of the premises. Her husband Mr Altun has been the spokesperson.

The business has also actively advertised the use of NOS gas in such a way as to be appealing to young underage people. This is not the actions of a responsible licence holder.

These businesses are a family run affair and the parties will transfer Premises licences to other family members to ensure that their illegally activity continues regardless of who the named license holder may be.

A clear pattern of non compliance regardless of attempts to work with the business as been demonstrated by Ms Yengin and Mr Altun.

We would support the revocation of this Premises Licence.

Haringey Licensing Authority

Environment and Neighbourhoods

Director: Eubert Malcolm



Maxxi Food & Wine
42 Topsfield Parade
Tottenham Lane
London
N8 8PT

Our ref: E&N/ENF WK/000547259

Date: 29th September 2022

Contact: ASB Enforcement

Dear Owner/ Manager

Warning Letter: Licensing Act 2003

Address: Maxxi Food & Wine, 42, Topsfield Parade, Tottenham Lane, London, N8 8PT

It has been identified that the above premises, on 28th September 2022 were being used for the sale of alcohol without a valid current premises licence.

You are warned that this practice must cease. The license does not permit the sale of alcohol without a licence.

It is an offence under the Licensing Act 2003 if a person

- (a) carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or
- (a) he knowingly allows a licensable activity to be carried on.

You should obtain a valid premises licence and familiarise yourself with the activities permitted under the current License & such unauthorised use of the premises must cease immediately.

No further warnings will be issued. This Authority may seek to prosecute if future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing team on 020 8489 8232 or email asb.enforcement@haringey.gov.uk

Yours sincerely

ASB Enforcement Team

Community Safety & Enforcement

4th Floor, Alexandra House
Station Road
London N22 7TY

Please note:

The Council will consider a Premises License Review in regard to any premises where there is continued non-compliance.

If a Review were to be instigated then we may request the Licensing sub-committee to (in addition to any other sanction they may impose) including additional conditions as a part of the License.

**Community Safety &
Enforcement**

4th Floor, Alexandra House
Station Road
London N22 7TY

Appendix 4

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Responsible Authority:	Haringey Public Health team, London Borough of Haringey
Date:	11/03/2023
Name:	Maria Ahmad, Health Improvement Officer Marlene D'Aguilar, Health In All Policies Officer
Contact:	Maria.Ahmad@Haringey.gov.uk Marlene.DAguilar@haringey.gov.uk

We 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 regarding the premises license at: TOPS NEWSAGENTS (MAXXI FOOD & WINE), 42 TOPSFIELD PARADE, TOTTENHAM LANE, HORNSEY, LONDON N8 8PT.

The representation is made under the following licensing objectives:

- THE PREVENTION OF CRIME AND DISORDER
- THE PROTECTION FROM CHILDREN FROM HARM

Local Context of the Premises

The premise is located on a busy main road, Tottenham Lane.

It is surrounded by 3 sixth form/colleges, 3 secondary school and 7 primary schools, located within 0.5 mile of the premises (10 minutes walk).

Rokesly Junior School (0.148 miles)
Rokesly Infant School (0.176 miles)
St Peter-in-Chains Catholic Infant School (0.367 miles)
St Gildas' Catholic Junior School (0.378 miles)
Weston Park Primary School (0.414 miles)
Coleridge Primary School (0.439 miles)
St Mary's CE Primary School (0.532 miles)

Hornsey School for Girls (0.320 miles)
Greig City Academy (0.449 miles)
Highgate Wood Secondary School (0.461 miles)

Hornsey Sixth Form College (0.320 miles)
Greig City Academy Sixth Form (0.449 miles)
Highgate Wood Secondary School Sixth Form (0.461 miles)

The premises is located within an area vulnerable to high crime rates. At the time of the visit, it has been found that 110 crimes were recorded in January 2023 within half a mile of N8 8PT including 22 anti-social behaviour incidents and 1 drug crime incident (police.gov.uk).

The Public Health team has specific concerns about the applicant's ability to uphold the licensing objective (Protecting Children from Harm). We have been informed that small nitrous oxide cannisters and large stocks of large nitrous oxide cannisters were found at the premises on 11th January 2023. The new psychoactive substance, nitrous oxide is a serious public health concern.

Haringey Drug Needs Assessment (HDNA) 2022/23

Haringey Drug Needs Assessment was developed to understand drug taking and supply in Haringey. A few key points from the HDNA is included in this review in relation to this licenced premise.

Drug-related ambulance call outs

Despite falling rates of admissions with primary diagnoses pertaining to drug use, the proportion of all ambulance calls related to drugs has increased in Haringey between 2017 and 2021 from 0.79 per 1000 to 1.49 per 1000, with a peak in 2019 at 1.89 (Fig 1). The 2019 figure might be more representative, as years 2020-21 were affected by the pandemic, with new pressures added on the ambulance service to attend to those suffering from Covid-19, which may have diluted the volume of drug-related calls.

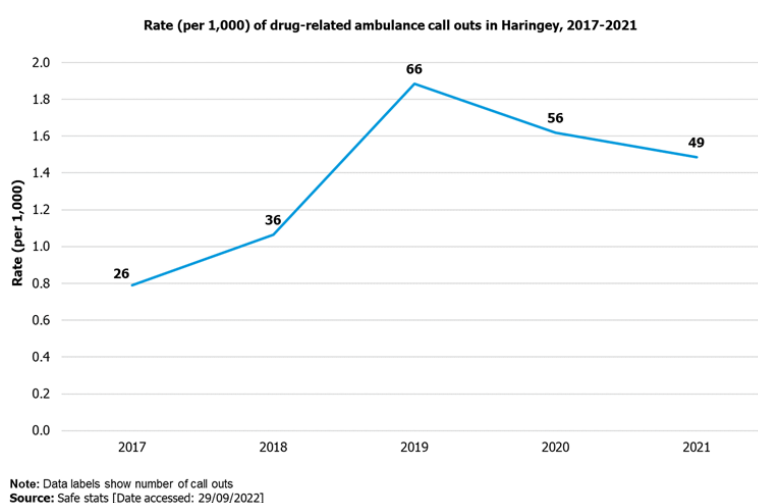


Figure 1. Haringey rate of drug-related ambulance call outs, 2017-21

Users of new psychoactive substances (NPS) in the Haringey treatment service (5 in total) are generally under-represented, despite the fact that they are rapidly gaining in popularity, especially in certain vulnerable groups such as the rough sleepers and prison population. There were estimated 152,000 users of NPS nationally in 2017.

What is Nitrous Oxide and why is it harmful? What are the psychoactive effects.

When it's inhaled, it acts as a psychoactive drug with sedative, psychedelic, analgesic, and dissociative effects. Some mental effects include having an altered state of reality and a sense of euphoria. Some physical effects include vomiting, high blood pressure, nausea and numbness of the muscles.

Common side effects include headache, sickness and paranoia. It can make you feel dizzy or hallucinate, which might make you act carelessly or dangerously. People often mix it with other drugs or alcohol, which can be dangerous as accidents are more likely to happen. Repeated and heavy use of nitrous oxide can cause vitamin B12 deficiency, which can lead to nerve damage.

Statistics

According to the Office for National Statistics, nitrous oxide (also known as laughing gas) has become one of the most commonly abused substances in England and Wales, particularly among young people. In the year ending March 2020, 2.4% of adults aged 16 to 59 years and 8.7% of adults aged 16 to 24 years reported using nitrous oxide in the past year. This makes it the second most abused drug for those aged 16 to 24 (after cannabis) and third most abused drug among those aged 16 to 59 years (after cannabis and cocaine).

In 2019/20, England and Wales Crime Survey reported that 8.7% of 16- to 24-year-olds had taken it, up from 6.1% in 2012/2013. It is very much a young person's drug: two in three users are under 24. Through the usage of nitrous oxide, there were 56 deaths reported between 2001-2020 in England and Wales.

What does the law say and the applicant has committed an offence?

Under the Psychoactive Substances Act 2016 it is an offence to supply nitrous oxide if a person knows, or is reckless as to whether, it will be used for its psychoactive effects.

The failure to promote the licensing objective undermines our efforts and goes against our holistic whole systems approach to protecting children from substance harms.

Haringey Addiction and Recovery Treatment Services

The Insight Platform/Insightful Families Service – supports Children and Young People, who may be at risk or use substances; or parents use substances; and families, friends and carers for those who use substances. The service provides 1:1 health and wellbeing support for children at risk of trying or using alcohol or drugs.

The Grove – A drug service providing pharmacological, psychological, and complimentary treatment and recovery support for Haringey residents. The service includes specialist rough sleeper and criminal justice teams.

Medication for Erectile Dysfunction

We are equally concerned that two types of medication used for erectile dysfunction were also found on the premises on both visits by the Trading Standards Officer. Both products were visible to the public and found under the counter. Both 11 Kamagra Gel sachets and 102 Sildenafil Citrate tablets were seized. Sildenafil Citrate is the generic name for the well-known branded 'Viagra', Sildenafil Citrate would be cheaper to purchase and is available on prescription or for purchase after a consultation with a pharmacist – Only qualified health professionals such as doctors or pharmacists are qualified to ask the right questions to a resident to ensure it is right and safe for them to use based on their medical history, potential medical investigations and previous use and any previous side effects.

The www.nhs.uk recommends accessing Sildenafil Citrate medication whether in-person or online the supplier should be a doctor registered with the General Medical Council (GMC), Care Quality Commission and pharmacist registered the General Pharmaceutical Council. Therefore, Tops Newsagent does not meet the criteria to sell Sildenafil Citrate. Pharmacists are also responsible for the quality of the medication and the knowledge and security of the supply chain of the medication they distribute to patients or customers to ensure its safety to be used. Once again, Tops Newsagents fails to be able to do this. Therefore, we are unable to ascertain the safety of this product, even if the product 'at face value' is legally sold in the UK.

Our concerns are raised further by the availability of Kamagra Gel that was found on the premises also. Kamagra has not been approved for use in the UK by the Medicines and Healthcare Products Regulatory Agency, therefore, it is not legal for use as a medicine in the United Kingdom. It cannot be prescribed by a doctor or sold by a pharmacist because it does not have approval or is it regulated in the UK or Europe. The Public Health team's concern is that a member of the public who may not be aware that illegal medication may not have safe ingredients, or be manufactured within the high quality environments required or that the supply chain to illegal drugs is often controlled by criminal elements.

In addition to this, side effects of the medication include : alopecia; anaemia; anxiety; cough; diarrhoea; dizziness; fluid retention; gastrointestinal discomfort; gastrointestinal disorders; headaches; increased risk of infection; insomnia; nasal complaints; nausea; night sweats; pain; skin reactions; tremor; vasodilation and vision disorders

Uncommon side effects include: Arrhythmias; chest pain; drowsiness; dry eye; dry mouth; eye discomfort; eye disorders; eye inflammation; fatigue; feeling hot; gynaecomastia; haemorrhage; hypertension; hypotension; myalgia; numbness; palpitations; sinus congestion; tinnitus; vertigo and vomiting

Rare side effects include: Acute coronary syndrome; arteriosclerotic retinopathy; cerebrovascular insufficiency; glaucoma; haemospermia; hearing impairment; irritability; optic neuropathy (discontinue if sudden visual impairment occurs); oral hypoaesthesia; priapism; retinal occlusion; scleral discolouration; seizure; severe cutaneous adverse reactions (SCARs); sudden cardiac death; syncope; throat tightness.

Not only that, clearly there are members of the public that would not be prescribed to use these type of erectile dysfunction products even legally because of certain underlying health conditions, www.nhs.uk

Who may not be able take Sildenafil – people who:

- Have ever had an allergic reaction
- Are taking other medication such as nitrates for chest pain (angina)
- Have a serious heart or liver problem
- Have recently had a stroke, heart attack or a heart condition – a check with the doctor is needed
- Have low blood pressure
- Have an inherited eye disease, such as retinitis pigmentosa
- Have sickle cell anaemia, leukaemia or multiple myeloma (cancer of the bone marrow)
- Have a deformity of the penis or peyronie's disease (curved penis)
- Have a stomach ulcer
- Have a bleeding problem like haemophilia

While serious health harms remains possible and loss of life is rare in the legally prescribed medication, it is only rare, in light of safeguards as to knowing the medication is regulated with a safe supply chain and an interaction with a professional such a doctor or pharmacist. The risk of serious health harm, injury and loss of life is therefore higher, with these medications as all of these safeguards, regulations and registrations have not been applied and therefore, Haringey Public Health team is not convinced with the owner's response and that they risked the health and lives of our residents.

Illegal Vape Products

While we recognise the benefits of vape as a tool to help our residents to give up smoking. It is illegal to sell Vapes to under 18's. We clearly see from the evidence provided by the Trading Standards team that the Licensee has little regard for the safety of our residents. A large number of illegal vape products of 1,500-3,500 puffs was found on their premises in Tottenham Lane. The legal level of puffs to be sold in England is up to a maximum of 600 puffs (2ml). Illegal vape may also contain banned substances which are harmful to health such as vitamins, colourings, caffeine and taurine as well as cancer causing, gene mutating and toxic properties.¹ We just do not know what is in an illegal vape, these could enhance the known side effects such a cough, sore mouth and dry mouth, but could increase inflammation in the airways, cause respiratory and heart problems. Once again, the health and wellbeing risks to our residents does not seem to have been taken into account.

Recommendations

Due to the premises situated within a busy area and several schools located nearby, we have concerns over the safeguarding of children. There should not be access to Nitrous Oxide to young people, this is in direct contradiction to the licensing objective protecting children and young people

¹ [E-cigarette use or vaping: reporting suspected adverse reactions, including lung injury - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/e-cigarette-use-or-vaping-reporting-suspected-adverse-reactions-including-lung-injury)
accessed online 16/03/2023

from harm. The sales of nitrous oxide for its use on psychoactive effect constitutes illegal activity which may have exacerbated drug-related issues in the area. Both children and adults could be adversely affected by the use of illegal and unsafe vape products.

Due to failure of upholding the licensing objective of prevention of crime and disorder Haringey's Public Health Team is not confident in the licensee's ability to promote licensing objectives going forward as a result of the presence of nitrous oxide, illegal erectile dysfunction medication, illegal and unsafe vape products at the premises and therefore, we strongly recommend that the committee considers revokes their license.

Appendix 5

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Representation in support of Application to review the Premises Licence for Maxxi Food and Wine.

Representation	Noise and Nuisance Team
Officer	Jennifer Barrett
Date	16 th March 2023

Introduction

The London Borough of Haringey Noise and Nuisance Team as a responsible authority provides this representation in support of the application for a review of the premises licence for Maxxi Food & Wine at 42 Topsfield Parade, Tottenham Lane, N8 8PT.

This is provided because the licensing objectives for the prevention of public nuisance and crime and disorder are not being upheld. We are of the opinion that is made worse by the offer of NOs gas for sale.

Background

Tops Newsagents trading as Maxxi Food & Wine. at 42 Topsfield Parade, Tottenham Lane, N8 8PT is in a mixed-use area comprising of retail shops on the ground floor with nearest residential dwellings located directly above the premises and occupying the first, second and third floors.

The licensee and DPS is Ms Aylin Yengin (AY) and the manager is Mr Uygar Altun (UA). The current premises licence permits Maxxi Food & Wine to supply alcohol Monday to Friday between 0630 and 0000 hours and Saturday to Sunday between 0700 and 0000 hours. "Smart Whip" or Fast Gas canisters of nitrous oxide are also sold at the shop which is open 24 hours a day.

Complaints History

On 24th September 2022 the council received an initial complaint from a local resident about two incidents of 'people noise' from customers and staff at Maxxi Food & Wine. The incidents occurred on 20th September 2022 at 0200hours and 2nd September 2022 at 0300hours so no action could be taken to substantiate them.

On 26th September 2022 the council received a detailed account of residents' concerns, namely an increase in the potential for crime, noise and asb associated with the sale of NOs gas canisters and the 24-hour operating times. They also advised reports of asb on 20th, 22nd and 23rd September had been made to the police and further raised concerns about littering of the canisters (see pictures below) and increase in NOs gas use in the vicinity of Elder Avenue and the rear alley of the parade.



Two further reports were provided stating that the shop was selling NOs to school children and that customers were arriving in the early hours of the morning to purchase. The council advised the DPS that there was no record of a transfer of the premises licence and prohibited the sale of alcohol until this was resolved.

On 27th September 2022 a resident raised concerns about incidents said to have occurred on 24th September 2022 at 0200, 0300 and 0450hours. They said noise from customers and staff talking loudly and congregating on the pavement outside the shop in the late evening and early morning was disruptive and that this was a daily occurrence. During routine checks it was noted that

Further reports were made on the 6th October 2022 the council received further notification that premises continued to operate for 24 hours, they were actively promoting they sell nitrous canisters by displaying but the noise was off by the time of the council could visit. As part of investigation into breaches of the conditions of licence, we requested their CCTV footage for Fri 7th Oct from 23:00 hrs – Sat 8th Oct 03:00 hrs, Sat 8th Oct from 23:00 hrs – Sun 9th Oct 03:00 hrs. The footage has not been supplied to date.

On 5th December 2022 a report about littering of canisters and balloons was logged with the council and photos provided. On 13th December 2022 following a proactive visit to the shop the council issued a further warning for the sale of alcohol past the permitted time.

On 24th December 2022 a report was made to police that between 0200 and 0400 hours “multiple noisy youths were congregating and inhaling balloons, disturbing the peace outside the establishment and engaging with its staff”.

On 30th December 2022 another complaint was logged about people noise but the council was unable to attend to assess.

On 29th January 2023 at 2220hours the council conducted a proactive site visit to verify compliance with the midnight curfew for alcohol sales. We checked CCTV footage between 0015 and 0050hours and observed three completed and one abandoned “smart whip” sale. We also observed two refusals for sale of alcohol.

Evaluation

Since this business came under new management the council has received complaints about antisocial behaviour (from staff and customers loitering and talking loudly outside the shop and increased patronage at all hours from customers seeking late night refreshment). We have been advised that there has been a significant increase in complaints to the police since this business changed hands and believe the offer of NOs gas and its active promotion online via social media and in the shopfront is an attractor. Council officers were not able to attend

and investigate complaints made as often issues occurred outside the councils' operating hours. Other complaints made could not be substantiated due the reporting after the event.

We have evidence that the premises has supplied alcohol after the permitted time and progressing formal enforcement action for those breaches of the Licensing Act 2003. We understand that sale of NOs gas is not unlawful but NOs gas sold should be for culinary rather than recreational use only. It is clear from our observations that this is not the case and have advised the DPS and store manager that The Psychoactive Substances Act 2016 makes retail sale of the gas canisters to the public for the purpose of inhalation an offence. It's continued sale is likely to increase public nuisance from littering, general dis-amenity from open use of canisters/ balloons in the street and people noise as well as crime and disorder from antisocial behaviour.

Conclusion

We seek to ensure the licensing objectives the prevention of public nuisance and crime and disorder are upheld. We believe that banning the sale of this gas will lead to a reduction in noise nuisance.

Recommendation:

We request the licensing committee give regard to the application made to request all sales of NOs gas from this shop are prohibited.

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Appendix 6

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APPENDIX 6

REPRESENTATION – WARD COUNCILLOR CAWLEY-HARRISON

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Representation by Cllr Cawley-Harrison (Crouch End ward)

Since the current operators took over Maxxi's Food and Wine (Topsfield Parade), I have received numerous complaints from local residents regarding actions from the premises which is detrimentally affecting their daily live, and others in the neighbourhood.

I wish to make representations as a ward councillor, and on behalf of residents who have corresponded with me over the last nine months or so regarding this shop and its activities. The reason some residents feel they have to make representations through myself is because they fear repercussions from the premises, following intimidatory behaviour towards them as a result of the premises' activities.

I am of the opinion that the operators have knowingly, clearly breached all four licensing objectives and for this reason should have their license revoked entirely.

I have received notice from residents that activities such as the inhaling of Nitrous Oxide (ballooning) has continued to take place outside and in close proximity to the shop late at night, as recently as the weekend of the **10-12 Mar 2023** – showing a clear disregard by the shop for the severity of this licensing review or their actions.

I am also aware that the owners/DPS/associates have at their other shops, already received licensing revocations, suspensions and goods confiscations, and so there is clearly a pattern of behaviour across multiple local authority areas, that displays an unwillingness to uphold the licensing objections, and that anything less than a revocation would mean a continuation of what is being experienced.

During one such hearing it was reported that the defence was that the family had been preoccupied with the birth of Aylin Yengin's daughter in September 2021 and the death of another family member and that a range of improvements had recently been made – however this cannot apply with a second, third or fourth establishment with enforcement cases against the owners dating back to 2023, 2022, 2020, 2017 and 2015.

To quote from one of these hearings in Enfield:

Esther Hughes, the council's head of service for consumer protection, told the committee that a "wide range of unlawful activity" had taken place under licence holder Aylin Yengin "despite advice to prevent such activity having been provided by the council".

I include with my representation, submissions I have received from residents as their ward councillor as part of my representation, and they are included after I go through the four licensing objectives.

The prevention of crime and disorder

This objective has clearly been breached. The sale of the goods identified by trading standards such as erectile dysfunction is a crime. There is no defence.

The shop has also contributed to significant ASB/disorder in the area since it opened under the current owners.

It should be noted that this premises previously traded as a newsagent/off license before the current operators without any issues. They closed in the evening, and as a ward councillor, I didn't receive any reports of trouble. We also did not receive reports of ASB related to Nitrous Oxide/ballooning in the area before the current operators took over, nor reports of the discarding canisters/bottles shown in this report.

It should also be noted that whilst the shop is on a high street – this is also a residential area, with all shops having 2-3 residential units directly above each unit on both sides of the road.

Since Maxxi's opened I have received numerous reports of customers visiting the shop late at night, and well in to the early hours of the morning 3-4am (their license allows the sale of licensable activities must cease much earlier than this, however the shop can remain open beyond then if they are not selling licensable products), often arriving in vehicles with loud music playing, shouting and swearing outside and inside the shop, with items being passed into vehicles. Often this would be alongside the noise of balloons being filled and inhaled (inside and outside of vehicles).

Since the owners took over the shop, ASB has also been present to the rear of Topsfield Parade, which is an alley that runs along the length of the parade offering access to the backs of the commercial units at ground floor, and is the single route of entry (accessible via only one end of the Parade which is near to Maxxi's rear door) for the vast majority of residential units above the shops.

Reports of ballooning in the alley have been significant, and a resident even reported intimidatory behaviour when they found someone sat on the entry steps to their flat who would not allow them to pass (see the attached reports).

Almost without fail when visiting the area around the shop, unless the street sweeping team has been recently, canisters of Nitrous Oxide will be found littered around (also considered ASB/disorder), and I include photos of these.

It is very clear that since the owners took over the unit, the shop has contributed to ASB in direct vicinity of the premises, including noise nuisances in the early hours from patrons and staff, as well as those taking Nitrous Oxide in proximity of the shop.

Many reports have been made both as crime reports to the Met Police, and as ASB/noise nuisance reports to Haringey Council.

I have also been made aware that Maxxi is operating as an Evri drop-off point, and have received reports that items left there have gone "missing" that are of significant value. Such reports have also been made to the police, are included in this report and are publicly accessible on the Google Reviews page for Maxxis, Crouch End, which I also link to in this representation.

The prevention of public nuisance

As has just been mentioned above, the premises have significantly contributed to public nuisance, which has been reported to multiple relevant authorities, including noise, intimidatory behaviour and littering.

The protection of children from harm

I have received worrying reports from neighbours, that have observed the taking of nitrous oxide / ballooning, to the rear of Maxxis/42 Topsfield Parade, in the alley, by those that appear to be of school age.

I have also myself reported discarded Nitrous Oxide canisters of the same brand (Fastgas) as those found around Maxxis shop, near the entrance to Highgate Wood School (Secondary School in Crouch End).

The products being made available via this premises are dangerous to Adults – but even more so to children.

Public Safety

The products identified by Trading Standards are being sold by the premises beyond what is allowed safely in the UK. Consumption of such items presents a significant public safety risk.

The taking of Nitrous Oxide also presents a public safety risk, of which I am directly aware, as my sister-in-law lost the use of the lower half of her body due to the damage inflicted by taking Nitrous Oxide recreationally on one occasion.

The items should not be dismissed as low-risk. They are evidenced to have caused significant and long-term damage to adults, and their sale presents a public safety risk.

Resident Statement

A local resident, fearful of making a representation directly themselves due to fear of intimidation/recourse, has made the following statement:

Re - The Premises under review - Tops Newsagents, T/A Maxxi Food & Wine. 42 Topsfield Parade, Tottenham Lane, London N8 8PT

The prevention of crime and disorder

The protection of children from harm

The Prevention of public nuisance

As a local resident, my neighbours and I have had our reasonable peace and enjoyment of our properties ruined ever since Maxxi Food & Wine, it's staff and their customers arrived on Topsfield Parade N8 8PT.

Their hours of operation, associated noise, irresponsible sales of NOS and Poppers, and the ASB of their owners/staff and the customers they encourage as a consequence of their hours and products, shows an utter disregard for residents and the laws by which they should be trading.

Ever since they took over the premises, they have personally caused me distress, sleep disturbance, anxiety and fear for my own safety.

The noisy ASB gatherings - loud parked cars, music blaring from open car windows, the shouting of groups of intimidating youths - and littering of the streets with NOS canisters and balloons has been unbearable.

There have been audible disputes inside and outside the premises that have made myself and local residents fearful.

There has been nothing but a blatant and irresponsible business of them selling NOS as a psychoactive substance, Poppers too, with cars worth of young 'customers' parking up, inhaling balloons directly in front of the shop and even behind the wheel of said vehicles - with frequent noise disturbance from 9PM through to 5.30AM.

It is unfathomable to myself and fellow Crouch End East neighbours that MAXXI FOOD & WINE of 42 Topsfield Parade, Crouch End N8 8PT can continue to trade.

Such is my anxiety of having my name and address known to them, due to fear of harassment and intimidation - I am regrettably only submitting this anonymously through my ward councillor representing me.

Reports

1 – 25/09/2022

Dear Councillor Cawley-Harrison,

I hope you're well.

On Saturday 24th September, I submitted 3 x online complaints to ASB Haringey Council relating to the antisocial behaviour (people noise) from MAXXI FOOD & WINE, 42 Topsfield Parade, Crouch End London N8 8PT - so that there is a documented trail to support the 3 x CAD crime reference numbers which I reported as the disturbances were taking place earlier this week:

CAD local police Refs submitted via Twitter Met Contact Centre:

CAD 636 20/09/22

CAD 681 - 22SEP22

CAD 789 23/09/2022

ASB Report Refs:

Tues 2am ref HC-17888569 (submitted 24/09/22)

Weds 3am ref HC-17888652 (submitted 24/09/22)

Fri 4.50am ref HC-17888900 (submitted 24/09/22 with a word doc detailing the disturbances)

It is unfathomable to myself and fellow Crouch End East neighbours that MAXXI FOOD & WINE of 42 Topsfield Parade, Crouch End N8 8PT has been granted a 24 hour license. There is near zero customer base footfall or passing vehicles along the road during 12AM - 6AM once the restaurants and pubs have closed.

The antisocial behaviour of their staff and friends this week has been appalling, and has impacted mine and my neighbours' quality of life, our quality of sleep and is utterly damaging to the peaceful enjoyment of our homes.

The noise became noticeably disruptive from Tuesday 20th September - as it's staff and their 3-4 pavement friends/associates have been spending from 12AM- 6AM each night/morning shouting, gathering, smoking outside LOUDLY. In so doing, disturbing the peace of residents living above - such that they have still been audible through silicone ear plugs and closed windows.

If it were warmer weather, we would not be able to have our bedroom windows open due to their noise and smoking 24/7.

It is inconsiderate, disrespectful and must surely be in breach of their license if disturbing the local residents above a commercial property?

Even when confronted at 3AM Wednesday 21st September morning about their noise disturbance, they continued to gather, smoke, shout, loiter with zero consideration. If they ever (rarely) do go inside the shop, they are leaving the door wide open so the noise disturbance persists - talking at shouting levels constantly.

At 4.50AM Saturday 24th September - I overheard a fellow neighbour shout "please be quiet, we are trying to sleep" - one of the group said "sorry, sorry" - and then they carried on regardless.

It would appear to be nothing other than a social club / drop in centre for them and their friends, since obtaining this 24 hour license.

Please can Haringey Council provide a copy of their 24 hour license as a public record to review?

The Queens pub - for example - and other responsible evening license establishments beneath / beside residential properties - ensure that people come inside from gardens after a certain time out of respect for residents, and as much as they can do, encourage patrons to leave quietly / not gather outside etc.

Surely this MAXXI FOOD & WINE should have to follow the same code of conduct as terms of their license?

Since I posted a Nextdoor App public grievance about their behaviour on Saturday 24th September - with very clear notification of involving the council and authorities - they were "miraculously" quieter last night.

*However, this does **not** erase their utter disregard and disruptive behaviour impacting on the quality of our lives and enjoyment of properties earlier this week, and is in no way indicative*

or reassuring that they will maintain any respectful level of 24 hour commercial business operating standards beneath residential properties.

Please issue them with a warning, and remind them of the neighbourhood peace and rights of residents.

Thank you for your help with this issue.

2 – 28/09/2022

Hi Daliah / Jennifer,

Since my email I have had two further reports from residents related to this shop selling nitros canisters, including to school children and ASB.

One report was from a local resident woken at 3am on Sunday or Monday night this week to loud voices outside the shop and a car engine on of a car parked outside the front of the shop. People then got in the car after leaving the shop, and the resident could hear the unmistakable sound of the canisters being used to fill balloons and them being used before the car drove off.

Another report directly pasted below:

I reported back in July regarding the anti social behaviour of noisy nitrous-oxide / helium balloon inhaling youths, who only started appearing regularly once this commercial property became under new management

The police report reference number given was CAD 7819 - 19JUL22

Hopefully you and the police can investigate this in addition to operating without a license, and operating 24 hours.

I shall chase planning for an update on the unlawful shop front.

Best wishes,

Luke Cawley-Harrison

Councillor Crouch End Ward

3 – 05/10/2022

Dear Councillor Cawley-Harrison,

Hope you are well.

I have an additional crime reference number - please see below:

CAD 503/05OCT22

Weds 5th October, 02.05-02.15 AM

Car(s), gathering, loud music, sound of animated loud talking AND helium balloon inhaling outside / in vicinity of MAXXI FOOD & WINE.

I did not go down to confront them for fear of my own safety, as I was not able to ascertain how many people were outside as not directly visible from the angle of my bedroom window. "Get what you want" was overheard which must have been in relation to using the off license whilst disturbing the peace of neighbours above.

Video attached.

4 – 06/10/2022

Hi Councillor Cawley-Harrison,

Maxxis are now making a "selling point" display of their Nitrous Oxide products which are only used by those anti social friends and customers they encourage.

Photos attached from this morning. I personally witnessed them unloading a van full of this product around 8.30pm last night.

This is not acceptable to my neighbours or myself, knowing the intended clientele and then the associated noise disturbance (music, gathering, littering) that accompanies it's sale.





5 – 07/11/2022

I'm writing to you regarding a parcel that has gone missing.

This is my second attempt at contacting EVRI, as my first attempt was on 26/10/2022, and never heard back from them.

On 08/10/2022 at around 8:55 to 9:35 am I returned a parcel using the service called Evri at:
Maxxi Food & Wine
42 Topsfield Parade
N8 8PT

I am including the address of the store I used to return the parcel as the owner refused to give me an email address.

Once I handed the parcel over I was given a receipt.

On 26/10/2022 I contacted the retailer Secret Sales where I had made the purchase to get an update on the refund, as I had not received it.

I also forwarded them my receipt.

The retailer got back to me saying that the number on my receipt(tracking number) was not working, would come up as invalid, and the Evri return label was not used.

At this point, I went to the store where I had returned the item to shed more light on the situation. On two different occasions, I was told the owner/ manager is away in Turkey and there is nothing they could do. On my third visit after some resistance from the person working there, I was given the Owners/manager's phone number.

I started a What's App conversation with the owner regarding what situation I was in. He requested proof of receipt and what item was in the

Parcel. I also own CCTV at home so I provided him with the time frame that I returned the parcel.

I never heard back from the Owner, so I contacted him for an update 1 week later, and his reply was that he was waiting for a response from Evri.

I also requested a CCTV image of me dropping the parcel, which he hasn't shared with me.

Meanwhile, I asked Secret Sales to start an investigation on their part to see what happened with the parcel. They have been in contact with me with updates about the situation.

On 31/10/2022 Secret Sales contacted me saying that the tracking number shows the item as delivered, but not to them. On 28/10/2022 there was an update on the tracking number, the number on my receipt shows that 2 items have been delivered, when in fact in my receipt there is only 1 item clearly marked as returned. Massive error from Evri, confirming that a grave mistake has happened here. None of the items listed on the tracking number show that they have gone back to the address on the return label, which would have been the Secret Sales address, I don't know what 2 items have been delivered, and what addresses. There is clearly only 1 item returned on my receipt.

The latest update from the retailer is that the label that Secret Sales provided me with, in order to return the item has never been used(I would like to know how is this possible) and Secret Sales can't pursue it.

The item that has gone missing/ stolen costs £351.55, you can see it's a considerable amount of money, my money that I work hard for, which I'm not going to let disappear. I need

answers and a refund. Why is the tracking number showing completely different items to that of the one I returned? Why all of a sudden after I raised the case with the Maxxi Food and Wine the item shows delivered, 2 items, wrong address when my receipt says that 1 item was returned.

I have reported the case to the police and the crime reference number is: 2827640/22

I'm including the Full name and the address where my parcel was returned:

Kemal Altun

Maxxi Food & Wine

42 Topsfield Parade

N8 8PT

reported to the police: crime reference number: 2827640/22

6– 24/12/2022

Hi Councillor Cawley-Harrison,

I hope you're well and wish you and your family a Merry Christmas.

I wanted to share a new crime reference number with you regarding Maxxi Food and Wine and to share a cut/paste the message that I sent the police on MetCC Twitter regarding 2-4am this morning disturbance and of others that I've simply been too exhausted to report.

Reference CAD 2415/24DEC22

Message to police:

Hi, please can local Crouch End police monitor the suspicious activities and ASB outside and within MAXXI FOOD & WINE Topsfield Parade N8 8PT? Between 2am-4am this morning multiple noisy youths were congregating and inhaling balloons, disturbing the peace outside the establishment and engaging with its staff.

Use CCTV to review this. **Multiple times over recent weeks there have been some kind of money or "food" disputes inside and outside the establishment. On one occasion it sounded like someone was thrown against a car. It doesn't take a genius to know that food = drugs. A suspicious white van is regularly parked outside the shop, along with numerous loud music-blaring cars and the shop workers seem to hand-deliver them suspicious items in black carrier bags direct through their car windows.**

My neighbours and I are concerned this is drugs and of the threatening and anti-social associates and customers they encourage. They freely sell nitrous oxide and poppers. It is a disgrace.

They should not have a 24hr license. They need to be monitored - can they not be placed under observation from a property on the other side of Topsfield Parade (the side of the Queens pub)?

My upstairs neighbour noted that there was some kind of arrest there of someone in a van last month / 8 weeks ago and that a few days directly after that people turned up to threaten the aiding workers (they are clearly involved) not to speak. It needs to be stopped.

There is criminal activity and I am fearful of my own front doorstep. It will only get worse again in summer months / lighter evenings. They need to be apprehended now.

End of message to police.

7 – 25/12/2022 (4.11am)

24/12/22

Online Haringey Noise Complaint filed **HC-18516513** detailing the aforementioned ASB and noise disturbance in email and police online report - originating from Maxxis

25/12/22

Online Haringey Noise Complaint filed HC-18516270

2-3AM repeat of the aforementioned ASB and noise disturbance detailed in email and police online report - originating from Maxxis

8 – 14/01/2022

Hi Councillor Cawley-Harrison,

Please can I double check that there license is no longer 24 hour then - but is now midnight?

If so, then between 4.30am and 5.30am this morning they had at least 3 cars worth of “customers” arrive enter and then exit (likely purchasing nitrous oxide and goodness knows what else) during this time and return to their cars after shouting across the street to the staff “**yo bruv, got any strawberries?**”.

A couple of ASB men were standing over by the charity shop beside Queens talking loudly.

I have some videos and photos. I will report online and have a crime ref number.

I’m fearful of my own safety and do not know if I was spotted taking these pics or whether the shop have just told people in general that a woman neighbour has complained about noise etc - even though I am not the only one - and to my distress I heard someone - a female - shout out loud at about 5.30am this morning “**bye bye bitch, wakey wakey mother f@cker**”. I find this to be both threatening and upsetting. I was not standing at the window at this time.

Please excuse the language but it is necessary to document it. This was after I had sent an online MetCC police report.

I will file the online ASB complaint today referencing the selling out of hours especially and the offensive language and loitering.

9 – 16/01/2022

I must admit, I feel utterly despairing of them having secured an alcohol license and of their ability to continue trading after previous reports at their other establishments.

The ASB of the staff and their vile customers has reached the point where I am seriously considering asking my landlord to re-home me.

10 – 03/02/2023

Please find a link to Maxxis TikTok where they are shamelessly promoting the sale of nos canisters (clearly not to catering industry):

<https://www.tiktok.com/@maxxifoodwine>

Photo also attached in case deleted. Could this be added to the file as evidence.

Please also find a further resident report below of ASB at the rear of the premises (outside the back of 42). This is made by xxxxxx. The stairs referred to are the stairs the tenant uses to exit their property (onto the rear alley) and is there only means of access/exit. Intimidating behaviour like this is ASB.

Hey xxxxx, I thought I'd let you know about an issue that's been happening in the alleyway outside the flat for a bit. We get teenagers grouping there taking laughing gas balloons semi regularly, often quite late. It was worse in summer - maybe every week or so, now less frequently. They often sit directly on the stairwell to our flat. Today there was a guy there (on the stairs, at about 4.30) doing gas who wouldn't let me past for a bit - I think he was trying to be funny, but also trying to intimidate me.

This issue has mostly just been annoying more than anything else so far, but I spoke to xxxx and she suggested we mention to you. I think she's going to message tomorrow. Also, someone stopping me from entering is an escalation that makes me think this might be a problem we have to respond to at one point. Not necessary asking you to do anything about it at this stage - just thought I'd say something now so you know, and so I've already said something in case we do have to do something like get security installed/talk to the police at one point.

Oh and ill add that usually these groups leave behind a fair amount of litter - broken bottles, balloons, NOX canisters etc. The guy today left a carrier bag of it on the stairs... so yes thats a bit annoying too

Can this also be logged to the file. I believe a police and asb report has also been made.

11 – 10/02/2023

Hi Jennifer / Daliah / Lucia,

Please find attached an audio recording from this morning of another resident complaint regarding the use of balloons at the rear of the shop and associated ASB and intimidating behaviour.

Like the previous one I passed along, this one also evidences the fact that the gas is being sold to youths/teenagers, which is against the law. I believe there has also been other recent council or police reports sent directly too.

I have also copied in our new ward sergeant Chris Adamou for awareness.

Can you please add this to the file and provide a further update on the case regarding Maxxi.

Regards,

Luke Cawley-Harrison

News articles / links

<https://www.enfield.gov.uk/news-and-events/2022/11/off-licence-owner-sees-7,200-go-up-in-smoke>

<https://governance.enfield.gov.uk/ielIssueDetails.aspx?Ild=56365&Opt=3>

<https://enfielddispatch.co.uk/southgate-shops-licence-revoked-over-illegal-sales/>

<https://www.guardian-series.co.uk/news/15057734.shopkeeper-in-st-james-street-walthamstow-who-illegally-sold-erectile-dysfunction-medication-loses-licence/>

<https://www.enfieldindependent.co.uk/news/13484106.judge-upholds-revoking-of-supermarkets-alcohol-licence/>

<https://www.t-vine.com/turkish-supermarket-slapped-with-record-fine-for-fly-tipping-in-epping-forest/>

<https://www.google.com/search?client=firefox-b-d&q=maxxi+crouch+end#lrd=0x48761bc118a16a39:0xa4aec730a2c50fd8,1,,,,>

<https://ratings.food.gov.uk/business/en-GB/1535582/Organic-Foods-Garden-Barnet>

<https://ratings.food.gov.uk/business/en-GB/1415065/Maxi-Food-%26-Wine-Enfield>

Images from around the shop

















Screenshot from TikTok

TikTok

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Sam Smith

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The Rock

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Niall Horan

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maxxi food wine

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CROUCHEND. N8 8PT

ENFIELD. EN3 5XH

BARNET. EN5 5SJ

Videos

Liked

269

1250

1855

Get app

Image from in front of Highgate Wood School



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From: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Sent: Friday, March 24, 2023 10:12 AM
To: aylin_yengin@hotmail.com
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: FW: Maxxi

Dear Ms Yengin,

Please see below some additional supporting evidence in relation to the review.

I note that you have not responded to say that you will be attending the hearing. Can you please do so or send through the details of who is representing you at the hearing on 4th April at 19:00 pm on Teams.

Regards
Daliah Barrett
Licensing Team Leader

From: Cllr Luke Cawley-Harrison <
Sent: Friday, March 24, 2023 9:40 AM
To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Subject: Maxxi

Hi Councillor Cawley-Harrison,

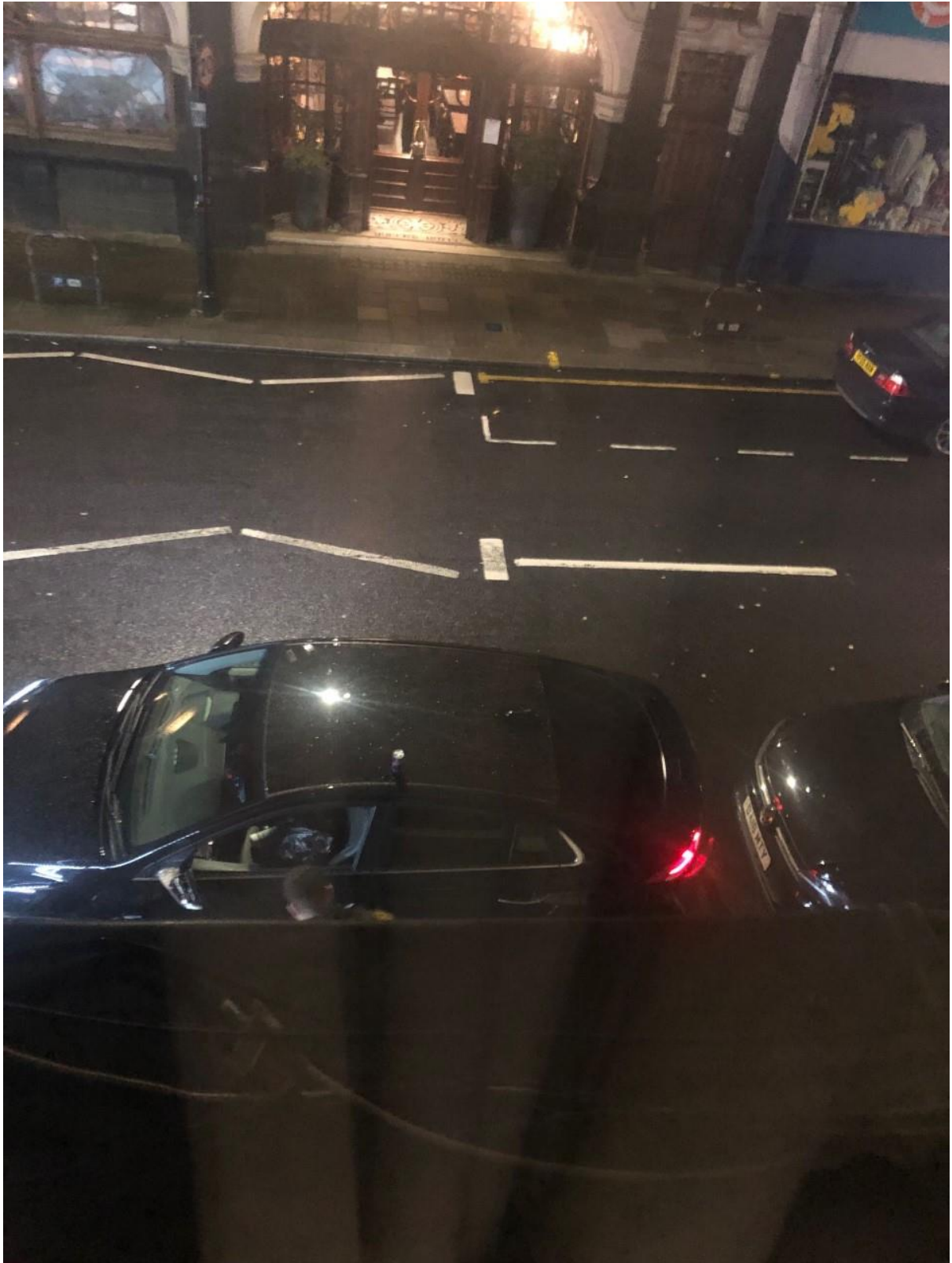
Hope you're well.

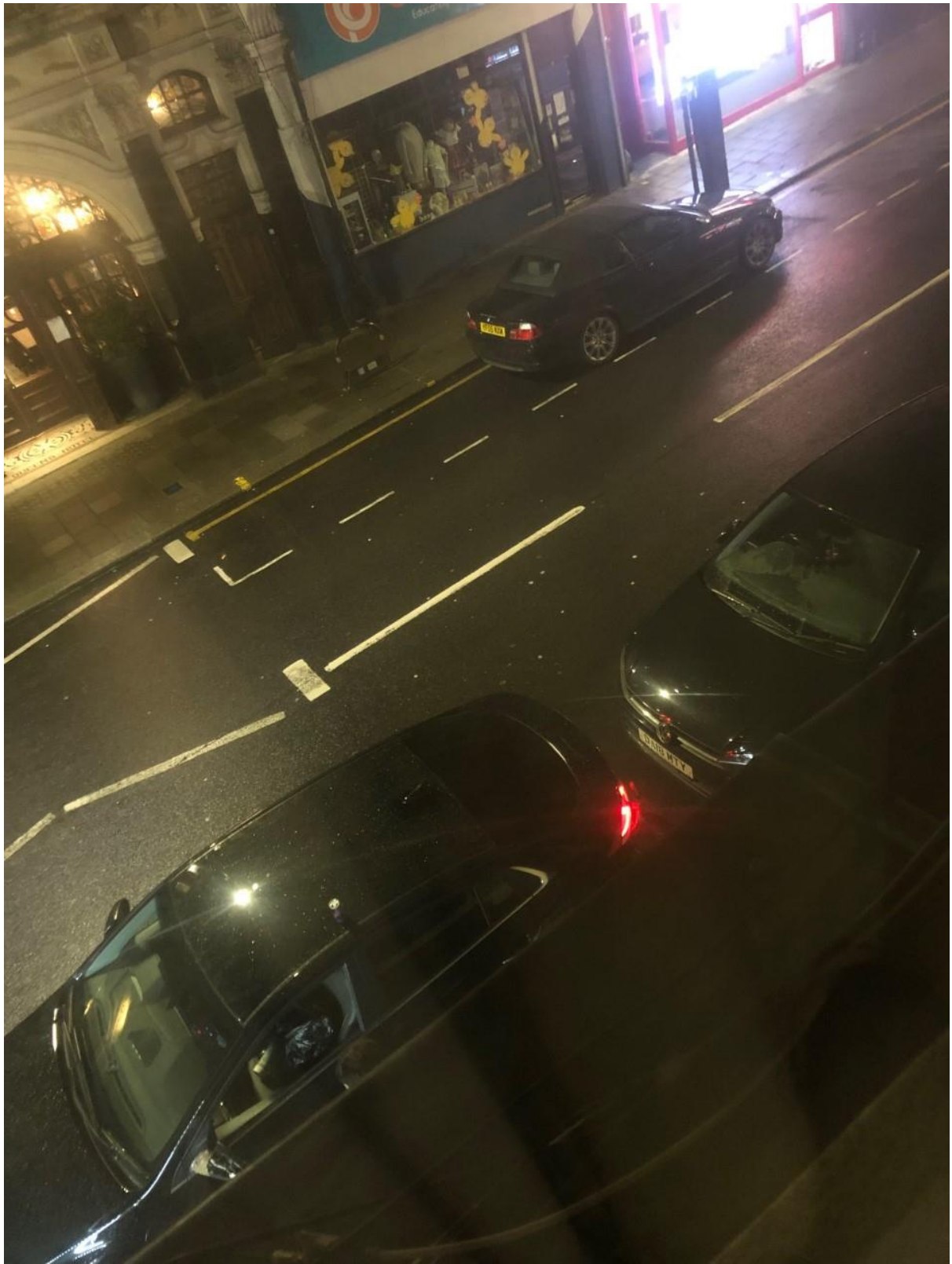
I have tonight made a police complaint for ASB as two cars are outside Maxxi Food and Wine and there are males inhaling balloons inside and outside the vehicle directly in front of the shop - with a member of staff chatting away merrily to them.

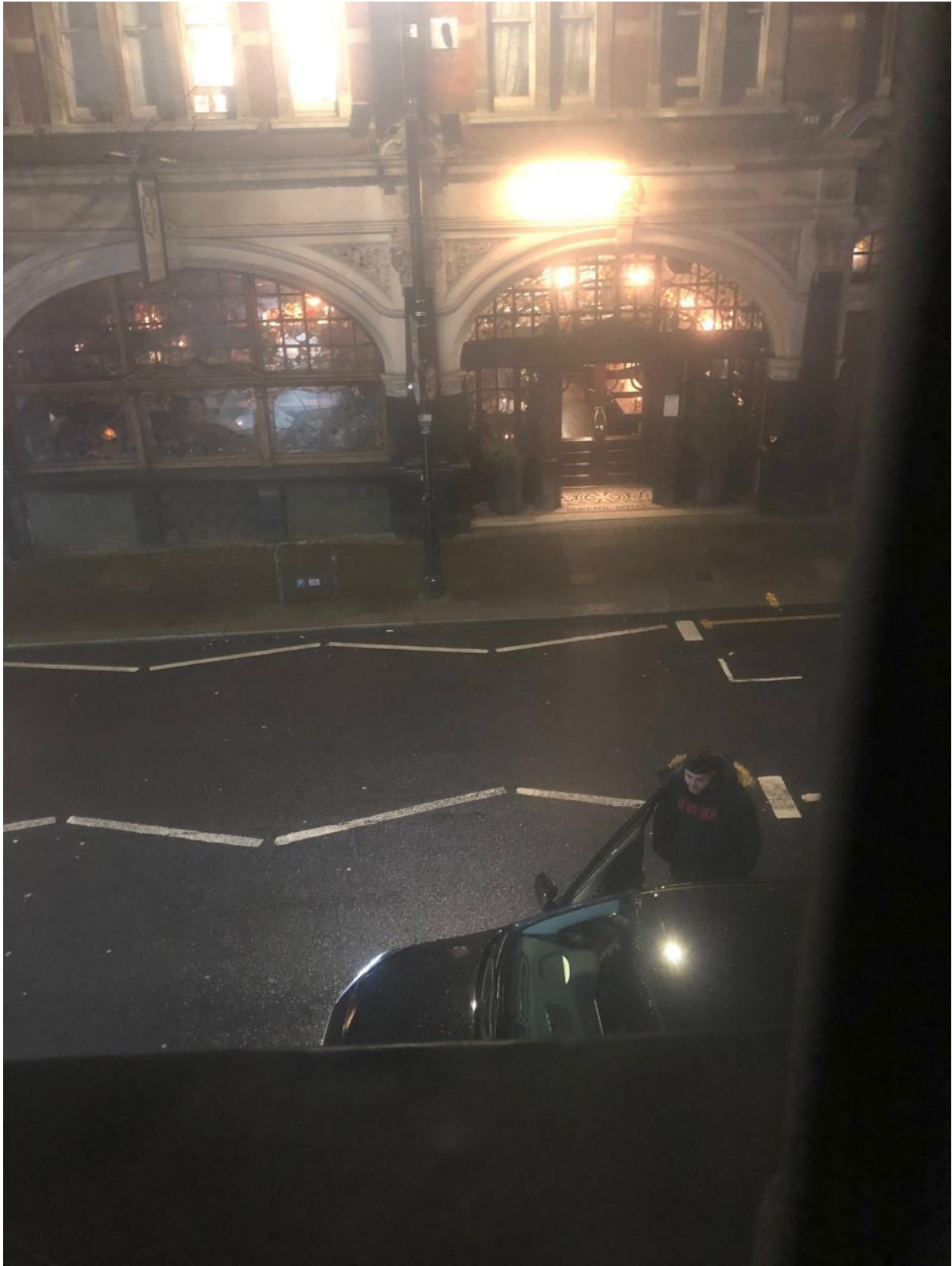
He is the person pictured here.

Police have been notified on reference CAD 7613 23MAR23

Whilst they are not shouting or playing loud music, it is their loitering presence that is intimidating and unpleasant - hearing nothing but balloon inhaling and the sound of canisters dropping, as well as the constant horn honking of their passing friends in cars. They have been outside for over nearly 2 hours.







This is not professional, considerate behaviour of their staff not to move these people on.

Thanks,

Luke Cawley-Harrison

Councillor Crouch End Ward

Leader of the Liberal Democrat Group

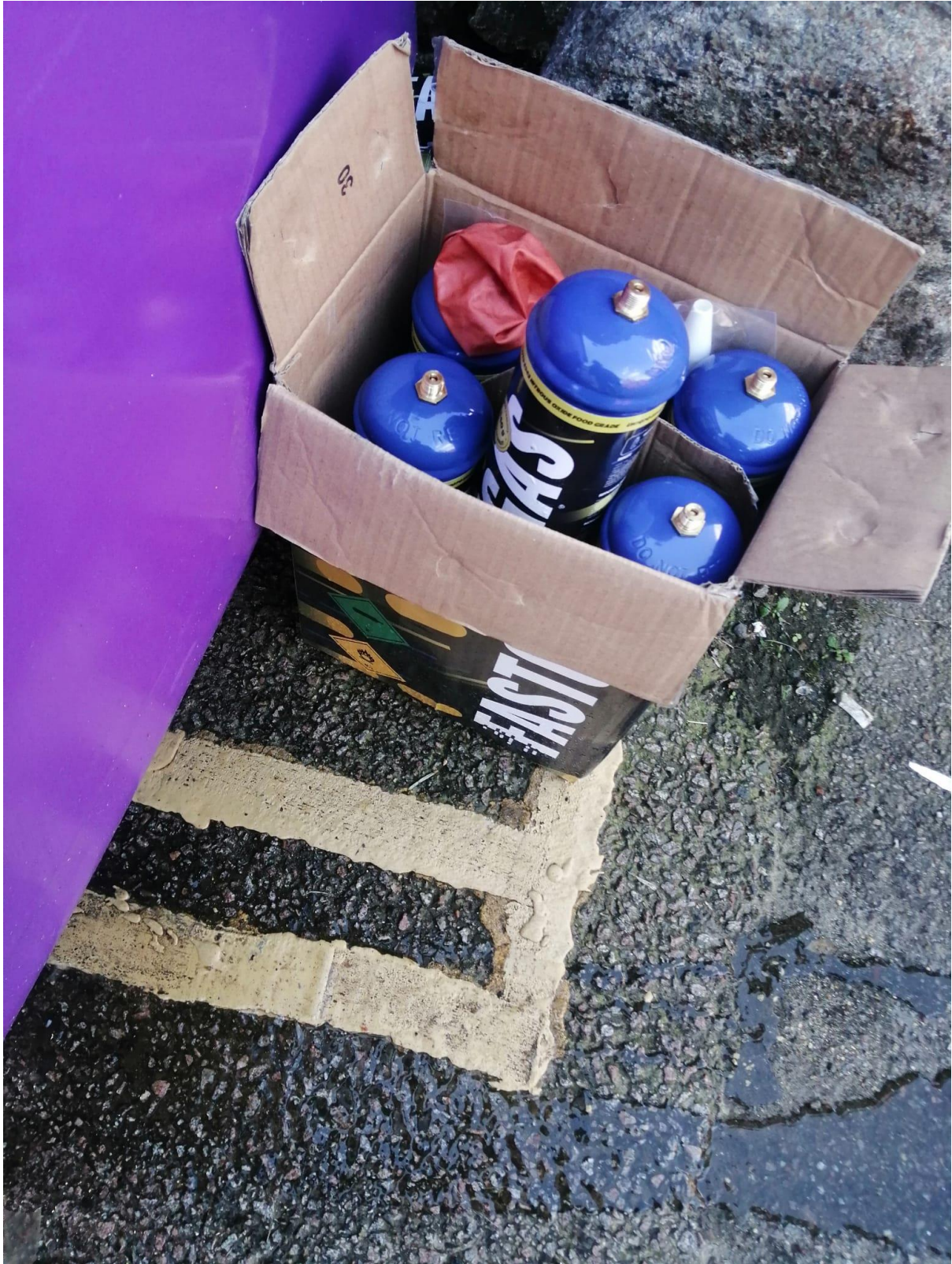
Haringey Council
River Park House, 225 High Road, London, N22 8HQ

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Dear all,

Please see attached image and email from a ward Cllr.
This will be added to the report pack under the Cllrs original representation.

Regards
Daliah Barrett
Licensing Team Leader

Sent from [Outlook for Android](#)

From: Cllr Luke Cawley-Harrison <Luke.Cawley-Harrison@haringey.gov.uk>
Sent: Friday, 14 April 2023, 16:11
To: Daliah Barrett
Subject: Maxxi - further nitrous submission

Hi Daliah,

I have been sent the following today (14th April) by Andreas who previously submitted a statement regarding the rear of Maxxi:

I had to tell three young girls age fourteen maybe to leave at ten o'clock last night. They were using nitrous oxide and inhaling balloon

Could you please add this as evidence to the pack for the deferred meeting.

Luke Cawley-Harrison

Councillor Crouch End Ward
Leader of the Liberal Democrat Group

Haringey Council
River Park House, 225 High Road, London, N22 8H

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APPENDIX 6

REPRESENTATIONS – WARD COUNCILLORS BUXTON AND
JOHNSON

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From: Cllr Lester Buxton <Lester.Buxton@haringey.gov.uk>
Sent: Wednesday, March 1, 2023 12:54 PM
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Cc: Cllr Cressida Johnson <Cressida.Johnson@haringey.gov.uk>
Subject: Maxxi Review comments

Dear Daliah,

I hope you are well. Please see below mine and Cllr Johnson's comments on the Maxxi review and please keep us updated as to when the committee will meet.

Cllr Johnson and I are writing to support the review of Tops Newsagent (Maxxi Food & Wine), in relation to the prevention of public nuisance. We have received a number of correspondences from the residents of Elder Avenue and Topsfield Parade regarding ASB, litter and noise disturbances.

The Newsagent is known to sell Nitrous Oxide, which although is legal, we believe is being sold with the intention of inhalation. There have been numerous cases of evidence of nitrous oxide inhalation along Elder Avenue. There has been discarded NOS cannisters and balloons, which indicate that the NOS has been sold and inhaled. The main area where the discarded NOS and balloons are found is on Elder Avenue, specifically it is at the only point where the residents who live above the shops on Topsfield Parade can access their homes. A congregation of people taking NOS outside the entrance to someone's home can be intimidating and force people to stay home as there is no way to avoid the area. While we are aware that we cannot prove decisively that Maxxi are selling NOS with the intention of inhalation, we are in no doubt that they are aware that it is being inhaled in close proximity to their premises.

We know that further afield in Crouch End, NOS cannisters have been found close to Highgate Wood School. We are concerned that NOS is being sold to children across the borough, which is illegal under any circumstances. Banning the sale of NOS borough/city/nation wide would be our preferred option, but on the most local level we believe that shops, such as Maxxi, should be banned from selling it altogether as a condition on their license in the enforcement of the protection of children from harm objective.

We would strongly recommend a condition on their license forbidding the sale of NOS as well as potentially a change of DPS. We believe that firm action is needed to ensure the protection of children from harm and of protection of public nuisance, we understand there is further evidence that the Licensing committee will hear from residents, and we will fully support a committee decision of stronger conditions or a removal (temporary or permanent) of Maxxi's license.

Best wishes,
Lester & Cressida

Cllr Lester Buxton
(He/Him)
Labour Member for Crouch End

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Appendix 7

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APPENDIX 7

RESIDENTS REPS - A-G

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Appendix – RESIDENT REP -7 A

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From: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Sent: Friday, April 14, 2023 9:59 AM
To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Subject: FW: Maxxi Food and Wine - details redacted APP 7A

From: Andreas

Sent: Wednesday, 15 March 2023, 16:07
To: Cllr Luke Cawley-Harrison <Luke.Cawley-Harrison@haringey.gov.uk>
Subject: Re: Maxxi Food and Wine

My name is Andreas I live a few doors away from Maxxi food and wine.

Since they opened up in crouch end the quiet evenings are a thing of the past.

They are open 24/7 and they are selling what is known as laughing gas.every evening since there are car's parked below my windows with music blaring and I see people with canisters blowing up balloons and inhale them. When they leave shrivel up balloons.

Empty canisters and empty bottles of alcohol are left on the pavement. Many times I opened up my windows and shouted at them to turn the music down and go away. This happens from ten o'clock at night up until seven o'clock in the morning.

I have lived in crouch end for nearly 50 year's and I have never experienced anything like this situation. Unacceptable anti social behaviour.

I hope something can be done to stop them selling the laughing gas and pease and quiet will return back to normal so us residents can enjoy peaceful relaxing nights in our homes.

Topsfield Parade Tottenham Lane Crouch End N8 8QA

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Appendix – RESIDENT REP -7 B

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RECEIVED
07/03/2023

LICENSING ACT 2003 - REPRESENTATION FORM

To make a representation in respect of an application for a Premises Licence or Club Premises Certificate please complete the following form. For representations to be considered relevant they must relate to one or more of the four "Licensing Objectives" (listed below).

HARINGEY COUNCIL
LICENSING
RECEIVED

Please note all representations will be made available for applicants to view. If you make a representation objecting to the application it is likely that you will be called upon to attend a hearing and present your objection before a Licensing Committee.

Personal Details

Name

Address.....
.....
.....

Postcode..

Licence application you wish to make a representation on

You do not need to answer all of the questions in this section, but please give as much information as you can:

Application Number.....

Name of Licensee.....

Name of Premises (if applicable).....

Premises Address (where the Licence will take effect).....

42, Topfield Parade,
Tottenham Lane

Postcode N 8 8PT

Reason/s for representation

*Under the Licensing Act 2003, for a representation to be relevant it must be one that is about the likely effect of the application on the promotion of the four licensing objectives. Any representations that are considered to be vexatious or frivolous will not be considered (please see Haringey Council's leaflet **Variations, Representations and Appeals for Premises Licences and Club Premises Certificates**).*

Fill in reason/s for your representation in the space provided under each Licensing Objective it relates to.

The Prevention of Crime and Disorder	Ever since the shop has changed hands there have been 6-8 youths frequently on the side of the large restaurant blowing up balloons with large canisters of NO ₂ gas & inhaling the gas. This occurs late at night.
Public Safety	It is a public nuisance and they are out of control. It is also extremely dangerous for the young people concerned.
The Prevention of Public Nuisance	Tops Newsagents visibly advertised and sold large gas canisters of nitrous oxide. The canisters can be seen from the pavement outside.
The Protection of Children from Harm	Large empty gas canisters found in the road and often under cars, sometimes as many as 12 seen in one day. Off licence open very late. Paper sign on door 28/2/23 saying alcohol will not be served after 12.00 pm.

I, hereby declare that all information I have submitted is true and correct.

Signed

Date:

1:11:2023.

Please email the completed form to licensing@haringey.gov.uk.

Appendix – RESIDENT REP -7 C

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PROCEDURAL MATTERS

This is a council meeting, not a court of law. The standard of proof that the decision makers should apply in these matters is the balance of probability.

Nevertheless, the drive for open justice from the judiciary, Government and Parliament means that it is reasonable for the Sub-Committee to hold their deliberations in public. The application of Section 100(a) of the Local Government Act 1972 should be the exception and not the rule, and I object to any application of s100(a) in this matter.

MY INTERESTS

I am the landlord of the flats at 42a Topsfield Parade, above the Maxxi Food & Wine shop at 42 Topsfield Parade.

Having a convenience store directly below the flats is an extremely welcome asset and appreciated by tenants when run responsibly.

MY SUBMISSIONS

The owners, operators and employees of the Maxxi store are irresponsible.

Temporary suspensions of an alcohol license will have no impact on drug dealers.

The following action should be taken:

1. All licenses afforded to the owners, operators and employees of the Maxxi store should be revoked permanently.
2. Owners, operators and employees should face police arrest and Crown Prosecution under indictment where available for the following breaches:
 - Psychoactive Substances Act 2016, particularly section 5, as per Recommendation 1 in the letter the Advisory Council on the Misuse of Drugs sent to the Home Secretary on 6 March 2023 (see <https://www.gov.uk/government/publications/nitrous-oxide-updated-harms-assessment/cover-letter-acmd-nitrous-oxide-review-accessible>)
 - Tobacco and Related Products Regulations 2016
 - Human Medicines Regulations 2012
 - The Consumer Protection from Unfair Trading Regulations 2008
 - Conspiracy related to all the above offences.
3. The Medicines and Healthcare Products Regulatory Agency should be involved in investigation and prosecution, and Trading Standards and Local Police have been negligent in not involving that agency previously. At minimum, the Sub-Licensing Committee should make official referrals via email to TheBureau@mhra.gov.uk and TPDenforcement@mhra.gov.uk.

TESTS

Crime and Disorder

Psychoactive Substances Act

It is untrue that the promotion, sale and supply of nitrous oxide is legal. I have pasted s5 of the Psychoactive Substances Act.

- Nitrous Oxide is a psychoactive substance.
- s5 is a test of **criminal negligence**. Intent and actual knowledge of consumption for psychoactive effects is **not** required.
- The measures to establish the indictable criminal offence are that **a reasonable person** either
 1. **merely offers** to supply nitrous oxide
 2. or actually does supply nitrous oxide

and either they

- a) **ought to know** that their supply nitrous oxide would be used for psychoactive effects
- b) **merely suspect** that their supply of nitrous oxide would be used for psychoactive effects
- c) **do not care (ie are “reckless”)** as to whether their supply of nitrous oxide would be used for psychoactive effects.

Furthermore, the burden is on the owners, operators and employees of Maxxi to prove that their offers, promotions and sales of NO₂ are not for consumption for psychoactive effects.

You can see the law at <https://www.legislation.gov.uk/ukpga/2016/2/section/5>.

I believe that the owners, operators and employees of the Maxxi store do have intent and actual knowledge that their offers, promotion and supply of nitrous oxide is for consumption for psychoactive effects.

However I will address the following aspects of their negligence:

Maxxi's Owners, Operators & Employees ought to know, suspect and do not care per s5 Psychoactive Substances Act

1. Masses of empty NO₂ cannisters and balloons have appeared outside the premises, particularly outside the rear of the property in front of the staircase up to the flats at 42a Topsfield Parade. I have seen them and cleared them away myself – albeit I didn't know what they were at the time. Maxxi make regular use of that area to take deliveries, dispose of waste and to park their car. Only a moron in a hurry could overlook the relationship between the NO₂ products and balloons that Maxxi promote and supply and the litter and paraphernalia found on their premises. Moreover it has been reported by other witnesses, including the tenants of 42a Topsfield Parade.

The presence of such litter demonstrates Maxxi's owner, operator and employees failure to comply with their duty of care and hazardous waste responsibilities. Both the small and large compressed cannisters can explode. The balloons are a danger to wildlife, as well as young children who associate balloons with birthday parties

and celebrations. See: <https://www.haringey.gov.uk/business/advice-and-support/environment-and-sustainability>

2. People in groups and as individuals – generally young males – can be seen inhaling balloons through Maxxi's shop window and their rear camera.

Please view Exhibit 1 a photo of one hippy crackhead parked directly outside Maxxi store on 4th February 22:29.

He is visible through the shop window, has an inflated balloon and a large cannister of NO₂ matching the brand seized by Trading standards. He is not whipping cream or making cakes. He is parked on double white zig zag lines of the zebra crossing. He is on the driver's side and there are no other passengers, suggesting he will get into the car after he has finished consuming his large cannister of NO₂.

3. I saw the maxxifoodwine TikTok channel listing the post codes of four of their shops prior to the removal of the videos of the large MAXXI branded NO₂ cannisters and the postcodes. See Exhibit 3 - 5.

TikTok is a social media site primarily targeted at young people and children, not other businesses such as LinkedIn, nor cake designers on platforms such as Pinterest. Moreover the videos are accompanied by pop music soundtracks such this: <https://youtu.be/kpzfz7tj8mU?t=40>. It's widely understood that "All the cool kids are doing it," is a long-standing stereotypical peer pressure phrase to encourage children to take drugs, often used in jest, but no less persuasive to children and the impressionable.

The TikTok profile at Exhibit 3 identifies the postcodes of 4 Maxxi shops.

Note in the comments of Exhibit 3, Josh Newell states "I'll take 20". The creator's reply assures him of supply. When RafaQuint1919 request delivery, it is refused – indicating that all sales take place on the premises.

Please note the Crown Prosecution Service's reference to offers made on websites, which Maxxi's TikTok activity would fall under: <https://www.cps.gov.uk/legal-guidance/psychoactive-substances>

4. Media reports and government statements about the problems and dangers associated with NO₂ have been widespread. The Home Office has described the use and Anti Social Behaviour associated with NO₂ as a "scourge". See Exhibit 6 where on a recent ITV News report at 1 minute 47 seconds, you will see Consultant Neurologist Dr David Nicholl take out one of the brand of cannisters Maxxi have been promoting on their TikTok channel. He says, "If you take this, it's gonna kill ya.". See <https://www.itv.com/watch/news/the-shocking-reality-of-a-laughing-gas-addiction/81n96rj>

Maxxi's sale of NO₂ to primarily young males means they should know there is an extremely high risk of use for psychoactive purposes. Furthermore they do not look like the local people working at Dunns, Punk Cakes or Gails.

5. I note the implication of Uygur Altun (aka Kemal Altun) in the running of the Maxxi stores, the convictions and enforcement activity he has been implicated in since

2009 related to similar bootlegging offences, including:

- 2009: criminally selling vodka with dangerous levels of methanol which can make people go blind
- 2012: criminally selling unlawful wine and spirits and unlawful cigarettes and tobacco
- 2015: criminally selling Kamagra erectile dysfunction tablets, illegal cigarettes and kilos of hormone replacement therapy
- 2022: criminally selling sildenafil erectile dysfunction tablets, illegal cigarettes and tobacco, illegal vape vats as well as selling nitrous oxide cannisters allegedly for recreational use.

Such a 14 year history of facing such enforcement accompanied by numerous recent inspections, seizures and action at the Enfield store should mean that a responsible and reasonable convenience store owner, operator and their employees would know how to avoid even the inconvenience of the accusation of the sale of unlawful products – generally by not arranging their wholesale or black market purchase in the first place. If they cared, they would avoid their purchase, supply and sale of NO2. This shows a recklessness towards supply as well as prosecution. As they have not faced appropriate prosecution they continue to ignore and/or take advantage of the weak powers and fragmented organisation of Trading Standards. They are embracing the low fines and short licensing suspensions as just a small cost of business across at least four shops.

Public Order Act 1986

Instances of section 4, 4A and 5 Public Order Act 1986 have been reported to me by my tenants, including:

2nd February 2023

I received a report from one tenant of a hippy crackhead:

- **trespassing** on the stairwell of 42a Topsfield Parade at 4.30pm (directly behind the Maxxi shop) consuming gas,
- **intimidating** that tenant
- **obstructing** the tenant from entering their own residence.

5th February 2023

Please listen to the audio recording submitted as Exhibit 8.

A different tenant – a young female – reported a group of boys:

- making a lot of **noise** late at 10pm at night,
- **verbally abusing** her
- **threatening** her.

Please note that these incidents occurred just weeks after the numerous investigations, notices, seizures at the Maxi Enfield store in 2022 and the 3 month license suspension enforcement by Enfield Council.

Local business, including those at Melange, Kalimera and Beam – have all complained to me about the presence of large groups of young males having late night “parties” consuming nitrous oxide on the streets around Elder Avenue. My tenants have also complained about similar noisy gatherings in the alleyway of Topsfield Parade.

Driving whilst unfit through drugs

Residents and local businesses have also reported to me that they see people spending a long time consuming nitrous oxide in their cars on Elder Avenue.

I refer you back to Exhibit 1. Driving whilst unfit through drugs is an offence, and driving after nitrous oxide falls under this offence.

Allegations on Google Reviews

- Customers report forgery, aggressive, violent and vulgar behaviour on the Maxxi shop's [Google reviews](#).

Affray & General Disorder

- Tenants report frequent aggressive behaviour and conversations from the shop's staff and customers.

Public Safety

Drug Danger

The Maxxi shop proprietors, license-holders and employees are promoting, offering, selling and/or supplying:

- pharmaceutical products without being pharmacists
- huge cannisters of compressed nitrous oxide which has been found to cause paralysis, nerve damage and brain embolisms. (See Exhibit 6.)
- quantities of nicotine over 5 times the legal limit.

Fire Escape Danger

The Maxxi customers that consume nitrous oxide at the rear of the premises are blocking the rear fire escape exit from the shop as well as the stairwell exit for the tenants from the flats above. These customers have shown a belligerent unwillingness to move from the area at the request of residents.

Explosive Danger

NO2 cannisters pose an explosion risk when not disposed of correctly.

Highway Danger

Cars are parking:

- on the zebra crossing zig zag lines outside the shop. See Exhibit 1
- on the double yellow lines blocking emergency vehicle access to the alley way

Prevention of Public Nuisance

My tenants and local businesses have reported the following nuisances to me:

- noise at all hours, including late night and through to early morning
- trespass
- large gatherings of people blocking the pathways
- litter caused by balloons and both small and large cannisters of NO2
- aggressive behaviour and conversations from the shop's staff and customers.

Protection Of Children From Harm

Use of Children-Focused Social Media

The use of TikTok and Snapchat – social media channels with a primarily young audience – is extremely disturbing, especially associated with a soundtrack with lyrics “I wish that I could be like the cool kids”.

Children Picking Up Hippy Crack Paraphernalia & Litter

I have seen for myself, and had to help a mother understand, that there was a danger of her child picking up the paraphernalia and litter at the rear of the Maxxi shop. The silver cannisters are attractive, but children associate the discarded and deflated balloons with birthday parties, and are at risk of picking them up.

At a time of COVID-19 infection, this is particularly concerning.

It has compromised the safety of the many toddlers that accompany young mothers at the Beam cafe next door.

Additional concerns

At best, the Enfield Sub-Licencing Committee that decided on such light sanctions for Maxi owners, operators and employees in January look like fools. Haringey should not make the same mistake. Temporary suspensions of an alcohol license will have no impact on drug dealers.

Haringey should show the leadership called upon by the Advisory Council on the Misuse of Drugs. Tower Hamlets has made banned the public consumption of NO2. See <https://www.eastlondonadvertiser.co.uk/news/local-council/east-london-council-ban-laughing-gas-in-public-7990428>.

I have become aware of numerous and continuous similar offences that the owners and operators of the Maxxi stores have been involved in over the last 14 years. That is a long time to learn lessons. These are not mistakes. If you don't remove their licenses permanently and proceed to prosecution, they will simply continue to infringe. They know about branding – using “Maxxi” in both their name and the products the NO2 products they promote on TikTok. This very much looks like gangster-level bootlegging across at least four locations of North London. It is a crime and resulting in further criminal acts and anti-social behaviour. If Haringey does not take sufficient action, offending will simply continue, or very likely simply shift to occur in the other premises operated by the Maxxi family business. Haringey should show solidarity with their other North London council colleagues.

Moreover, Maxxi's conduct and this process continues to cause a great deal of tension between Maxxi and the surrounding neighbours – both businesses and residents. Failure

to close down the shop will encourage this tension, so it escalates, which poses risks of both physical and mental harm.

Summer is coming. The crime and anti-social behaviour associated with Maxxi's trade will increase during the warmer months.

If this doesn't get sorted immediately and permanently, it's going to establish Topsfield Parade as an area where NO2 consumption and Anti-Social Behaviour is considered acceptable, it will increase criminality and anti-social behaviour, and cause the police to spend a lot of time and resources in patrols and enforcement in that area.

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EXHIBIT 1

Hippy Crackhead Outside Maxxi
4th February 22:29

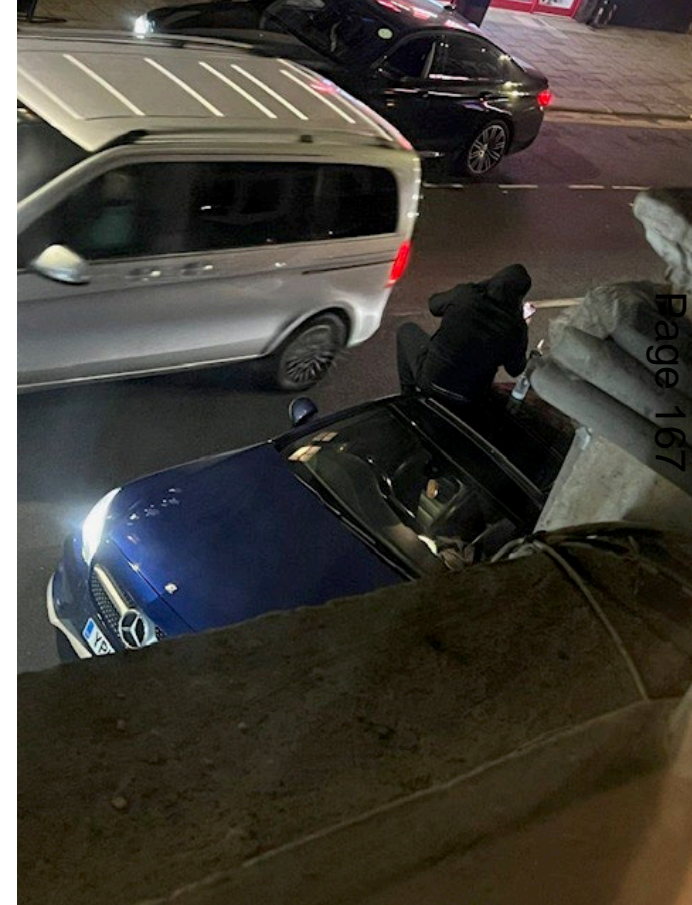


Exhibit 2

Camera at Rear of Maxxi



Exhibit 3

Maxxi promoted and offered the sale of large NO2 cannisters and vape liquit at 4 stores across North London

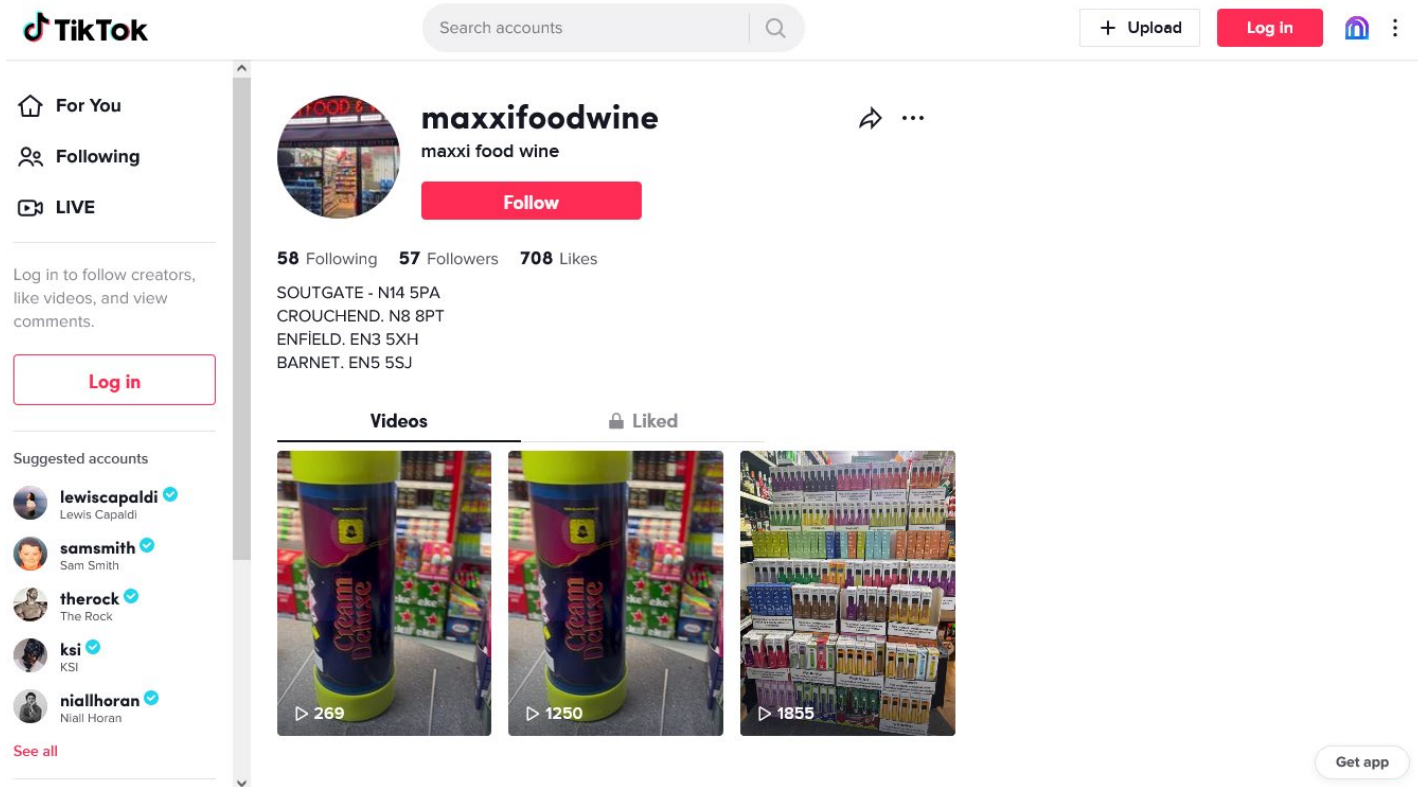


Exhibit 4

Promotion On TikTok

18-10-2022 NO2 Cannister Screenshot on maxxifood wine

<https://www.tiktok.com/@maxxifoodwine>

The screenshot displays a TikTok video and its interface. The video shows a yellow and blue NO2 cannister in a grocery store aisle. The cannister has a label with French text, including 'PROPOXYDE D'AZOTE / EC-49', '233-032-0', and 'Poids net: 2kg'. The video is from the account @maxxifoodwine. The right side of the screenshot shows the video's interface, including the user profile, song information, and comments.

User Profile: maxxifoodwine, maxxifood wine · 2022-10-18, Follow

Song: Cool Kids (our sped up version) - Echosmith

Engagement: 22 likes, 5 comments

Link: <https://www.tiktok.com/@maxxifoodwine/video/715592666...> Copy link

Comments:

- Josh Newell:** I'll take 20, 2022-10-18, Reply, 1 like
- RafaQuint1919:** Do you deliver?, 2022-10-18, Reply, 1 like
- maxxifood wine · Creator:** No, 2022-10-19, Reply, 0 likes
- maxxifood wine · Creator:** No

Footer: Please log in to comment

Exhibit 5

Use of Snapchat, another young consumer focused social media site not associated with baking



Exhibit 5

On ITV News Consultant Neurologist Dr David Nicholl demonstrates the same Maxxi Branded Cannister and states, "If you take this, it's gonna kill you."



Exhibit 7

MAXXI Branded Cannisters



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Appendix – RESIDENT REP -7 D

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From: Daliah Barrett
Sent: Wednesday, April 5, 2023 5:03 PM
To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Subject: FW: Maxxi Food & Wine, 42 Topsfield Parade APP7 D
Importance: High

From: Tim >
Sent: 16 March 2023 17:32
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Maxxi Food & Wine, 42 Topsfield Parade

Hello,

I understand the licence for Maxxi Food and Wine may be up for review. I thought it would be helpful if I add my account of the situation. I'm one of the residents above the shop - I live at Topsfield Parade.

You'll be aware that the shop has been openly selling nitrous oxide canisters, which have been used openly in the area around the shop as a recreational drug. We get a lot of litter in the area because of this, including empty canisters, discarded balloons, and small bottles of alcohol which people have been drinking while inhaling the gas.

The flat I live in is one of the ones that you enter via the alleyway Topsfield Parade. The worst consequence of the shop selling these canisters has been lots of young individuals, often in crowds taking the balloons in the alleyway.

This creates a lot of mess, and is generally disturbing and intimidating for the people who live in the flats that you enter via the alleyway, as I have had to, on occasion, pass through a small crowd of people doing balloons and drinking in order to enter my home.

The most egregious thing for me though has been that people have been sitting on the stairs to my flat and doing this. This is a narrow, single person staircase, so obviously it creates an uncomfortable situation coming in and out of my home. It's also part of the property, so anyone doing this is taking drugs in public, but also trespassing.

On one occasion a man was sat there doing balloons (this was about 4.30pm on a Thursday), and made a point of not getting out of the way for a while, refusing to move and trying to intimidate me, before finally getting out of the way having embarrassed me a bit. This incident was the reason I went to my landlord about this problem as it represented an escalation that I believe we're going to need to act against.

The incidents of this happening have been slightly less during the colder months, but were very regular when it was warmer (at least once a week). I anticipate the problem being worse again as the weather improves if the shop is allowed to continue what it's doing.

I've also spoken to other people in my building about this, who agree that it's a problem that needs to stop.

I understand the shop has had its license suspended at one of its other locations for doing the same thing and causing the same problems. Yet they've continued at this location, going as far as to openly advertise the fact that they sell the canisters on their tik tok channel - i.e. a channel aimed at young people.

Evidently they haven't taken the suspension seriously - and indeed, have apparently made selling the canisters to young people and teenagers a deliberate part of their business model - so I would strongly recommend measures are taken against the business to let them know this isn't something they can keep doing.

I'm happy to speak to anyone at the council about this if they require more detail.

Best,
Tim

From: Daliah Barrett <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing
Sent: Tuesday, April 4, 2023 4:46 PM
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: FW: LATE DOCUMENTS

Dear Mr Sutherland,
Please see attached pictures submitted by a resident who has already made representation in support of the review. The pictures are late so their inclusion if at all will need to be agreed by The Chair once all parties have given their view on the matter.

Regards
Daliah Barrett

From: Tim
Sent: Tuesday, April 4, 2023 10:16 AM
To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>
Cc: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Re: Procedure Summary: Licensing Sub-Committee for 4 April

Picture 1 is a shot taken on Elder Avenue of Maxi receiving a delivery of what appears to be about 5 boxes of nitrous oxide yesterday at about 5.20 pm.

Pic 2 is a shot of the number plate of the van.

I'll send the video as a separate email as it's uploading to Google drive.







From: Daliah Barrett <Daliah.Barrett@haringey.gov.uk> **On Behalf Of** Licensing
Sent: Tuesday, April 4, 2023 4:49 PM
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: FW: Procedure Summary: Licensing Sub-Committee for 4 April

Mr Sutherland, this I the footage also sent in today by the same resident.
Same considerations apply in relation to late evidence submission.

Regards
Daliah Barrett

From: Tim
Sent: Tuesday, April 4, 2023 10:33 AM

To: Daliah Barrett <Daliah.Barrett@haringey.gov.uk>

Cc: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Re: Procedure Summary: Licensing Sub-Committee for 4 April

Here's the

video: <https://drive.google.com/file/d/1RKAIkQxU3CZY6rzPs0ZILViT0u4j5vR7/view?usp=drivesdk>

I've taken a screen grab from it (attached) where you can see that the boxes being taken in are the ones from my other pic, as you can see the green and yellow symbols from the Fast Gas box (example also attached).

Best,





Appendix – RESIDENT REP -7 E

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Appendix – RESIDENT REP -7 F

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-----Original Message-----

From: Dilan

Sent: Thursday, March 16, 2023 8:23 PM

To: Licensing <Licensing.Licensing@haringey.gov.uk>

Subject: Maxxi Food & Wine, 42 Topsfield Parade

Dear Sir/Madam,

I have been living Topsfield Parade, N8 8QA since 11 June 2022. The Crouch End area is a worth living area known for its safety. However, since me and my fiancée moved here, the problem of the market located under the building does not end.

Those who park their cars on the side of the road -zebra cross or double yellow line- late at night and shout, those who buy and consume balloons and have a laughing, and market workers shouting to each other never stop.

In addition to these, I don't want to see men consuming balloons on the stairs of the building when I go to work in the early morning, or children under the age of 18 consuming balloons and laughing when I come home. I don't mean to see the balloon trashes at the stairs and say that they are here again. I am scared when I leave and enter the building I live in and I do not want to be scared. I don't want the market owner or employee to park his car right in front of the fire escapes, even though it is prohibited.

I expect a permanent punishment to be imposed on this market, its owner and employees on the issues I mentioned above.

Thank you.

King regards.

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Appendix – RESIDENT REP -7 F

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From: Arthur
Sent: 16 March 2023 20:08
To: Licensing <Licensing.Licensing@haringey.gov.uk>
Subject: Tops newsagents N8 8PT

To whom it may concern,

I am sending attachments that show the use of fastgas as a recreational drug in full view of the shop.

In addition the canisters are still been delivered to and kept at the premises in large quantities. The van that delivers the gas in the same large boxes shown in your initial search has the license plate: EY66 JYZ.

I understand there is probably a more formal way of submitting evidence, but I have not had the time to engage with the process fully and I believe that today is the deadline.



Litter on elder avenue close to shop



The shop staff bring out gas canisters from the back store room when customers pull up and beep their horn

Yours faithfully,

Arthur

Sent from my iPhone

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Appendix 8

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APPENDIX 8

OFFERED CONDITIONS FROM TRADING STANDARDS

Additional conditions are also proposed by Trading Standards

1.0 The business shall adopt a “Challenge 25” policy.

2.0 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.

3.0 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.

4.0 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:

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.

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

5.0 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.

6.0 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.

7.0 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

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Appendix 9-

Minutes of Enfield LSC held 4th Jan 2023 relating to 38 Chase Road

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LICENSING SUB-COMMITTEE - 4.1.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 4 JANUARY 2023**

COUNCILLORS

PRESENT Esin Gunes (Chair), Michael Rye OBE and Doug Taylor

ABSENT None

OFFICERS: Esther Hughes (Head of Service for Consumer Protection & Waste Protection), Catriona McFarlane (Legal Adviser), Tayo Hassan (Corporate Lawyer), Amanda Butler (Senior Fair-Trading Officer) Stacey Gilmour (Governance Officer)

Also Attending: Mrs Aylin Yengin - Premises Licence Holder/Designated Premises Supervisor (with regards to Licence when review was submitted)
Kemal Altun - Company Director/Owner of Maxi Food & Wine
Mrs Nuray Ozdemir – Transfer of Premises Licence Holder applicant
Mr Robert Sutherland, RDS Law Ltd – Representing the Premises Licence Holder, Mrs Aylin Yengin
Mr Hass Caliskan, Atlas Licensing Consultants - Representing Mrs Aylin Yengin
PC Justyna Golota – Police Licensing
Simon Allin, Local Press Officer

1

WELCOME AND APOLOGIES FOR ABSENCE

Councillor Gunes as Chair welcomed all attendees to the meeting and explained the order of the meeting.

2

DECLARATION OF INTERESTS

NOTED there were no declarations of interest in respect of the items on the agenda.

3

MAXI FOOD & WINE, 38 CHASE SIDE, SOUTHGATE, N14 5PA

RECEIVED the application made by Licensing Authority for a review of the Premises Licence (LN/200600265) held by Mrs Aylin Yengin at the premises known as and situated at Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA.

LICENSING SUB-COMMITTEE - 4.1.2023

NOTED

1. The introduction by Esther Hughes, Head of Service for Consumer Protection & Waste Enforcement, including:
 - a. The application was for a review of the premises licence for premises known as Maxi Food & Wine, 38 Chase Side, Southgate, N14 PA.
 - b. The premises have held various premises licences over the years and has had a history of note as detailed from page 1 of the report.
 - c. The Premises Licence Holder for this premises is Mrs Aylin Yengin officially since 7 June 2022 but has been reported to be active as the owner of the premises prior to that date. Mrs Aylin Yengin is also the Designated Premises Supervisor (DPS) since the same date as the transfer application.
 - d. The review application for Maxi Food & Wine has been submitted by the Council's Trading Standards Team and seeks to revoke the premises licence as it is believed that Mrs Aylin Yengin is not promoting the prevention of crime and disorder licensing objectives. A wide range of unlawful activity has taken place whilst Mrs Aylin Yengin has been the premises licence holder, despite advice to prevent such activity having been provided by the Council previously. The unlawful activity includes:
 - illicit tobacco has been seized from the premises;
 - breaches of licence conditions;
 - selling non-compliant vapes and e-cigarettes;
 - selling Viagra and Sildenafil without a medical registration from MHRA;
 - selling drug paraphernalia;
 - selling nitrous oxide (known as NOx)
 - e. The review application and supporting documents can be found in Annex A, page 12 of the report.
 - f. Furthermore, Mrs Aylin Yengin's husband is now known to be Mr Kemal Altun who has a history of selling illicit tobacco and has been linked to premises where illicit tobacco has been seized. Trading Standards have produced more information relating to this in agenda item 4, page 1 of the report.
 - g. The review received two supporting representations from the Police and the local Ward Councillors which can be found in Annexes D and E from page 234 of the report.
 - h. On Monday 12 December 2022, a transfer and vary DPS application has been received in relation to this premises licence naming Ms Nuray Ozdemir as both the new PLH and DPS.
 - i. At the preliminaries for the last hearing of this review we heard that Ms Ozdemir was the sister of Mr Kemal Altun. As the Police did not object to either of these transfer applications the licence will be issued to Ms Ozdemir. The Licensing Officer dealing with these applications has not done this yet.
 - j. The review is still deemed relevant despite the newly named PLH in light of the history of the premises, Mr Kemal Altun's history and his family link to Ms Ozdemir.

LICENSING SUB-COMMITTEE - 4.1.2023

- k. The licence conditions arising from this application are set out in Annex F found from page 238 of the report.
 - l. I understand that Trading Standards would like to revise proposed condition 20 from that set out in Annex F to read 'no nitrous oxide (laughing gas) to be stored or sold on the premises.' Trading Standards confirmed this amendment.
 - m. On behalf of Mrs Aylin Yengin a document bundle has been provided and circulated in the supplementary report referred to as Annex G. In these documents a birth certificate has been provided and it is noted that Mrs Aylin Yengin is officially known as Mrs Aylin Altun but this was not the name applied for on the new premises licence application. Furthermore, some of the documents provided in this bundle are in Turkish and are without a translation or covering note. The Premises Licence Holder has been asked for such translations and may be able to advise further on these documents later.
2. The statement on behalf of the Trading Standards Authority by Amanda Butler (Senior Fair-Trading Officer).
- a. At the time of submitting the Licensing Application in regard to Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA, Mrs Aylin Yengin was the DPS and PLH. However, as my colleague and manager has outlined, there has been an application for transfer of the licence by a Ms Nuray Ozdemir on 12 December 2022. However, this review application has been submitted to seek revocation of the premises alcohol licence in its entirety.
 - b. If the Licensing Sub-Committee are not minded to revoke the premises licence, then the Trading Standards Authority request that the licence be suspended until the actions outlined within 5.2 of the licensing application have been demonstrated.
 - c. The grounds for seeking a review of the said premises licence are based on several enquiries received from members of the public pertaining to illegal tobacco being stored and sold, nitrous oxide being sold to underage persons and to persons that may misuse the laughing gas, allegedly causing anti-social behaviour, and also illegal medicines and drug paraphernalia being displayed for sale at Maxi Food & Wine. All of this we say undermines the licensing objectives.
 - d. On 31 March 2 packets of illegal cigarettes (i.e. Marlboro Gold) were test purchased from Maxi Food & Wine. This led to a tobacco enforcement session being conducted by Enfield Council on 4 August 2022 whereby 50 packets of cigarettes (i.e. 1,000 cigarette sticks) were seized from Maxi Food & Wine, illegal Viagra medicines were also seized as were 27 non-complaint vapes. On 24 March 2022 343 non-compliant vapes were also seized from Maxi Food & Wine.
 - e. Subsequent to this there has been licensing enforcement inspections conducted on 22 January 2022, 30 September 2022 and 22 November 2022 and all of these inspections highlighted breaches of the premises licence conditions.

LICENSING SUB-COMMITTEE - 4.1.2023

- f. A warning letter was subsequently issued to Mr Kemal Altun on 30 November 2022 in regard to the criminal breaches that were alleged in regard to the illegal tobacco vapes that were seized on 4 August 2022. Since then, a voluntary surrender form has now been signed by Mr Kemal Altun and those illegal cigarettes and vapes will be destroyed and disposed of by Enfield Council. However, this is separate to this licensing application to revoke the licence at Maxi Food & Wine.
 - g. Mrs Aylin Yengin is the business rates payer at Maxi Wine Centre. This is a company namely Yengin Ltd T/A Maxi Wine Centre, situated at 495 Hertford Road Enfield. Illegal tobacco was seized from Maxi Wine Centre on 17 February 2022. Mr Kemal Altun, although a separate retail premises i.e. 495 Hertford Road Enfield T/A Maxi Wine Centre was prohibited from having anything to do with that business because of a history of illegal tobacco and alcohol being seized from Maxi Wine Centre. Therefore we, the Trading Standards Authority, say that there is a lack of confidence in the Premise Licence Holder and a lack of confidence in the management of Maxi Food & Wine and therefore we ask that the Licensing Sub-Committee consider this.
3. The statement of PC Justyna Golota, providing Police representations regarding Maxi Food & Wine, 38 Chase Side, Southgate, N14 5PA.
 - a. PC Justyna Golota provided a supporting representation for the above premises to review the premises licence on the following objectives:
 - Prevention of crime and disorder
 - Prevention of public nuisance.
 - b. From a police perspective there had been a number of complaints and incidents related to the above-named premises. The complaints vary in nature from nuisance to violent disorder.
 - c. Police database was checked for the period between December 2018 and December 2022. In this period of 4 year there was a total of 34 incidents related to the area of the Maxi Food & Wine, however only a small number was evidentially linked to Maxi Food & Wine premises.
 - d. In the last 2 years from 2021 to 2022, which is the period the police have been visiting the premises alongside the council, there was a total of 8 incidents which vary from suspicious circumstances to anti-social behaviour and violence against the person. CAD numbers and dates are detailed on page 235 of the report for the above mentioned 8 incidents.
 - e. There was one CRIS: 5224712/22 where the police were unable to obtain CCTV upon request which is a direct breach of the licence condition.
 - f. In summary the police do not believe that the premises and the current way in which it is operating is upholding licensing objectives.
 4. In response, the following comments and questions were received:
 - a. Councillor Rye asked whether the incidents referred to relating to anti-social behaviour and drugs took place inside the premises or just in the general proximity of the premises? PC Golota responded that most of the

LICENSING SUB-COMMITTEE - 4.1.2023

incidents were in the general proximity of the premises, but people had also been seen going in and out of the actual store, although she confirmed that none of the recorded incidents had taken place in the actual premises.

5. The statement by Mr Robert Sutherland of RDS Law Ltd on behalf of the applicant including:
 - a. It is very difficult to deal with this matter in a time limit of 5 minutes as a lot of the allegations made are wrong.
 - b. With regards to the police representation and the list of incidents detailed on page 235 of the agenda pack, all intelligence from the police is graded both to the source and the quality but none of this is detailed in their report therefore it appears that we have no idea as to who has provided this and whether it has come from somebody passing by or someone who has an axe to grind.
 - c. The licence has now been transferred, with no objection from the police therefore the current licence holder is Miss Ozdemir.
 - d. Everybody relating to this premises has been brought together today so that the Licensing Sub-Committee can see how they all fit together as a family business.
 - e. The circumstances are very much that over the past 12 months there has been a concentration of family attendance at several family matters. Documents provided include a birth certificate for Mrs Yengin's daughter who was born on 30 September 2022, therefore during the period we are dealing with as part of this licensing review, Mrs Yengin has been focusing on issues to do with her pregnancy and the subsequent birth of her daughter.
 - f. Prior to this date, other documentation provided includes a death certificate for an individual known as Mehmet Altun and that is Mr Kemal Altun's father who died in December 2021.
 - g. Other documents provided show a number of dates between December 2021 and January 2022 during which time Mrs Yengin was travelling regularly between Turkey and the UK.
 - h. It is not accepted that there has been breaches of the licence. It is not an offence to sell nitrous oxide. It is also not accepted that there is any drugs paraphernalia on the premises. The items referred to in the report are pipes which can be used for the smoking of any substance whether that be drugs or not. They are therefore not drugs paraphernalia.
 - i. With regards to the issue of illegal vapes, documents provided on pages 5 and 6 of the supplementary report show that that these were bought legitimately and in good faith via a wholesaler. However, regulations have since changed and unfortunately it would appear that these vapes are no longer legitimate.
 - j. In relation to the sale of illicit tobacco at the premises in August 2022 it is accepted that Mr Altun was in Turkey during this visit, and he responded to questions put to him at this time. It is believed that this incident related to a previous employee who has since been fired and new staff are now employed at the premises.

LICENSING SUB-COMMITTEE - 4.1.2023

- k. It was felt that the focus and the main issue behind the application for the revocation of this licence is to do with the illicit tobacco and therefore in conclusion Mr Sutherland said that it is about ensuring that this does not happen again and that is what he would like to address the committee on.
6. In response the following questions and comments were received:
- a. In response to Councillor Taylor's question regarding the selling of Viagra Mr Sutherland accepted that this had been on offer for sale at the premises, it should not have been and has since been removed from the shop.
 - b. Although it was not accepted that it was illegal to sell nitrous oxide and pipes, in order to avoid any further confrontation and complications with Local Authority Officers these have also been removed from the premises at the beginning of December 2022.
 - c. Following a question regarding staff training it was confirmed that training had taken place for all staff at the premises in December 2022 and a record of all training is available on request.
 - d. Councillor Taylor said that although he recognised that it is not illegal to sell nitrous oxide it is however illegal to sell it to people under 18 years of age. He went on to ask what quantities of nitrous oxide were sold at the premises on a monthly basis. It was confirmed that approximately 10-15 large cannisters were sold each month.
 - e. Councillor Rye referred to the test purchase made at the premises in March 2022 which was clearly in breach of the licence and therefore asked if it was accepted that this is a statement of fact? Mr Sutherland agreed that this is one of the more important matters relating to the licence review application as clearly the test purchase did happen and should not have. However, he highlighted that the key issue in relation to this is that there is a period between September 2021 and March 2022 when Mrs Yengin did not hold the licence and during that period it has been highlighted already that the attention of the family was very much on personal matters. The business was operated during this time by Mr Dervis Altun (Mr Kemal Altun's brother-in-law) therefore the control Mrs Yengin had during this period was negligible.
 - f. Councillor Rye responded to the above point by saying that it has been confirmed that this is very much a family business therefore the family corporately have responsibility for the licensing conditions being adhered to and on this occasion clearly, they have not been. Mr Sutherland responded by saying that by bringing the family in front of the committee today demonstrates that they have accepted that they need to 'up their game' to ensure that these things do not happen again, and it is hope that this is what is coming across to the committee.
 - g. Councillor Gunes asked what improvements have been made in the shop since the council issued the warrant on 13 November 2022 to avoid this happening again? It was advised that Atlas Licensing have been engaged to assist with and resolve the compliance issues. A licensing manual has been produced by Atlas Licensing which contains material for training,

LICENSING SUB-COMMITTEE - 4.1.2023

- refusal records (which are being checked and maintained) as well as the training records for the individual members of staff. Therefore, the documentation side of things is vastly improved.
- h. Mr Sutherland commented that previously there was no requirement to have a training record. So, although this may be deemed as good practice by council officers it was not a condition of the licence. However, those records now exist, so it is therefore possible to keep track of what training is being provided. He also added that the staff that were present at the premises in August 2022 have now been removed and the current staff are in the process of obtaining their personal licence through getting their criminal record checks and submitting their applications, so all staff will have their own person licence.
 - i. In response to a question regarding the sale of illicit tobacco at the premises, the committee sought assurances that this would not happen again. They were advised that the new PLH and DPS, Ms Osdemir, is present at the premises on 3 to 4 days per week and is always in contact with the other two staff members. This allows for a greater degree of control to ensure that illicit tobacco is not sold again.
 - j. In relation to other improvements that have been made at the premises, reference was made to pages 17-23 of the supplementary agenda pack which included photos of the point-of-sale reminder that is displayed on the cash register screens when items requiring proof of age are purchased. This is a new system which has recently been implemented. Challenge 25 signage is also now clearly displayed at the premises.
 - k. Councillor Gunes asked what, if any, improvements had been made in relation to the CCTV system at the premises. It was confirmed that this has now been updated to record for 31 days and all staff have been trained on how to use it and provide a copy if requested to do so by the Police or Local Authority. Mr Sutherland added that if it would assist the committee, they would be happy to accept an additional condition stating that there would always be a member of staff on the premises who knew how to operate the CCTV system.
 - l. Councillor Taylor asked if Mrs Ozdemir as the new Premises Licence Holder understood fully what the licensing objectives are? Mrs Ozdemir responded to this question in Turkish which was translated for the committee. She confirmed that she fully understood the licensing objectives and listed what she understood these to be.
 - m. Councillor Taylor referred to the training record in the supplementary agenda pack and asked whether Mrs Ozdemir had been through the necessary training process. It was advised that she had not yet undertaken the training. Councillor Taylor said that it would give the sub-committee greater confidence going forward if Mrs Ozdemir as the new PLH and DPS had already undertaken this training. This point was accepted, and Mr Caliskan of Atlas Licensing confirmed that this training would be arranged as soon as possible.
7. The summary statement from Esther Hughes, Head of Service for Consumer Protection & Waste Protection, that having heard from the

LICENSING SUB-COMMITTEE - 4.1.2023

representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.

8. The summary statement from Amanda Butler, Senior Fair-Trading Officer that having heard the licence holder's representation the Trading Standards Authority submits to the Licensing Sub-Committee to consider total revocation of the premise licence as a result of illegal tobacco, vapes and medicines being seized from the premises on 4 August 2022. Although it is noted that Mrs Ozdemir is now the Premise Licence Holder the lack of confidence in the running of the family-owned business is to be questioned in regard to illegal tobacco being stored at the premises. However, it is noted that improvements have been made in regard to refusal registers and age restricted signage and it is for the sub-committee to consider that. If you are not minded to revoke the licence in its entirety please have regard to paragraph 5.2 in regards to demonstrating the licensing conditions.
9. The summary statement on behalf of the applicant that a lot of things have been said within the papers but probably the two most important issues are the test purchase in March 2022 and the items seized in August 2022. It is important to assure the committee that this will not happen again, and the approaches taken to demonstrate this have been to remove the staff responsible for the situation in August 2022, transferring the licence and putting Mrs Ozdemir in charge, improving signage around the premises as well as providing the appropriate training for all staff members. One of the factors to consider as a committee is suspending the licence and it is accepted that the committee can use a suspension as a deterrent. What we would ask the committee to look at is certainly imposing the conditions that are set out at Annex F with the suggestion of one additional condition of ensuring that there is a member of staff always present at the premises who is able to operate the CCTV system, which will deal with one of the issues raised by the police. The proposal to the committee is that these steps will address the failings and would ensure that the licensing objectives are promoted. If the committee is considering a suspension of the licence, then it is asked that as short of a suspension as possible be imposed if it is felt appropriate and proportionate. If the committee felt that further conditions were appropriate in relation to the storage and purchase of tobacco products, then again, these conditions could be looked at and added.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

LICENSING SUB-COMMITTEE - 4.1.2023

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chair made the following statement:

“This Licensing Sub Committee (LSC) have read and considered all the information put before them and attentively listened to all the points made by each party.

Given the seriousness of the allegations the Committee were at first minded to consider revocation of the premises licence.

The LSC have been told this is a family run business and it is concerning that those who were previously involved in the failures outlined in the review are still involved.

However, their advocate (Mr Sutherland of RDS Law) has made it very clear that the families involved in the business acknowledge their previous failures. They want to do better in the future and have now employed consultants (Atlas Licensing Consultants), who have trained them and put in place a proper manual, a training system and will be undertaking test purchases in future to ensure staff are using their policies appropriately.

Nevertheless, the wrongdoing discovered was so serious that despite the acknowledged changes the LSC feel that anything short of a 3-month suspension would be inadequate.

The LSC anticipate that the Local Authority will be undertaking checks to ensure the business is now promoting the licensing objectives. The LSC will be very disappointed if this business should be back before them because further failures have been discovered.

3. The Licensing Sub-Committee resolved:

(a) that it considers the steps listed above to be appropriate for the promotion of the licensing objectives;

(b) to modify the conditions of the licence in accordance with Annex A attached to the Decision Notice;

AND

(c) to suspend the licence for a period of three months.

4

MINUTES OF PREVIOUS MEETING

AGREED the minutes of the meetings held on 3rd August 2022 as a correct record.

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Appendix 10.

Email setting out conversation with Mr Sutherland

From: Michael Squire <Michael.Squire@haringey.gov.uk>
Sent: Tuesday, April 4, 2023 11:14 AM
To: Licensing <Licensing.Licensing@haringey.gov.uk>;
Subject: Maxxi Licence Review

Hi All,

FYI if this helps for the hearing this evening.

I have Just spoken to Robert Sutherland who is the Solicitor representing Maxxi this evening.

He is in agreement with the TS proposed conditions. He is in agreement with the removal of the DPS. He is in agreement with a Suspension in order to improve the processes. He will make representations as to the length of it.

I have informed him that we will address the Committee that we feel that with the additional evidence of the other RI'S it may warrant revocation. He tells me they no longer sell NOS since the Review process started which he feels is the main issue of concern.

Regards
Mike

Mike Squire
Trading Standards Specialist Officer
Haringey Council
Level 4, Alexandra House, 10 Station Road, Wood Green, London, N22 7TR

Please note I do not usually work on Mondays

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Why wait when you can [do it online](#)?