



**Haringey** Council

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## Licensing Sub Committee A

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TUESDAY, 11TH SEPTEMBER, 2012 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

**MEMBERS:** Councillors Ejiofor, Peacock (Chair) and Scott

### AGENDA

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 9 below).

**3. 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

**4. MINUTES (PAGES 1 - 6)**

To approve the minutes of the previous meeting of the Licensing Sub Committee A held on 17 July 2012.

**5. SUMMARY OF PROCEDURE (PAGES 7 - 8)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or Gambling Act 2005. A copy of the procedure is attached.

**6. GRILL KEBAB HOUSE, 270 MUSWELL HILL (FORTIS GREEN WARD) (PAGES 9 - 32)**

To consider an application to extend the hours for the Provision of Late Night Refreshment and to remove the condition of SIA Staff to be employed at the premises.

**7. SUMMARY OF PROCEDURE (PAGES 33 - 34)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003 or Gambling Act 2005. A copy of the procedure is attached.

**8. GUNES SUPERMARKET, 176 PARK LANE, TOTTENHAM, LONDON N17 0JN (NORTHUMBERLAND PARK WARD) (PAGES 35 - 84)**

To consider an application for a review of the premises licence at Gunes Supermarket.

**9. ITEMS OF URGENT BUSINESS**

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

David McNulty  
Head of Local Democracy  
and Member Services  
Level 5  
River Park House  
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Wood Green  
London N22 8HQ

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Monday, 3 September 2012

**MINUTES OF THE LICENSING SUB COMMITTEE A  
TUESDAY, 17 JULY 2012**

Councillors Basu, Demirci and Schmitz

Apologies Councillors Peacock, Ejiofor and Scott

Also Present: Councillor Stewart

MINUTE NO.	SUBJECT/DECISION	ACTION BY
<b>LSCA19.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Cllr Peacock, for whom Cllr Demirci was substituting, from Cllr Ejiofor, for whom Cllr Basu was substituting and from Cllr Scott, for whom Cllr Schmitz was substituting.</p>	
<b>LSCA20.</b>	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	
<b>LSCA21.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>Cllr Schmitz declared a personal interest as having been on record opposing the proliferation of betting shops in certain areas of the borough, and in favour of strengthening the law in this respect. Cllr Schmitz advised that he would apply the law as it currently stood to this application and would approach the matter with an open mind.</p> <p>The applicant's representative thanked Cllr Schmitz for this declaration and confirmed that they had no issues to raise relating to this matter.</p>	
<b>LSCA22.</b>	<p><b>SUMMARY OF PROCEDURE</b></p> <p><b>NOTED</b></p>	
<b>LSCA23.</b>	<p><b>BETFRED, 64 HIGH ROAD, WOOD GREEN, N22</b></p> <p>The Licensing Officer, Daliah Barrett, presented the report on an application for a new betting premises licence by Betfred at 64 High Road, Wood Green. It was noted that the applicants had set out a list of conditions for the Committee to consider, at page 83 of the agenda pack, in addition to the mandatory and default conditions. A letter of representation had been received from Cllr Stewart in objection to the application, and a response to Cllr Stewart's representation had been submitted by the applicant and was included in the Committee's paperwork.</p>	

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The Committee asked whether, although it was not possible to take anticipated demand into account in reaching a decision, existing demand could be taken into account; the Council's legal officer, Mr Michael, reported that the licensing regime excluded consideration of any type of demand. The Committee asked whether it was open to them to condition the value of a minimum stake, in response to which Mr Michael advised that matters such as this would fall under the Gambling Commission's operating licence, and was not within the remit of this Committee. In response to a question regarding whether it would be possible to condition that customers be required to take a break after playing the machines for a certain amount of time, Mr Michael advised that this may be considered disproportionate in meeting the licensing objectives, and would again be more suitable to be dealt with by the Gambling Commission.

Cllr Stewart addressed the Committee in objection to the application. Cllr Stewart noted that it was important to have the opportunity to raise concerns, although acknowledged that the legislation was limited in respect of enabling communities' concerns to be taken into account. Cllr Stewart felt that there was a proliferation of betting shops in Wood Green, although this was not a matter that the Committee could take into account. The fact that there was a dispersal zone around existing betting shops in Noel Park demonstrated that there was a recognised issue with criminality around betting shops in the area. Such premises were used by offenders as somewhere to escape to after criminal activity, and this location was a particular concern due to its proximity to the neighbouring alleyway and council estate, which would give people the opportunity to hide.

Cllr Stewart felt that this application constituted clustering with another shop managed by the same operator in the vicinity, and that the fact that such a cluster was proposed indicated that there was a problem with gambling in the area, despite the applicant's claim that there was no evidence to suggest that problem gambling was an issue. That gambling venues were linked with crime was recognised in academic research and on the ground experience in Wood Green. Anecdotal evidence suggested that under 18s were being permitted into betting shops, and that this was a problem for all operators. Cllr Stewart urged the Committee to reject the application, with the key issue being the association of such premises with criminal activity.

The Committee asked Cllr Stewart for his view on why no representation had been made by the Police, and also whether he could provide any specific details or examples to illustrate his concern that the application would lead to increased crime in the area. Cllr Stewart responded that he was unable to speak for the police, but understood that there had been concerns in other boroughs that they could be legally challenged for having submitted objections to such applications. With regards to evidence relating to criminality, Cllr Stewart reported that the General Dispersal Order had been granted as a result of crimes in the Noel Park area, of which 19 were linked with betting shops, where anti-social behaviour had taken place in or around betting shops, and where

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suspects had taken refuge in betting shops after committing a crime. In response to a question from the Committee, Cllr Stewart advised that betting shops wanted to increase the number of shops in order to increase the number of the type of machines that people become addicted to, and which enabled losses to accumulate rapidly, leading to problem gambling. In response to a further question from the Committee, it was reported that there was no specific evidence relating to people committing crime as a result of losing money in betting shops.

The applicant's representative, Mr Owen, addressed the Committee, highlighting the points raised in their written response to the objections submitted. Mr Owen refuted the suggestion that the police did not object to applications due to concerns regarding legal action, as they did object to applications elsewhere in London, and that in this instance they had chosen not to object. It was reported that until March 2012, Bettfred had held a premises licence for 145 High Road – this had been surrendered, and the current application was intended to replace this. Mr Owen was aware of concerns about the inability of the Gambling Act in its present form to curtail the proliferation of betting shops, but advised that, in terms of the licensing objectives, Parliament had clearly sought a link between crime and disorder and the act of gambling, not such premises being associated with criminals or people taking refuge in betting shops. On this basis, it was felt that granting this application would be consistent with the licensing objectives. Mr Owen advised that the self-exclusion procedures were set out in the documentation; there were three exclusions in place in the existing Wood Green shop, and these would be carried over to the new premises.

Mr Owen felt that the conditions suggested in respect of requiring people to take a break from the machines, etc would be outside of the remit of this Committee and would also be unenforceable. It would be for the Gambling Commission to make any revisions to their operating code of practice to ensure a consistent approach across all operators. Mr Owen felt that the proposed premises would not constitute clustering in the area. Mr Owen advised that the 19 crimes referred to as associated with betting shops did not demonstrate an increase in crime, nor that those crimes were directly linked with betting shop activities; were this the case, Mr Owen suggested that the police would have objected to the application. Mr Owen noted that no application for review had been made in respect of any of the existing betting shops in the vicinity. Were the Committee concerned about the area adjacent to the premises and felt it appropriate to do so, Mr Owen suggested that the applicant would accept a condition addressing external CCTV and lighting. Mr Owen refuted the claim that underage children had been allowed to use betting shops, and advised that he would have expected the police to have commented if this were the case. Bettfred's proposed measures to address such concerns were set out in the paperwork.

Mr Owen felt that it was inappropriate to suggest that there was a greater proportion of problem gamblers in the Wood Green area, as there was no evidence to support this suggestion. Mr Owen also did not accept that the availability of gaming machines led to an increase in problem gambling.

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Mr Owen urged caution in relying on the academic research cited in relation to problem gambling, as the research in question had been undertaken in Edmonton, Canada, where betting was illegal.

The Committee asked the applicant's representative whether the intention behind the limit of four machines per premises would be undermined by opening another premises in close proximity; Mr Owen reported that prior to the Gambling Act 2007, there would be large banks of machines in premises, and that the purpose of limiting this to four was to ensure that such machines were ancillary to the main purpose of the shop. The provision of an alternative supply of such a service elsewhere was not felt to undermine the intention of the Act.

In response to a question regarding clustering, Mr Owen defined this as a number of different operators trading in close proximity, and confirmed that he did not feel that there was a cluster of betting shops along the High Road. In response to a question from Mr Michael, Mr Owen advised that, even were there a cluster, this would not be contrary to the Act and would not in itself undermine the licensing objectives. With regards to the level of problem gamblers, Mr Owen advised that while they did not have statistics in relation to other premises for comparison, it was not felt that three self-exclusions in a town centre location was a high level. In response to a question from the Committee, Mr Owen confirmed that Betfred took its social responsibilities very seriously and had comprehensive systems in place, audited by the Gambling Commission, to ensure these were complied with.

The Committee asked about the impact on residents, who were losing money as a result of betting shops; Mr Owen advised that most customers went in as a pastime, for fun, and that only a small percentage of people had a problem with gambling. The main issues around problem gambling arose from the internet, where the industry was unregulated.

The Committee asked whether there was any system in place whereby the police would notify the owners of a betting shop if it was known that someone who had subsequently been arrested had been in the shop before committing a crime; Mr Owen did not believe that there was any such formal arrangement in place. In response to a question regarding 'cooling-off' periods, Mr Owen advised that this would fall within the code of practice rather than licensing conditions, and would be more appropriate to be managed on a consistent basis nationwide and across all operators. It was necessary for any proposed condition to be workable and enforceable.

Cllr Stewart asked whether staff in the existing Betfred premises had ever had cause to call the police, in response to which Mr Owen advised that this had happened twice, once when a firework was thrown at the shop door, and once when youths had been throwing paper aeroplanes around the shop and causing a disturbance. With regards to the close proximity to the Quicksilver premises, Mr Owen responded that this was a very different type of premises and attracted different customers. Mr Owen confirmed that he did not feel that the granting of the application would

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lead to a risk of criminal activity.

In response to a question from Cllr Stewart, Mr Owen accepted that there was a correlation between unemployment and problem gambling, and that there was a high level of unemployment in Haringey. Mr Owen advised that this was the case across London, and there was no higher risk of problem gambling in Wood Green than elsewhere. In response to a question regarding how Betfred engaged with the local community, Mr Owen stated that they provided a service for those within the community who wished to use it.

Mr Michael asked about the possibility of a condition in respect of external lighting and CCTV, and Mr Owen confirmed that this had not been set out in the proposed conditions within the pack, but that they would be happy to accept such a condition if the Committee felt it necessary.

The Committee asked whether betting shop operators targeted areas of high unemployment, in response to which Mr Owen advised that this was not the case, operators selected locations for their premises solely on the basis of demand in the area. It was reported that there were no figures on the proportion of turnover from fixed-odds betting terminals as compared with over the counter betting, although anecdotally these were an increasingly significant source of revenue. The Committee asked Mr Owen to comment on the 'no pay no play' policy, as this would counter-act any suggestions of introducing a cooling off period; Mr Owen advised that the intention of 'no pay no play' was to prevent a crowd of people forming to watch someone playing on a machine, and to make it easier for staff to manage customers in the premises. It also prevented homeless people from using the premises to pass the time without using any of the services, as had happened elsewhere.

In summing up, Cllr Stewart reported that he had concerns regarding clustering of such premises, issues where staff had had to call police, criminality associated with such premises, the high level of unemployment in the area and the number of existing betting shops in the vicinity and their association with crime and anti-social behaviour, particularly in light of the General Dispersal Order in Noel Park. Mr Owen advised that he had made his representations, and did not feel that there was evidence before the Committee to justify refusal of the application.

The Committee adjourned to deliberate.

**RESOLVED**

The Committee carefully considered the application, codes of practice, Section 25 guidance, the borough's Statement of Gambling Policy and the representations by the interested parties.

The Committee decided to grant the application, subject to the imposition of a number of conditions. The Committee noted that the guidance states that the Licensing Authority must aim to permit the granting of such a licence, and considered that conditions could be imposed that would

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	<p>adequately address the licensing objectives.</p> <p>All the statutory mandatory and default conditions are imposed. In terms of discretionary conditions, all the conditions proffered by the applicants on pages 83 to 85 of the agenda pack are imposed. The offered conditions for increased lighting and external CCTV covering the side of the premises are also imposed. Although the evidence relating to crime and disorder was limited, reference to the nearby General Dispersal Zone and the fact that these conditions were offered by the applicant, made the Committee take the view that the imposition of these additional conditions was proportionate.</p>	
<p><b>LSCA24.</b></p>	<p><b>ITEMS OF URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p> <p>The meeting closed at 21:10hrs.</p>	

Cllr Ali Demirci

Chair

<b>LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY</b>	
<b>INTRODUCTION</b>	
1.	The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
<b>TOPIC HEADINGS</b>	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:  <b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b>
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
<b>WITNESSES</b>	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
<b>DOCUMENTARY EVIDENCE</b>	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

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

**Licensing Act 2003 Sub-Committee on 11<sup>th</sup> September 2012**

**Report title: Application for a Premises Licence Variation at GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR**

**Report of: The Lead Officer Licensing**

**Ward(s) affected Fortis Green**

**1. Purpose**

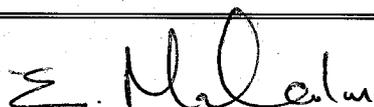
To consider an application by Hatem Koc to extend the hours for The Provision of Late Night Refreshment and also to remove the condition of SIA Staff to be employed at the premises.

**2. Recommendations**

- 2.1**
- (a) Grant the application as asked
  - (b) Modify the conditions of the licence, by altering or omitting or adding to them
  - (c) Reject the whole or part of the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

Report authorised by: Joan Hancox



pp. Head of Neighbourhood Services

**Contact Officer: Ms Daliah Barrett-Williams**

**Telephone: 020 8489 8232**

**3. Executive summary**

For consideration by Licensing Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions

**4. Access to information:**

Local Government (Access to Information) Act 1985  
Background Papers

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

**File: Grill Kebab House**

The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham N17

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- All ventilation and extractor systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and minimal disturbance to neighbours arising from odour.
- External illumination signs shall be switched off when the premises are closed for licensable activities.
- Security; lights will also be positioned to minimise light intrusion into nearby residential dwellings.
- No one shall remain on the premises in the sitting area for consumption of food after 2300 except for staff and family members.

#### **5.6 Child Protection**

- Zero tolerance to anti-social behaviours and ensuring no harm to children.

### **6. RELEVANT REPRESENTATIONS (CONSULTATION)**

#### **Responsible authorities:**

#### **6.1 Comments of Metropolitan Police**

Have made no representation to this application

#### **6.2 Comments of Regulatory Services:**

##### **Enforcement Response**

Has made representation. **APP 2**

##### **Trading Standards**

Have made no representation to this application

#### **6.3 London Fire and Civil Defence Authority**

Have made no representation to this application

#### **6.4 Planning Services**

Have made no representation to this application

#### **6.5 Comments of Child Protection Agency or Nominee**

No representation made on this matter

#### **7.0 Interested Parties – APP 3**

Letters of representation have been received against this application.

#### **8.0 Financial Comments**

The fee which would be applicable for this application was **£190.00**.

## 9.0 Licensing Officers Comment.

Mr Koc has been operating at the premises for over 7 years. The premise is situated in a busy area that plays host to the late night economy at the weekends and is surrounded by 4 other late night dance venues.

Muswell Hill has over the past year to 18 months been a focal point of anti social behaviour and a specific tasking group was set up to deal with the issues.

One of the problems identified was the food premises which stayed open late in line with the nightclubs. The CCTV footage captured at the time showed that revellers coming out of the nightclubs to smoke or when leaving would loiter in the area longer to purchase food that was available from the Grill Kebab. This lead to congestion on the street outside and the anti social behaviour associated with people who have had been consuming alcohol for a period of time.

The Grill Kebab license was reviewed in 2010 and a condition was placed on the license requiring them to have door supervisors in order to manage the premises and the flow of people in and around the premises.

Mr Koc failed to employ doors staff on a regular basis and various warning letters were issued to him regarding this matter.

The Enforcement Response Team carried further observations following complaints and a 2<sup>nd</sup> review of the premises licence was applied for in Oct 2011. The Enforcement Response team witnessed the premises operating beyond its permitted hours and no door staff on site.

The Licensing Committee uphold the review and resolved to pull back the hours of operation for the Grill Kebab so that the premises operated to the same time as the KFC and closed before the night clubs emptied out people onto the busy street.

Mr Koc initially applied to appeal the decision so he was able to continue operating under the existing licence until the matter was resolved by the magistrates. Mr Koc then decided to withdraw his appeal and to operate to the new hours, but would then re-apply for a variation to his license at a later date after successfully complying with his new license.

Mr Koc has now submitted his variation to the existing application and it is this determination that the panel have before them on this occasion.

The Enforcement Response Team advised the Licensing Authority that they visited the premises in August and Mr Koc showed the ER Officer a license that stated 3.45 closure. The officer left the premises satisfied that Mr Koc was operating to his licence. On hearing this the Licensing Officer visited the premises and spoke to Mr Koc who advised that he kept his last licence on display (the one prior to the last review) and had not put up the new licence showing his reduced time since he had withdrawn his appeal.

He said he was aware that he should have returned it to his solicitor for it to be returned to the Licensing Authority as arranged but neglected to do so.

The incorrect licence was removed from display and Mr Koc was warned of the seriousness of his actions.

## APPENDIX 1- VARIATION APPLICATION

E1MS00000602  
WK/225105

**London Borough of Haringey**  
**Application to vary a premises licence**  
**Licensing Act 2003**

For help contact  
[Licensing@haringey.gov.uk](mailto:Licensing@haringey.gov.uk)  
 Telephone: 020 8489 8232

\* required information

**Section 1 of 20**

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

119006

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

Yes  No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

**Applicant Details**

\* First name

HATEM

\* Family name

KOC

\* E-mail

info@northpointuk.co.uk

Main telephone number

07960169978

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader  
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

**Address**

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

**Agent Details**

\* First name

\* Family name

\* E-mail

Main telephone number

Other telephone number

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

**Your Address**

Address official correspondence should be sent to.

\* Building number or name

\* Street

District

\* City or town

County or administrative area

\* Postcode

\* Country

The information given here will be saved and will be pre-filled in future forms.

Continued from previous page...

**APPLICATION DETAILS**

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

\* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address     OS map reference     Description

**Postal Address Of Premises**

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

**Premises Contact Details**

Telephone number

Non-domestic rateable value of premises (£)

**Section 3 of 20****VARIATION**

Do you want the proposed variation to have effect as soon as possible?     Yes     No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe briefly the nature of the proposed variation

Extend the hours of provision of late night refreshment from 0300 to 0430 on Friday and Saturday.  
Also removal of SIA door staff

**Section 4 of 20****PROVISION OF PLAYS**

*Continued from previous page...*

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes  No

**Section 5 of 20**

**PROVISION OF FILMS**

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes  No

**Section 6 of 20**

**PROVISION OF INDOOR SPORTING EVENTS**

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes  No

**Section 7 of 20**

**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes  No

**Section 8 of 20**

**PROVISION OF LIVE MUSIC**

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes  No

**Section 9 of 20**

**PROVISION OF RECORDED MUSIC**

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes  No

**Section 10 of 20**

**PROVISION OF PERFORMANCES OF DANCE**

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes  No

**Section 11 of 20**

**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**

*Continued from previous page...*

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

- Yes  No

**Section 12 of 20**

**PROVISION OF FACILITIES FOR MAKING MUSIC**

Will the schedule to provide facilities for making music be subject to change if this application to vary is successful?

- Yes  No

**Section 13 of 20**

**PROVISION OF FACILITIES FOR DANCING**

Will the schedule to provide facilities for dancing be subject to change if this application to vary is successful?

- Yes  No

**Section 14 of 20**

**PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING**

Will the schedule to provide facilities similar in nature to those provided for making music or dancing be subject to change if this application to vary is successful?

- Yes  No

**Section 15 of 20**

**PROVISION OF LATE NIGHT REFRESHMENT**

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

- Yes  No

**Standard Days And Timings**

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

THURSDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

FRIDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="04:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SATURDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="04:30"/>
Start	<input type="text"/>	End	<input type="text"/>

SUNDAY

Start	<input type="text" value="23:00"/>	End	<input type="text" value="02:00"/>
Start	<input type="text"/>	End	<input type="text"/>

Will the provision of late night refreshment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors
  Outdoors
  Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

N/A

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Continued from previous page...

**Section 16 of 20**

**SUPPLY OF ALCOHOL**

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes  No

**Section 17 of 20**

**ADULT ENTERTAINMENT**

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

**Section 18 of 20**

**HOURS PREMISES ARE OPEN TO THE MEMBERS AND GUESTS**

**Standard Days And Timings**

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

*Continued from previous page...*

**SATURDAY**

Start

End

Start

End

**SUNDAY**

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Removal of below condition  
 "A minimum of one SIA door staff to be employed from 2200 to close of business on Friday and Saturday night. "

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

**Section 19 of 20**

**LICENSING OBJECTIVES**

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

**Continued from previous page...**

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

zero tolerance to anti-social behaviors and ensuring no harm to children.

**b) The prevention of crime and disorder**

CCTV unit is already in place

All cameras shall continually record whilst the premises are open to the public and the recording shall be kept available for a minimum of 31 days with time and date stamping.

Recordings shall be made available to an authorised officer or a police officer within 24 hours of any request

**c) Public safety**

Appropriate fire safety procedures are in place along with appliances including fire extinguishers ( Foam ,H2O, and CO2 ), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting.

All appliances are checked annually and comply with relevant British Standards.

All fire escapes / escape routes will be clearly marked and kept free from obstructions at all times.

**d) The prevention of public nuisance**

All customers are asked to respect the surrounding and behave in an orderly manner.

Signs will be installed to remind the customers to respect the neighbours and to behave in a courteous manner

Patrons will be discouraged from congregating outside the premises

All waste generated by the premises will be dealt with appropriately

No deliveries of stock are to be made to the premises between 2300 and 0800 on any day.

There will be no music to be played at the premises other then background music

All ventilation and extractor systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and minimal disturbance to neighbours arising from odour.

External illumination signs shall be switched off when the premises are closed for licensable activities

Security lights will also be positioned to minimise light intrusion into nearby residential dwellings

No one shall remain on the premises in the sitting area for consumption of food after 2300 except for staff and family members

**e) The protection of children from harm**

zero tolerance to anti-social behaviors and ensuring no harm to children.

**Section 20 of 20**

**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at [http://www.voa.gov.uk/business\\_rates/index.htm](http://www.voa.gov.uk/business_rates/index.htm)

**Continued from previous page...**

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

\*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

The following credit or debit cards are accepted in Haringey:

Maestro - Mastercard Debit - Mastercard Credit - Solo - Visa Credit - Visa Debit (formerly Delta) and Visa Electron

We cannot accept liability if payment is refused or declined by the card supplier.

**Continued from previous page...**

Due to end of day processing, this service will not be available between 10pm and 11pm every weekday evening (Mon- Fri).

Users should note that any payments in process after the 10pm deadline need to be completed by 10.05pm

\* Fee amount (£)

190.00

**ATTACHMENTS**

Copy of premises licence

Premises plan

**AUTHORITY POSTAL ADDRESS****Address**

Building number or name

Unit 241 Lee Valley Technopark

Street

Ashley Road

District

Tottenham

City or town

London

County or administrative area

Postcode

N17 9LN

Country

uk

**DECLARATION**

\* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

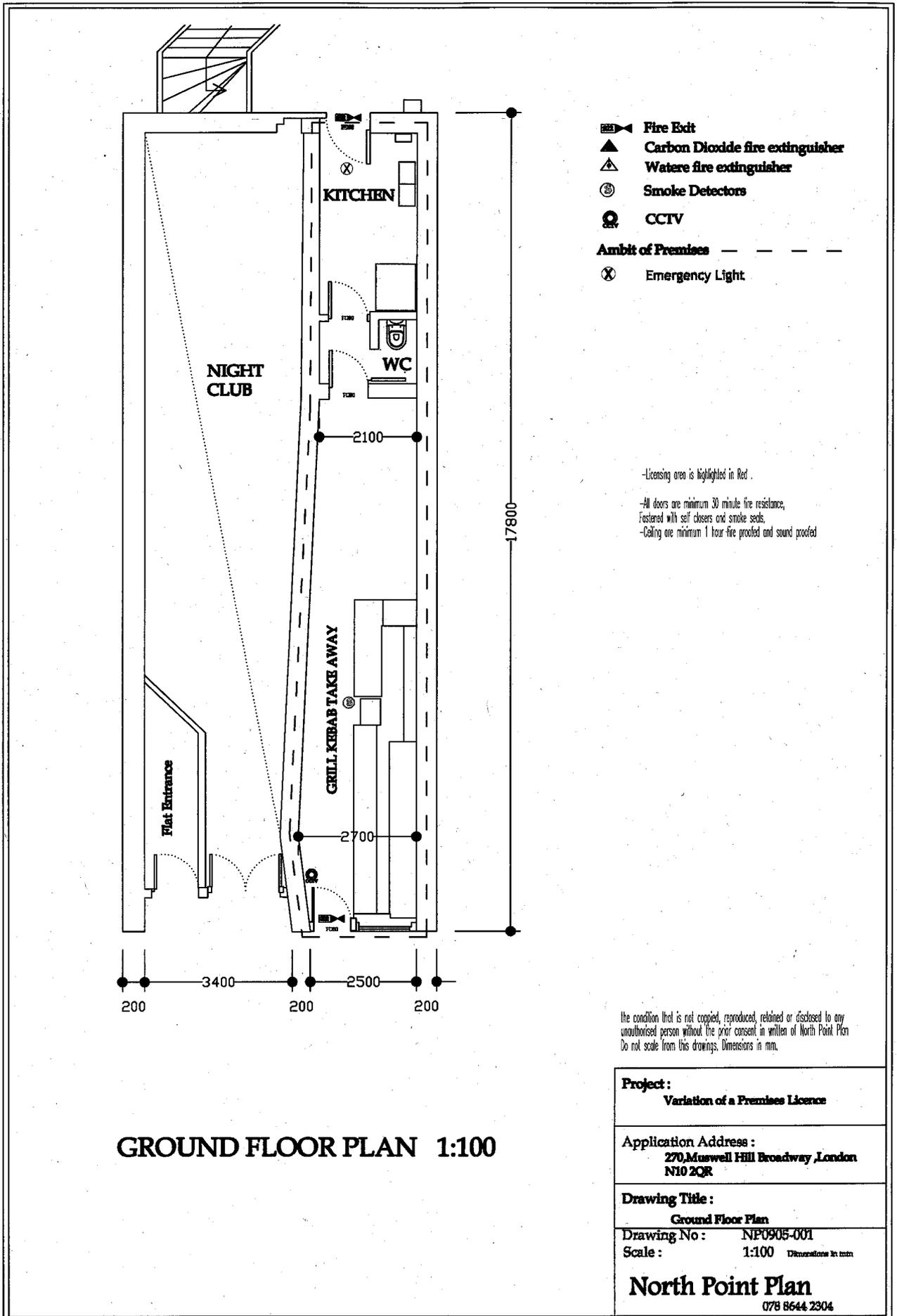
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

\* Full name

\* Capacity

Date (dd/mm/yyyy)

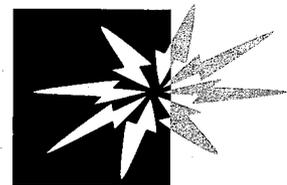
Add another signatory



the condition that is not copied, reproduced, retained or disclosed to any unauthorised person without the prior consent in written of North Point Plan Do not scale from this drawings. Dimensions in mm.

<b>Project :</b> Variation of a Premises Licence
<b>Application Address :</b> 270, Muswell Hill Broadway, London N10 2QR
<b>Drawing Title :</b> Ground Floor Plan
<b>Drawing No :</b> NP0905-001 <b>Scale :</b> 1:100 <small>Dimensions in mm</small>
<b>North Point Plan</b> 078 8644 2304

**APPENDIX 2- REPRESENTATION FROM  
ENFORCEMENT RESPONSE**



**Haringey** Council

## Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: GEORGE NICOLAOU

cc: Team Leader Enforcement Response, Derek Pearce (rev: 1<sup>st</sup> August 2012)

Our Reference: WK225105

Date: 19<sup>th</sup> July 2012

Premises: Grill Kebab House, 270 Muswell Hill Broadway, N10 2QR

Type of application: Variation

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I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application

The proposed operating hours are inappropriate - the noise caused by patrons exiting the premises and locating suitable transport home is likely to be detrimental to the residential amenity. This may be exacerbated by the level of public transport available at the proposed closing hours.

### Operating hours

That the premises close no later than 03:00 Friday and Saturday and 02:00 Sunday to Thursday. (hours would stay as existing)

Reason: This would prevent the congregation of people at the premises after the night spots in the area close and would also help with the dispersion of people in the area. It would also bring the premises in line with the closing times of the other food outlets in the area.

Door supervisors The premises are located on a narrow footway and also by a pedestrian crossing. Door supervisors are required to ensure the clear passage of people along the footway. It would not be possible for the staff of the premises to do this as they are not qualified or experienced to carry out these duties. The door staff would also prevent public nuisance from noise from the patrons.

It is our intention to produce CCTV footage representing how patrons congregate on the footway

Door supervisors would be required to be at the premises from 23:00 until close of business. (requirement would remain as existing)

Streetview photo of Grill Kebab House



**APPENDIX 3- REPRESENTATION FROM  
INTERESTED PARTIES**

**Shah Noshaba**

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**From:** Barrett Daliah  
**Sent:** 06 August 2012 11:51  
**To:** Shah Noshaba  
**Subject:** FW: Grill Kebab House 270 Muswell Hill Broadway, London, N10 2QR

---

**From:** Martin Newton [mailto:mg@newtonengert.demon.co.uk]  
**Sent:** 05 August 2012 10:14  
**To:** Barrett Daliah  
**Cc:** Cllr Erskine Sophie  
**Subject:** Grill Kebab House 270 Muswell Hill Broadway, London, N10 2QR

Dear Dahlia,

I am writing to object to the proposed variation of the licence for the Grill Kebab House, 270 Muswell Hill Broadway, London, N10 2QR.

There is significant local concern about continuing late night disturbances around Muswell Hill Broadway roundabout as evidenced by a number of local residents during a Police presentation at the Muswell Hill, Alexandra, Fortis Green and Highgate Area Forum on 27 June 2012 and through subsequent correspondence with the Chief Inspector Neighbourhood Policing.

Extending the hours for late night refreshment at the Grill Kebab House on Friday and Saturday till 0430 would be likely to lead to more people hanging around the area for longer after leaving nearby clubs and would further contribute to the unacceptable noise disturbance and other anti-social behaviour experienced by local residents in the area.

I would therefore request on behalf of local residents that the opening hours are not extended. I would also request that the condition for SIA Door Staff to be employed is not removed.

Kind regards,

Martin

Cllr Martin Newton  
Liberal Democrat, Fortis Green ward

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For more information please visit <http://www.symanteccloud.com>

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<b>LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY FOR REVIEW APPLICATIONS</b>	
<b>INTRODUCTION</b>	
1.	The Chair introduces himself and invites other Members, Council officers, the Premises Licence Holder, representatives of responsible authorities, interested parties and the Review Applicant to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
<b>TOPIC HEADINGS</b>	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
	<b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b>
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
<b>WITNESSES</b>	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
<b>DOCUMENTARY EVIDENCE</b>	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

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

**Licensing Act 2003 Sub-Committee on 11<sup>th</sup> September 2012**

**Report title: Application for a Review of a Premises Licence at Gunes Supermarket, 176 Park Lane, Tottenham, London N17 0JN**

**Report of: The Licensing Team Leader**

**Ward(s) affected Northumberland**

**1. Purpose**

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

**Summary of application**

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

**Date review application served: 27<sup>th</sup> July 2012**

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

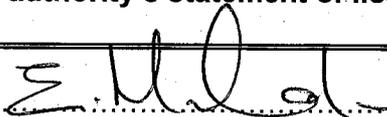
A copy of the review application and supporting documents are at Appendix 1.

**2. Officers Observations**

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

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

**Report authorised by: Joan Hancox**



PP Head of Neighbourhood Services

**Contact Officer: Ms Daliah Barrett -Williams**

**Telephone: 020 8489 8232**

**3. Access to information:**

Local Government (Access to Information) Act 1985

Background Papers

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

**File: GUNES SUPERMARKET**

The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN

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#### 4. REPORT

##### Background

A premises licence was originally granted to Escus Supermarket which received grandfathered rights to be brought in under the Licensing Act 2003. The licence was transferred to Mr Huseyin Gunes on 30<sup>th</sup> March 2007, and he rebranded the premises as Gunes Supermarket.

**Licensable activities authorised by the Licence:**

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

##### Supply of Alcohol

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

**The designated premises supervisor is: Huseyin Gunes**

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

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

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

#### 5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

##### Responsible authorities:

##### 5.1 Comments of Metropolitan Police

No representation made.

##### 5.2 Comments of Enforcement Services:

No representation made

##### 5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

## 6.0 Comments of Interested Parties

No comments made.

## 7.0 POLICY CONSIDERATIONS

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

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

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

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

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

- 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.25 – 11.31. These provisions are attached at Appendix 2.
- 8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; page 46 and 47 Crime and Disorder, these provisions are attached at Appendix 3.
- 8.2 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

**APPENDIX 1- REVIEW APPLICATION AND  
SUPPORTING DOCUMENTATION**

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunes

SUMMARY OF ACTIONS

DATE	DESCRIPTION	OFFICER	EVIDENCE
30 <sup>TH</sup> July 2008	Trading Standards officers visited Gunes supermarket and seized 4 bottles of counterfeit Glen's Vodka and 12 Counterfeit Durex condoms	Georgria Forde	<ul style="list-style-type: none"> <li>• Code B notice</li> <li>• A receipt for the goods seized</li> </ul>
25 <sup>th</sup> September 2008	A letter was written to Mr Huseyin Gunes about the visit carried out on the 30 <sup>th</sup> July 2008 and advising him to buy his stock from reputable Cash and Carry and not from sellers going from shop to shop.	Georgria Forde	<ul style="list-style-type: none"> <li>• Letter sent to Mr Huseyin Gunes</li> <li>• A disclaimer of property for the seized goods signed by Huseyin Gunes</li> </ul>

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunes

23 November 2011	Food Alert – Illicit “Drop Vodka” – The Food Standards authority issued a “Food alert regarding dangerous vodka	Technical Support team	Food Alert – Illicit “Drop Vodka
14 <sup>th</sup> November 2011	Trading Standards officers visited the premises and seized 2 bottles drop of Vodka. The HMRC seized 78 lts of still wine, 2.4 lts of Vodka, 52.1 lts of vodka 28.8 lts of Whisky and 9640 cigarettes	Michael Squire	Code B notice issued on the 14 <sup>th</sup> November 2011
	Photograph of the Drop Vodka that was seized at the premises		Photograph of the Drop Vodka
29 <sup>th</sup> November 2011	Certificate of Analysis from Public Analyst – The “Drop vodka was sent to the Public Analyst for analysis	Ajit Kansara	Certificate of Analysis from Public Analyst
17 <sup>th</sup> January 2012	Witness Statement for the officer	Philip Andrew	Witness statement from

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunes

	who sized non duty paid alcohol	Bush (NMRC)	HRMC
19 <sup>th</sup> January 2012	First letter of invitation letter for a PACE interview to Mr Huseyin Gunes	Tendy Lindsay	PACE interview letter
23 <sup>rd</sup> January 2012	Second letter of invitation for a PACE interview to Mr Huseyin Gunes.	Tendy Lindsay	PACE interview letter
31 January 2012	After a telephone conversation a PACE with Turkish interpreter was arranged, but once Mr Huseyin Gunes did not turn up		

*[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 Karen Tillet**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)**

**Part 1 – Premises or club premises details**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>	
Gunes Supermarket, 176 Park Lane, London,	
<b>Post town</b> London	<b>Post code (if known)</b> N17 OJN

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Huseyin Gunes
--

<b>Number of premises licence or club premises certificate (if known)</b> LN00002067 and LN000003367
---

**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)



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

Name and address <b>Trading Standards Technopark, Ashley Road, Tottenham, London, N17 9LN</b>
Telephone number (if any) <b>020 8489 5885</b>
E-mail address (optional) <b>karen.tillett@haringey.gov.uk</b>

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

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

Please tick one or more boxes ✓

- 
- 
- 
-

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

This review is sought on the ground that Mr Huseyin Gunes has broken two of the 4 licensing objectives i.e. the prevention of crime and disorder and public safety

- Mr Huseyin is a persistent offender. He was advised by Trading Standards officers on the 30<sup>th</sup> June 2008 not to stock or sell counterfeit alcohol. He was also informed not to buy his stock from the white van seller but from reputable source.
- On 14<sup>th</sup> of November 2011 the HRMC and Trading Standards officers, visited the premises they once again non duty paid and counterfeit alcohol.

- Witness Statement from Her Majestic Revenue and Customs officers **Exhibit: MB/05**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 19<sup>th</sup> January 2012 **Exhibit: MB/06**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 31<sup>st</sup> January 2012 **Exhibit: MB/07**
- Code B notice, letter to Huseyin and voluntary surrender document - dated 30<sup>th</sup> July 2008 **Exhibit: MB/08**

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

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

No

Please tick ✓

yes

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

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

**Part 3 – Signatures** (please read guidance note 4)

**Signature of applicant or applicant's solicitor or other duly authorised agent** (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

27-7-2012

Capacity

Trading Standards Manager

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

**Karen Tillett  
Trading Standards  
Technopark, Ashley Road,  
London,**

**Post town  
Tottenham**

**Post Code  
N17 9LN**

**Telephone number (if any) 020 8356 5885**

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

**Notes for Guidance**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

**License Review Summary  
Section 51 of the Licensing Act 2003**

**The presenting officer:** Karen Tillett Trading Standards manager

**Premises:** Gunes Supermarket, 176 Park Lane, London, N17 OJN

**Name of premises licence holder or club holding club premises certificate:** Huseyin Gunes

**Number of premises licence or club premises certificate:** LN000002067 and LN000003367

**Grounds for License Review:**

- Crime and disorder – Sale of unlawful alcohol (Counterfeit alcohol) and non duty paid alcohol and cigarettes
- Public Safety – Sale of unsafe alcohol (dangerous alcohol)

**Background information:**

On 30<sup>th</sup> July 2008, Trading Standards officers visited 176 Park Lane, London N17 OJN and out an inspection of the premises. During the inspection the officers sized the following counterfeit items from the premises:-

- 4 bottles of Glen's Vodka
- 15 packets ( 3 packs) of Durex Condoms

Mr Huseyin Gunes the owner of the business signed over the items to Trading Standards officer for destruction. Mr Huseyin was advice by the officers that it was an offence to stock and or sell counterfeit goods on his premises. He was also advised that he should purchase all his goods from a known resource. He also advised to obtain paperwork to backup his purchases.

On the 14<sup>th</sup> November 2011, Trading Standards officers visited Gunes Supermarket, 176 Park Lane, Hornsey, London, N17 OJN, with Her Majesty's Revenue and Customs. The officers carried out their inspections and seized the following:

- 78 litres of 12% strength still wine,
- 2.4 litres of 40% strength sprits (Vodka),
- 52.1 litres of 37.5% strength spirits (Vodka),
- 28.8 litres of 40% strength spirits (Whisky) and
- 9640 cigarettes

Mr Huseyin Gunes was unable produce any invoices or receipts to prove that duty was paid on the wines or of non duty paid bottles of alcohol and cigarettes from the above premises. The total revenue due on the sized goods was £2,808.34.

The Food Standards Agency (FSA) issued an alert which required Local Authority enforcement officers to withdraw 'Drop Vodka' from sale and arrange for its destruction from all retail premises.

In response to this alert the Trading Standards officers visited Gunes Supermarket on the 14<sup>th</sup> November 2011 and identified 2 bottles of 'Drop Vodka, which was on display for sale. Mr Huseyin handed over the bottles of Drop Vodka' and a signed surrender form to have the bottles destroyed to Trading Standards officer.

The officer dealing with this case invited the holder of Premises Licence, Mr Huseyin Gunes, to attend a Police and Criminal Evidence interview on the 19<sup>th</sup> January 2012. Mr Gunes failed to attend or notify that he would be attend the PACE interview. Another PACE interview, with a Turkish interpreter was arranged for the 31<sup>st</sup> January 2012. Once again Mr Gunes did not turn up for the PACE interview.

Supporting documents for the review:

- Scanned copy of the Voluntary Surrender Notices - dated 14<sup>th</sup> November 2012 **Exhibit: MB/01**
- Images of voluntary surrendered 'Drop Vodka' x 2 **Exhibit: MB/02**
- Certificate of analysis for the "Drop Vodka" from Public analyst **Exhibit: MB/03**
- Scanned copy of FSA Food Alert 'For Action' **Exhibit: MB/04**
- Witness Statement from Her Majestic Revenue and Customs officers **Exhibit: MB/05**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 19<sup>th</sup> January 2012 **Exhibit: MB/06**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 31<sup>st</sup> January 2012 **Exhibit: MB/07**
- Code B notice, letter to Huseyin and voluntary surrender document - dated 30<sup>th</sup> July 2008 **Exhibit: MB/08**

#### **Recommendation:**

It is clear from the history and evidences that Mr Huseyin is a persistent offender. He was advised by Trading Standards officers on number occasions have advised Mr Huseyin not to stock or sell counterfeit alcohol or goods. Mr Huseyin has total disregard to the law by not attending interviews arranged by Trading Standards officers. Mr Huseyin has infringed the conditions consistent with the Operating Schedule i.e. the Prevention of Crime and Disorder and Public Safety

It is therefore recommended that the alcohol licence be suspended for three months.

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

On 30<sup>th</sup> July 2008, Trading Standards officers visited Gunes Supermarket at 176 Park Lane, London N17 0JN sized the following counterfeit items from the premises:-

- 4 bottles of Glen's Vodka
- 15 packets ( 3 packs) of Durex Condoms

Mr Huseyin signed over the counterfeit goods to Trading Standards officers for destruction. Mr Huseyin was advised that it was an offence to stock and or sell counterfeit goods on his premises. He was also advised that he should only purchase all his goods from a known and reliable person. He also advised to have paperwork to back his purchases.

On the 14<sup>th</sup> November 2011, Trading Standards with Her Majesty's Revenue and Customs officers visited Gunes Supermarket, 176 Park Lane, Hornsey, London, N17 0JN, with Her Majesty's Revenue and Customs. HMRC and Trading Standards officers seized the following:

- 78 litres of 12% strength still wine,
- 2.4 litres of 40% strength spirits (Vodka),
- 52.1 litres of 37.5% strength spirits (Vodka),
- 28.8 litres of 40% strength spirits (Whisky) and
- 9640 cigarettes

Mr Huseyin Gunes was unable to produce any invoices or receipts to prove that duty was paid on the wines or duty paid on bottles of alcohol and cigarettes from the premises.

The HMRC valued the revenue due on the goods seized goods as £2,808.34

The Food Standards Agency (FSA) issued a food alert which required Local Authority enforcement officers to withdraw 'Drop Vodka' from sale from all retail premises and arrange for their destruction. In response to this alert the Trading Standards officers visited retail the premises found bottles of drop alcohol which were seized.

On the 14<sup>th</sup> November 2011 to the premises, Trading Standards officers identified 2 bottles of counterfeit Drop Vodka, which were on display for sale. Mr Huseyin handed over the bottles of Drop Vodka and a signed surrender form to have the bottles destroyed to Trading Standards officer.

Mr Huseyin was written twice, and invited to attend interview under the Police and Criminal Evidence code and practice. Mr Huseyin failed to turn up for the PACE interview on two occasions.

Please refer to supporting evidence:

- Scanned copy of the Voluntary Surrender Notices - dated 14<sup>th</sup> November 2012 **Exhibit: MB/01**
- Images of voluntarily surrendered 'Drop Vodka' x 2 **Exhibit: MB/02**
- Certificate of analysis for the "Drop Vodka" from Public analyst **Exhibit: MB/03**
- Scanned copy of FSA Food Alert 'For Action' **Exhibit: MB/04**

- Witness Statement from Her Majestic Revenue and Customs officers **Exhibit: MB/05**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 19<sup>th</sup> January 2012 **Exhibit: MB/06**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 31<sup>st</sup> January 2012 **Exhibit: MB/07**
- Code B notice, letter to Huseyin and voluntary surrender document - dated 30<sup>th</sup> July 2008 **Exhibit: MB/08**

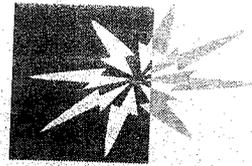
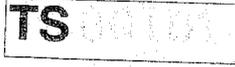
**Please state the ground(s) for review (please read guidance note 2)**

This review is sought on the ground that Mr Huseyin Gunes has broken two of the 4 licensing objectives i.e. the prevention of crime and disorder and public safety

- Mr Huseyin is a persistent offender. He was advised by Trading Standards officers on the 30<sup>th</sup> June 2008 not to stock or sell counterfeit alcohol. He was also informed not to buy his stock from the white van seller but from reputable source.
- On 14<sup>th</sup> of November 2011 the HRMC and Trading Standards officers, visited the premises they once again non duty paid and counterfeit alcohol.

Trading Standards

Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 0208 489 5554  
www.haringey.gov.uk



Haringey Council

Commercial Services Group Manager Keith Betts

Name: Haringey Council Date: 14/11/11

Address: 17.6 PARK WARE

Post Code: W17 0SN

Trading as: SUNWCS SUPERMARKET

Act(s): FOOD SAFETY ACT / TRADE MARKS

The following items have been received/returned

In accordance with the provisions of the above named Act(s), the documents/goods listed below which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me:

Having been satisfied that the following property offends the requirement of the above named Act(s), I hereby assign the property listed below to the London Borough of Haringey for disposal and disclaim all rights to it. I also renounce now and for all time in the future, all claims, rights and ownership of those articles listed. In furtherance of this disclaimer, I also indemnify Haringey Council and all members of its staff, from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and client that may arise in connection therewith.

Signed: [Signature] (delete section if not applicable)

I am the owner of the goods named below and submit them for testing by the London Borough of Haringey. I indemnify Haringey Council and all members of its staff, from all claims and demands that may be made in respect thereof including any damage to or the destruction of these goods during testing, and all proceedings, actions and costs as between solicitor and client that may arise in connection therewith:

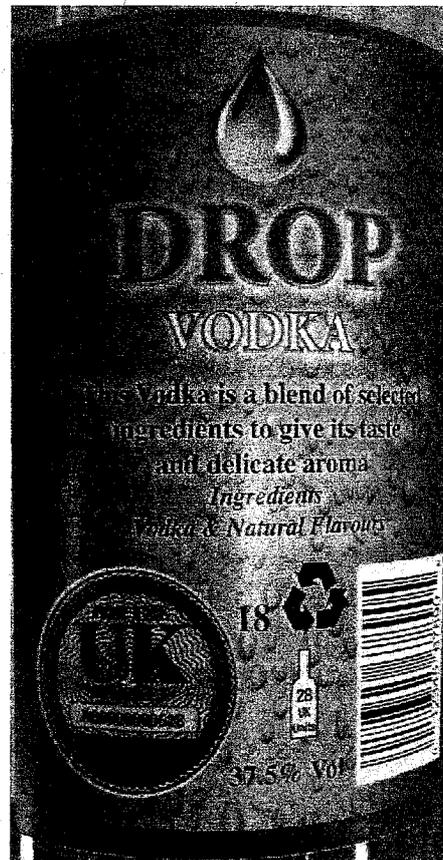
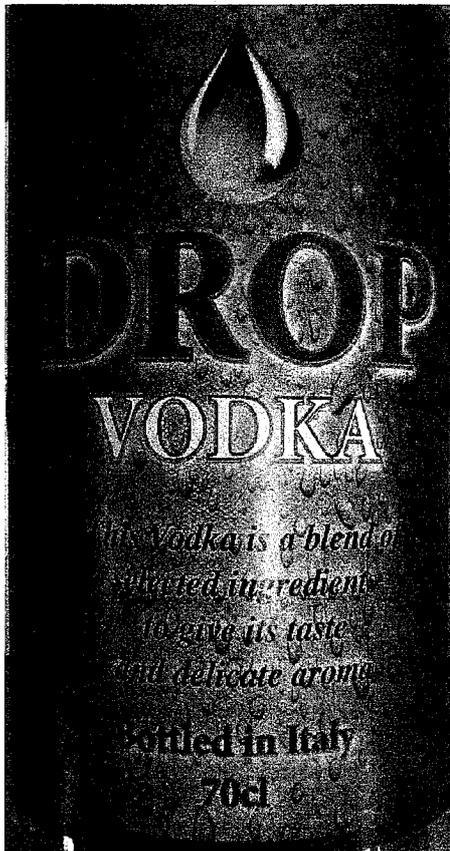
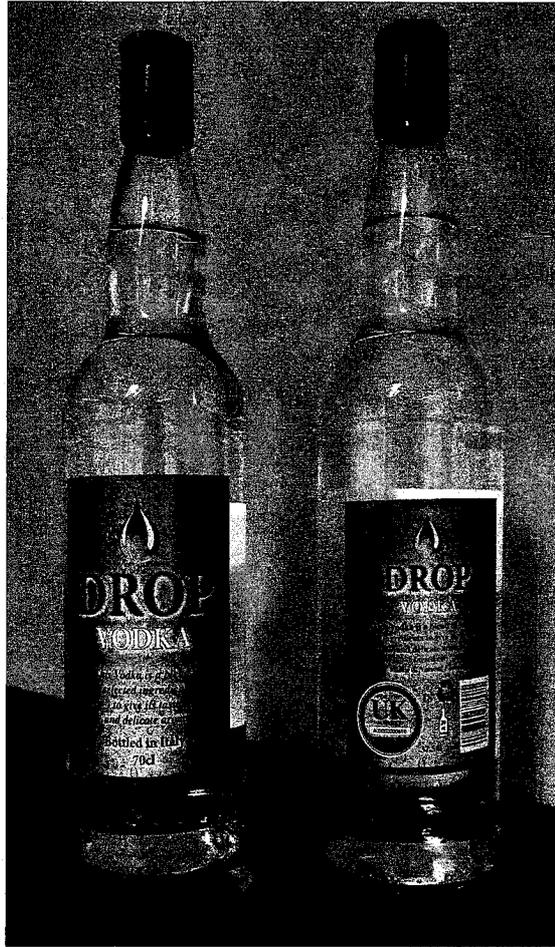
Signed: [Signature] (delete section if not applicable)

A015051 Drop WAXED Foot 1 Bottle  
A015052 " " " " " " 1 Bottle

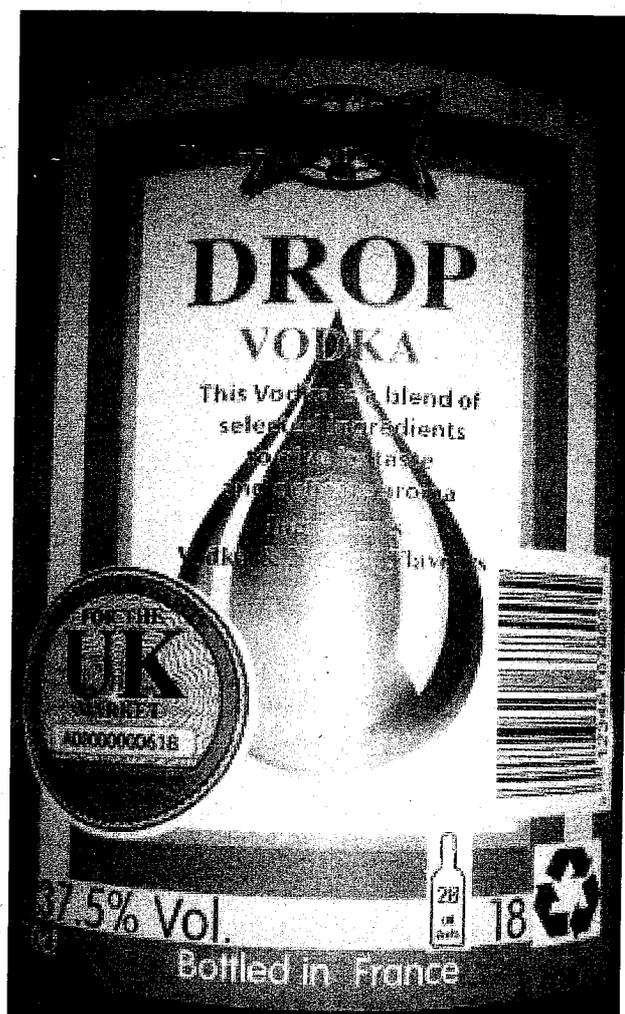
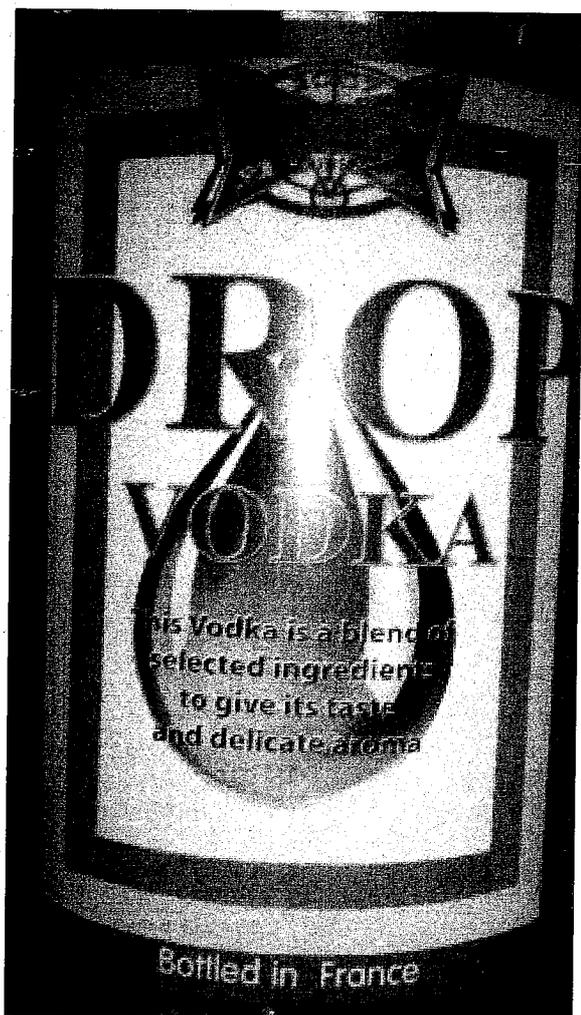
[Large handwritten scribble]

Authorized Officer:  
(Signed) [Signature]  
(Print Name) [Name]  
(Designation) [Title]

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



Labels stating "Bottled in France"



# Certificate of Analysis or Examination carried out under the Food Safety (Sampling and Qualifications) Regulations 1990

To: Ajit Kansara

London Borough of Haringey  
Commercial Environmental Health  
Enforcement  
Service, Units 271-272, Lee Valley  
Technopark  
Ashley Road, Tottenham  
Order no: 4500032115  
London  
N17 9LN

Report No : AR-12-LF-000029-01

Sample No : 401-2011-06003264

Page : 1 of 2

I, the undersigned Public Analyst for London Borough of Haringey

certify that at 19:00 on the 2 December 2011

the sample marked:

Date sample Taken	Reference Number, Description, etc	Weight or Measure
29/11/2011	M3/ WK/206775 Bottle of Drop Vodka Sampling Date : 29/11/2011 Sampling at : Savacaius Food & Wine Business address: 84 High St, Hornsy, N8 7NU Sampling officer : Ajit Kansara Seal No: A0016629	

was received by me from you

I certify that the sample was analysed by me or under my direction and the results are as follows:

<b>First analysis</b>		
Alcohol content	27.4	% vol
<b>Repeat analysis</b>		
Alcohol content	27.4	% vol
<b>First analysis</b>		
1-Propanol	<4	mg/100 ml alcohol
Acetaldehyde	<4	mg/100 ml alcohol
Ethyl acetate	<4	mg/100 ml alcohol
iso-Butanol	<4	mg/100 ml alcohol
iso-Pentanol	<4	mg/100 ml alcohol
Iso-propanol	0.85	g/100 ml
Methanol	4.4	mg/100 ml alcohol

### My opinion and observations are:

The level of alcohol is lower, to the extent of 10.1% ABV, than the minimum of 37.5% ABV required for a spirit drink described as vodka (REGULATION (EC) No 110/2008). The level of alcohol found would be equivalent to a mixture of approximately 3 parts vodka (37.5% ABV) and one part water.

Iso-propanol is normally present in spirit drinks only at trace levels but is used to denature alcohol for industrial purposes. The level found here indicates addition or contamination in my opinion. The toxicity of iso-propanol is comparable to other more common congeners found in spirit drinks. Only a low level of methanol was found. The iso-propanol content is equal to approximately 3 percent of the total alcohol content resulting in no more than a modest rise in the overall toxicity.

However, a spirit drink contaminated with this level of isopropanol is not considered fit for human consumption, in my opinion.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certificate of Analysis or Examination carried out under the Food Safety  
(Sampling and Qualifications) Regulations 1990

To: Ajit Kansara

London Borough of Haringey  
Commercial Environmental Health  
Enforcement  
Service, Units 271-272, Lee Valley  
Technopark  
Ashley Road, Tottenham  
Order no: 4500032115  
London  
N17 9LN

Report No : AR-12-LF-000029-01

Sample No : 401-2011-06003264

Page : 2 of 2

Certified by me this 5 day of January 2012 at Acton

Signature

Status Public Analyst

Name in BLOCK LETTERS JEREMY WOOTTEN

Official address 28-32 Brunel Road  
Westway Estate  
Acton, London, W3 7XR  
T +44 20 8222 6070  
F +44 20 8222 6080

# FOOD ALERT 'FOR ACTION'

**TO BE PASSED WITHOUT DELAY TO THE PRINCIPAL OFFICER FOR  
FOOD SAFETY**

Ref: 03/2011

Date: 23 November 2011

**To: Heads of Environmental Health Services via Principal Officer (Food Safety)  
and Directors of Trading Standards**

**Please copy to all Local Authority Officers with a possible interest.**

## **Illicit 'Drop Vodka'**

Heads of Environmental Health Services and Directors of Trading Standards will wish to be aware that illicit Drop Vodka 70cl has been discovered on sale in the UK.

A number of contraventions have been identified with this product:-

- The product does not contain enough alcohol to be called vodka. The Spirit & Drinks Regulations 2008 state that vodka should be no less than 37.5% ABV. Samples of Drop Vodka taken by Local Authorities have detected levels of 28.6% ABV, which is well below the advertised ABV stated on the bottle.
- There are a number of labelling issues particularly the lack of manufacturer's details for traceability purposes.
- There is a food safety concern in that products sampled by Local Authorities have identified the presence of Propan-2-ol and other substances which can be potentially damaging to health.

To date, the illicit bottles of vodka have been found on sale in England and Wales, specifically in the towns of Scunthorpe, Norwich, Wakefield, Leeds, Salford, Wolverhampton, Nottingham, Milton Keynes, Potters Bar, Aldershot, Colchester and Cardiff.

The levels of Propan-2-ol detected in the Drop Vodka product render the product a health risk. This makes the product unsafe for consumption under Article 14 of Regulation (EC) No. 178/2002.

No Food Business Operator has been identified as the owner of the Drop Vodka brand, therefore distribution information is not available. Local Authorities have typically found products on sale in small independent retailers, corner shops, petrol stations etc. If further information on distribution becomes available, Local Authorities will be advised accordingly.

### **Identification of the illicit product:**

To date, photographs of two different Drop Vodka labels have been received. One proclaims to be bottled in Italy, the other in France. Photographs are attached to this alert.

**Drop Vodka, 70cl  
Bottled in Italy or France**

Main distinctive marks:

- The Duty stamp does not fluoresce under UV light.
- The duty reference on the illicit bottles A000000000618 belongs to Glen Catrine Bonded Warehouse Ltd. Drop Vodka is not a Glen Catrine product.
- The barcode 0123456789 is not a valid bar code.
- No spirit manufacturers lot number on bottle.
- No manufacturers name and address on the label.
- Front and rear labels are self-adhesive.
- Punt mark on bottles show bottle made by 'Ol glassware'.
- The general print quality of the labels is poor.

**Action to be taken by local authorities**

The product detailed above does not comply with the requirements specified in Article 14 of Regulation (EC) No. 178/2002 due to the lack of adequate labelling to facilitate the products' traceability and the presence of various substances which are not intended for human consumption.

Local Authorities are requested to identify and make contact with relevant retailers in their area to make them aware of this issue. If products are found during the course of their routine inspections, enforcement officers should ensure that they are withdrawn from sale and destroyed, if necessary using powers under the Food Safety Act 1990.

Local authorities should report any finding of Drop Vodka by sending a completed Intelligence Report Form to the FSA's dedicated food fraud mailbox, [foodfraud@foodstandards.gsi.gov.uk](mailto:foodfraud@foodstandards.gsi.gov.uk). Intelligence Report Forms can be downloaded from the Agency's website at: <http://www.food.gov.uk/enforcement/laresource/foodfraud/lafoodfraud/foodfrauddatabase>

Messages relating to Drop Vodka have already been circulated via TS Interlink however Local Authorities may wish to consider the use of local publicity, where appropriate.

**ENQUIRIES ABOUT THE CONTENT OF THIS FOOD ALERT FOR ACTION SHOULD BE MADE TO TEL: 020 7276 8448; FAX: 020 7276 8446**

**Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH**

**PLEASE NOTIFY US IMMEDIATELY OF CHANGES TO YOUR CONTACTS**

**END**

Labels stating "Bottled in Italy"

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

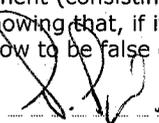
(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Philip Andrew Bush

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: H M Revenue &amp; Customs

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 17/Jan/2012

I am an Officer of H M Revenue & Customs based in Jubilee House, Stratford, London, E15 1AT. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Paul Boeuf, Trading Standards Officer, London Borough of Haringey, to supply details of an inspection made by HM Revenue & Customs Officers, on 14<sup>th</sup> November 2011 at "Gunes Supermarket" of 176 Park Lane, London, N17 0JN for the purpose of supporting an action being taken by Trading Standards in London Borough of Haringey..

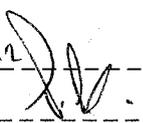
I have examined the report concerning the visit and can confirm that on 14<sup>th</sup> November 2011 Officers seized a total of 78 lts of 12% strength still wine, 2.4 lts of 40% strength spirits (Vodka), 52.1 lts of 37.5 % strength spirits (Vodka), 28.8 lts of 40% strength spirits (Whisky) and 9,640 cigarettes.

Officers were satisfied that due to the proprietors' inability to produce invoices or receipts to prove duty payment on the wine, no UK Duty Paid Stamps on the cigarettes and the Duty Paid Stamp on the spirits containing irregularities, that the United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £2,808.34

No notice of claim against forfeiture was received within the statutory time limit. Therefore the goods were condemned as forfeited in accordance with schedule 3 to the Customs & Excise Management Act 1979.

Date: 17/2012

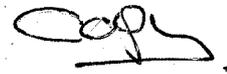
Signature: 

(signature of witness)

Signature: \_\_\_\_\_

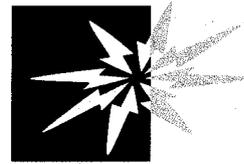
(signature witnessed by)

**STATEMENT OF WITNESS: ENGLAND AND WALES ONLY**



**Trading Standards**

Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 0208 489 5554  
[www.haringey.gov.uk](http://www.haringey.gov.uk)



**Haringey Council**

Commercial Services Group Manager Keith Betts

Gunes Supermarket  
176 Park Lane  
London N17 0JN

Your ref:

Date: 9<sup>th</sup> January 2012

Our ref: wk207839

Direct dial: 0208 489-5160

Email: [Tendy.Lindsay@haringey.gov.uk](mailto:Tendy.Lindsay@haringey.gov.uk)

Dear Mr Huseyin Gunes

**Food Safety Act 1990 (as amended)  
Food Hygiene (England) Regulations 2006**

**Premises: Gunes Supermarket, 176Park Lane, London N17 0JN**

This Authority recently conducted a programme of visits to licensed premises with HMRC officers to check the level of compliance. As part of this exercise a visit was made to your store Gunes Supermarket situated at 176 Park Lane, London, N17 0JN on the 14 November 2011. HMRC and Trading Standards officers seized alcohol and cigarettes from your premises. The alcohol seized by Trading Standards was drop vodka. This vodka does not comply with the above named legislation, as such, it is possible you may have committed offences under the above legislation.

In order to complete our enquiries this Service would like to formally interview you as the owner of the business in accordance with the Police and Criminal Evidence Act 1984. This interview would be tape recorded. You are advised that you may wish to seek legal advice before this interview or have a Solicitor present.

This meeting has been arranged for **Thursday 1 9<sup>th</sup> January 2011at 14.30hrs. It will be held at Haringey Council Offices at Technopark Block 2 Ashley Road, Tottenham, London, N17 9LN.**

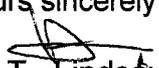
Please go to the reception with this letter and ask them to let me know that you have arrived. I will then come and meet you.

If you require an interpreter, please notify me as soon as possible telling me which language and dialect, and I will make arrangements for one to be present at the interview.

Should you not be able to attend please contact me as soon as possible to arrange a more suitable time.

I look forward to seeing you.

Yours sincerely

  
Ms T. Lindsay  
Senior Trading Standards Officer

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*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to Food Safety Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details)*

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# Food Safety Act 1990

## 1990 CHAPTER 16

### PART II

#### MAIN PROVISIONS

##### *Consumer protection*

#### **15 Falsely describing or presenting food.**

- (1) Any person who gives with any food sold by him, or displays with any food offered or exposed by him for sale or in his possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which—
- (a) falsely describes the food; or
  - (b) is likely to mislead as to the nature or substance or quality of the food,
- shall be guilty of an offence.
- (2) Any person who publishes, or is a party to the publication of, an advertisement (not being such a label given or displayed by him as mentioned in subsection (1) above) which—
- (a) falsely describes any food; or
  - (b) is likely to mislead as to the nature or substance or quality of any food,
- shall be guilty of an offence.
- (3) Any person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any food the presentation of which is likely to mislead as to the nature or substance or quality of the food shall be guilty of an offence.
- (4) In proceedings for an offence under subsection (1) or (2) above, the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.
- (5) In this section references to sale shall be construed as references to sale for human consumption.

**Changes to legislation:**

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Food Safety Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations.

**Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:**

- Act modified by S.I. 2010/1214 art. 4 Sch.
- Act modified by S.I. 2010/1216 art. 4 Sch.
- Act modified by S.I. 2010/1217 art. 4 Sch.
- Blanket amendment text amended by S.I. 2011/1043 art. 3 6

**Commencement Orders yet to be applied to the Food Safety Act 1990:**

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/708 art. 2 commences (2001 c. 16)
- S.I. 2005/3175 art. 2 3 commences (2004 c. 33)
- S.I. 2007/3136 art. 2 commences (2007 c. 28)
- S.S.I. 2007/472 arts. 2 3 Sch. 1 2 commences (2005 asp 16)
- S.S.I. 2009/319 art. 2 Sch. 1 commences (2008 asp 5)

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Title: [ ] Year: [ ] Number: [ ] Type: All Legislation (e)

# The Food Hygiene (England) Regulations 2006

2006 No. 14 PART 3 Regulation 17

Table of Contents Content Explanatory Memorandum ? More Resources ?

Previous: Provision Next: Provision

Status: This is the original version (as it was originally made). UK Statutory Instruments are not carried in their revised form.

## Offences and penalties

17.—(1) Subject to paragraph (4), any person who contravenes or fails to comply with any of the specified Community provisions shall be guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations shall be liable —

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 15 shall be liable on summary conviction to a fine not exceeding the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) A person shall be considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004, paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be carried in receptacles and/or containers/tankers reserved for the transport of foodstuffs) provided the requirements of Schedule 3 are complied with.

Previous: Provision Next: Provision

LICENSING ACT 2003  
Sec 24

## PREMISES LICENCE

Receipt: AG762843

Premises Licence Number: LN00002067,  
LN000003367

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,  
Technopark, Ashley Road,  
Tottenham, London N17 9LN**

Signature:.....

Date: 24<sup>th</sup> November 2005,  
30<sup>th</sup> May 2012

### Part 1 – PREMISES DETAILS

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

**GUNES OFF LICENCE SUPERMARKET  
176 PARK LANE  
LONDON  
N17 0JN**

Telephone: 020 8365 9029

**Where the Licence is time limited, the dates:**

N/A

**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 Saturday                      0800 to 2300

Sunday    1000 to 2230

Good Friday                                      0800 to 2230

Christmas Day                                      1200 to 1500 & 1900 to 2230

**The opening hours of the premises:**

**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:**

Mr Huseyin Gunes  
Flat 28  
Manston  
Adams Road  
London  
N17 6HU

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

N/A

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

Mr Huseyin Gunes  
Flat 28  
Manston  
Adams Road  
London  
N17 6HU

**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	LN00004686
Issued by	London Borough of Haringey
Expires	16 <sup>th</sup> November 2017

**Annex 1 –Mandatory Conditions**

**(2) Supply of alcohol:** 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.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

**Additional Mandatory Conditions in relation to Supply of Alcohol**

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

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

**THE PREVENTION OF CRIME AND DISORDER**

**PUBLIC SAFETY**

**THE PREVENTION OF PUBLIC NUISANCE**

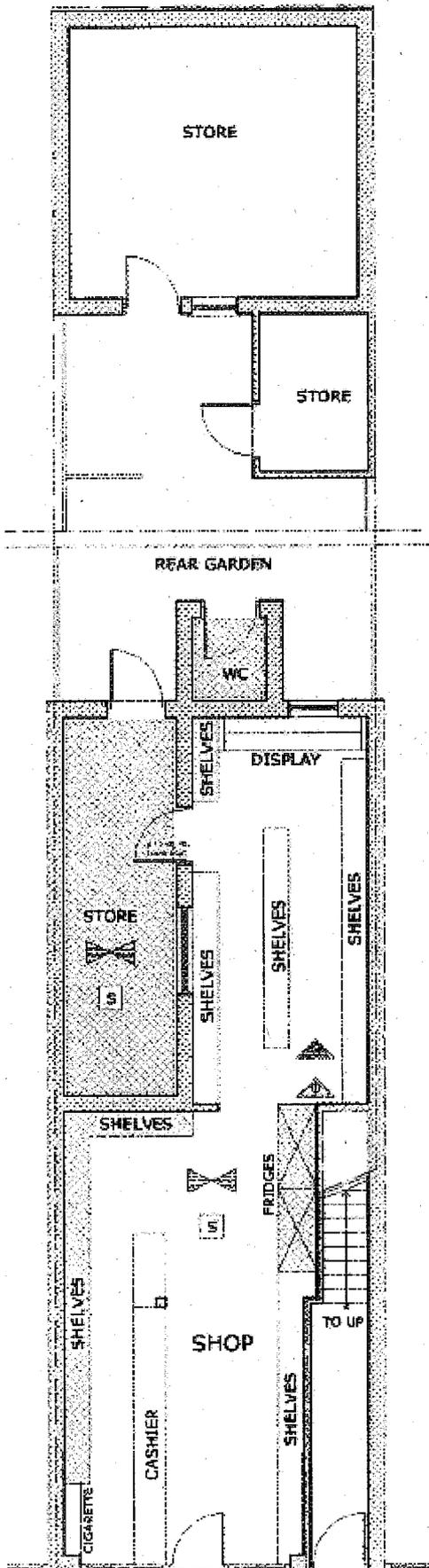
**THE PROTECTION OF CHILDREN**

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

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

**Annex 4 – Plans**



**LEGEND**

-  LIQUOR SALE
-  WC, PASSAGEWAY, ETC
-  LIQUOR STORAGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER

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**ECESU SUPERMARKET**

176 PARK LANE  
LONDON N17

EXISTING

-GROUND FLOOR PLAN-

SCALE: 1/100

REF. NO: 301.05/01

DATE: JULY 05

DRG BY: A.AY

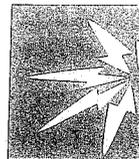
**ANVA LTD.**

P.O. BOX.1827  
ILFORD. IG2 7WJ

TEL: 020 8599 5035 FAX:020 8586 4461  
MOBILE:077 10942923 / 079 31393989

EXISTING GROUND FLOOR

Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 020 8489 5554  
www.haringey.gov.uk



Commercial Services Group Manager Keith Betts

Haringey Council

**NOTICE OF POWERS AND RIGHTS**  
**ISSUED IN ACCORDANCE WITH PARAGRAPH 5.7 OF CODE B UNDER THE POLICE**  
**AND CRIMINAL EVIDENCE ACT 1984**

Premises :..... Games Supermarket  
Address :..... 176 Park Lane, Tottenham, London  
N17 0TN  
Name of Person Receiving Notice :..... Museyin Guner

**INSPECTION USING STATUTORY POWERS**

Under the Acts of parliament listed below, an authorised officer may, at all reasonable times and on production of his/her credentials, if requested, enter any premises and inspect any goods, and, if so authorised, inspect any weighing or measuring equipment.

The inspection visit is being carried out using the statutory powers contained within the Acts indicated below. The powers may vary between each Act.

- |  |   |
|--|---|
| <input type="checkbox"/> Trade Descriptions Act 1968 - Section 28  | <input checked="" type="checkbox"/> Trade Marks Act 1994 - Section 93 |
| <input type="checkbox"/> Weights & Measures Act 1985 - Section 79  | <input type="checkbox"/> Hallmarking Act 1973 - Section 9             |
| <input type="checkbox"/> Consumer Protection Act 1987 - Section 29 | <input type="checkbox"/> Video Recordings Act 1984 - Section 16A      |
| <input type="checkbox"/> Consumer Credit Act 1974 - Section 162    | <input type="checkbox"/> Fair Trading Act 1973 - Section 29           |
| <input type="checkbox"/> Prices Act 1974 - Schedule 1, Section 9   | <input type="checkbox"/> Food Safety Act 1990 - Section 32            |

The officer is also authorised under the other statutes listed on his/her warrant card.

If, during the inspection, the Officer has reason to suspect that an offence may have been committed, then (s)he may wish to exercise additional statutory powers. Some of these additional powers have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights.

OFFICER IN CHARGE OF INSPECTION:..... Mr G Ford  
OTHER OFFICERS OR PERSONS PRESENT:..... Det. M. George  
DATE :..... 30/7/08 TIME:..... 2:25 am/pm

**CONSENT TO USE EQUIPMENT**

With your permission, I wish to make use of equipment held on the premises, namely a till scanner or other similar equipment, for the purposes of checking prices. You are not obliged to give consent and you must understand that any information produced may be used in any court proceedings.

I HEREBY CONSENT TO THE OFFICERS NAMES ABOVE USING THE EQUIPMENT HELD ON THESE PREMISES. I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

SIGNATURE :.....

Director: Niall Bolger  
Assistant Director: (Enforcement) Robin Pay



2005-2008  
Getting Closer to Communities

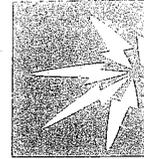
C3.81A/4

Rev: Aug.02



INSPECTOR IN CHARGE

Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 020 8489 5554  
www.haringey.gov.uk



Commercial Services Group Manager Keith Betts

Haringey

Quynh's Supermarket  
176 Park Lane  
Tottenham  
London N17 0JW

Your Ref :  
Our Ref :  
Contact : Mrs C. Forde  
Ext. : 0208 489 5159  
Date : 30/7/08

Trade Marks

Act 1994

Act

In accordance with the provisions of Section.....of the above-mentioned Act(s), the under-mentioned documents/goods which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me:

- 4 Bottles of Glen's Vodka - Tag A008667
- 9 x 3 pack of Durex Featherlite (Lot No A0708BA) Tag A008189
- 4 x 3 pack Durex Ribbed (Lot No 20905271) Tag A008178
- 1 x 3 pack Durex Featherlite (Lot No A0708BA) Tag A008187
- 1 x 3 pack Durex Ribbed (Lot No 20905271) Tag A008160

Authorised Officer:

Notice Received By:

(Signed).....

(Signed).....

(Print Name).....

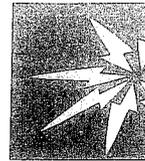
(Print Name).....

(Designation).....

(Status).....



Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 020 8489 5554  
www.haringey.gov.uk



Commercial Services Group Manager Keith Betts **Haringey Council**

Your Ref :  
Our Ref : GF/88640  
Contact : Mrs G Forde  
Direct line : 0208 489 5159  
E-mail : georgia.forde@haringey.gov.uk  
Date : 25 September 2008

Gunes Supermarket  
176 Park Lane  
Tottenham  
London  
N17 0JN

F.A.O: Mr Huseyin Gunes  
Proprietor

Dear Mr Gunes

Gunes Supermarket, 176 Park Lane, Tottenham, London, N17 0JN.  
Counterfeit Glen's Vodka and Durex Condoms  
TRADE MARKS ACT 1994

A medical alert has been issued by the Medicines and Healthcare products Regulatory Agency concerning counterfeit Durex Condoms that have been placed on the UK market.

The MHRA have said "There is no assurance that counterfeit condoms have been manufactured to appropriate standards. Possible consequences could include inadequate protection against sexually transmitted infections or pregnancy."

In addition to this, there has been a quantity of counterfeit Glen's Vodka found in Haringey.

It's an offence under the Trade Marks Act 1994 to possess for sale or to sell counterfeit goods.

On 30 July 2008 I came to your shop to look at your stock of Durex condoms and found fifteen packets (3 packs) of counterfeit condoms and four 70cl counterfeit bottles of Glen's Vodka.

Director Niall Bolger  
Assistant Director (Enforcement) Robin Payne



You signed over the counterfeit items to Trading Standards to be destroyed, to which I left a seizure notice. Please find enclosed a disclaimer of property form for you to sign and return to me in the stamp address envelope.

From talking to shop keepers and to Trading Standards in other parts of London it seems that these counterfeit goods have been supplied by sellers in white vans and sellers walking shop to shop.

These sellers have not been giving shopkeepers any invoices or indeed any paperwork with the seller's correct names and addresses. When illegal goods are sold to the public the shopkeepers concerned can be prosecuted. In many cases the people who supplied the shops can be prosecuted as well, but only if their identity is known. If the suppliers cannot be traced, the shopkeepers usually have to take full responsibility.

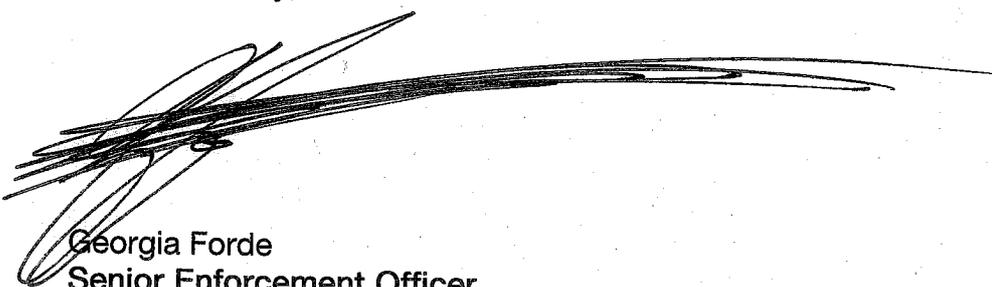
In this present case there will be no further action taken against you for having these counterfeit goods but I would like to stress that if counterfeit items are found in your shop in the future then you could be liable to prosecution.

You must be very careful where you buy your stock. It is very unlikely that reputable cash and carry outlets would sell counterfeit goods. On the other hand, can you be sure that sellers going from shop to shop are selling genuine items even if they give itemised invoices with a genuine address?

You should be particularly careful when buying items which need to be safe. This would include condoms, electrical items, toys, batteries, alcohol, cigarettes and cigarette lighters.

If you wish to discuss this further please contact me.

Yours sincerely,



Georgia Forde  
Senior Enforcement Officer

Encl.

c.c. 207 Haselbury Road, Edmonton, London N9 9TT.

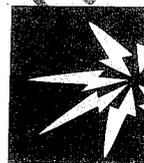
Director Niall Bolger  
Assistant Director (Enforcement) Robin Payne

Original **KEEP ON FILE**



Haringey Council

Trading Standards  
Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 5134 Fax: 020 8489 5554  
www.haringey.gov.uk



Haringey Council

Commercial Services Group Manager Keith Betts

22 OCT 2008

Trading Standards  
Technopark, Ashley Road,  
Tottenham, London N17 9LN

Your Ref :  
Our Ref : GF/88640  
Contact : Mrs G Forde  
Ext. : 0208 489 5159  
Date : 25 September 2008

**DISCLAIMER OF PROPERTY**

I, HUSEYIN GUNES  
trading as: GUNES SUPERMARKET  
at: 176 PARK LANE, TOTTENHAM, LONDON N17 0JN

having been satisfied that the following property offends the requirement of the  
Trade Marks Act 1994

hereby assign the property listed below to the Trading Standards Service for  
disposal and disclaim all rights to it.

I also renounce now and for all time in the future, all claims, rights and ownership of  
those articles listed.

In furtherance of this disclaimer, I also indemnify Haringey Council and all members  
of its staff, from all claims and demands that may be made in respect thereof, and  
all proceedings, actions and costs as between solicitor and client that may arise in  
connection therewith.

**DETAILS OF PROPERTY (DESCRIPTION AND NUMBER OF ITEMS)**

4 x 70cl bottles of Glen's Vodka - tag number A008667. *Yanick Beaulieu*  
15 packets (3 packs) Durex Condoms - tag numbers A008189, A008178,  
A008187 & A008160. *Georgina Forde*

Name: *Huseyin Gunes*

Signature: *Huseyin Gunes*

Date: *12.10.2008*

Witness: *Georgina Forde* of the London Borough of Haringey

Director: Niall Bolger

*Mrs G. Forde*



*22/10/08*



## APPENDIX 2- SECTION 182 GUIDANCE

- 11.22 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.23 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.
- 11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
  - for the sale and distribution of illegal firearms;
  - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
  - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
  - for prostitution or the sale of unlawful pornography;
  - by organised groups of paedophiles to groom children;
  - as the base for the organisation of criminal activity, particularly by gangs;
  - for the organisation of racist activity or the promotion of racist attacks;
  - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

#### **REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER**

11.32 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review - the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

#### **REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN**

11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

**APPENDIX 3- THE PROVENTION OF CRIME AND  
DISORDER POLICY STATEMENT**

## **Operating Schedule**

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

## **The Operating Schedule and the Licensing Objectives**

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

### **1. The prevention of crime and disorder**

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- X • Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## 2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises: