

## NOTICE OF MEETING

# LICENSING SUB COMMITTEE B

**Thursday, 18th August, 2016, 7.00 pm - Civic Centre, High Road,  
Wood Green, N22 8LE**

**Members:** Councillors Vincent Carroll (Chair), David Beacham and Toni Mallett

Quorum: 3

### **1. FILMING AT MEETINGS**

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

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

### **2. APOLOGIES FOR ABSENCE**

### **3. URGENT BUSINESS**

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

### **4. DECLARATIONS OF INTEREST**

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

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

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

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

**5. SUMMARY OF PROCEDURE (PAGES 1 - 2)**

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

**6. SEVEN SISTERS OFF LICENCE, 627 SEVEN SISTERS ROAD LONDON N15 (PAGES 3 - 48)**

To consider an application for a premises licence review brought by Trading Standards as a Responsible Authority.

**7. TOTTENHAM EXPRESS, 591 HIGH ROAD, LONDON N17 (PAGES 49 - 94)**

To consider an application for a premises licence review brought by Trading Standards as a Responsible Authority.

**8. TASTY HUTT (MARHABA), 443 WEST GREEN ROAD, LONDON N15 (PAGES 95 - 146)**

To consider an application for a premises licence review brought by Enforcement Response as a Responsible Authority.

**9. ITEMS OF URGENT BUSINESS**

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

Maria Fletcher, Principal Committee Co-ordinator  
Tel – 020 84891512  
Fax – 020 8881 5218  
Email: maria.fletcher@haringey.gov.uk

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

Wednesday, 10 August 2016

## APPENDIX 3

<b>LICENSING SUB-COMMITTEE REVIEW HEARINGS PROCEDURE SUMMARY</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 <ul style="list-style-type: none"> <li>i) any prior contacts (before the hearing) with the parties or representations received by them; and separately</li> </ul> any declarations of interest.
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed in advance.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to: <ul style="list-style-type: none"> <li>(i) grant an adjournment to another date, or</li> <li>(ii) proceed in the absence of the non-attending party.</li> </ul> Normally, an absent party will be given one further opportunity 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: <p><b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b></p> <ul style="list-style-type: none"> <li>(i) the prevention of crime and disorder,</li> <li>(ii) public safety,</li> <li>(iii) the prevention of public nuisance, and</li> <li>(iv) the protection of children from harm.</li> </ul>
6.	The Chair invites comments from the parties on any other topic headings to be discussed.
<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 generally be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
<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 18<sup>th</sup> August 2016

**Report title: Application for a Review of a Premises Licence at Seven Sisters Off Licence, 627 Seven Sisters Road Tottenham London N15**
**Report of: The Licensing Team Leader**
**Ward(s) affected TG**
**1. Purpose**

To consider an application by The Trading Standards Team for a review of the premises licence at Seven Sisters Off Licence.

**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: 12<sup>th</sup> July 2016**

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

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

**2. Officers Observations**

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

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

**Report authorised by: Daliah Barrett**


.....  
 Licensing Team Leader

**Contact Officer: Ms Daliah Barrett -Williams**
**Telephone: 020 8489 8232**
**3. Access to information:**

Local Government (Access to Information) Act 1985  
 Background Papers

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

**File: Seven Sisters Off Licence**

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

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#### 4. REPORT

##### **Background**

A premises licence was originally granted to Mr Ozcan Albay at Seven Sisters Off Licence 627 Seven Sisters Road Tottenham London N15 in November 2015. Mr Albay has been the licence holder and DPS since this time.

Mr Albay has been previously cautioned by the Trading Standards Team for a similar offence in December 2015. The licence holder submitted a Minor Variation to have agreed conditions that would assist him in not having counterfeit conditions added to the licence at this time. The Licence and its conditions are shown as Appendix 1A.

Clearly, the licensee has continued with stocking the premises with illicit goods and was again found to have further stock in April 2016.

##### **Licensable activities authorised by the Licence:**

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

##### **Supply of Alcohol**

<b>Monday to Saturday</b>	<b>0800 to 2300</b>
<b>Sunday</b>	<b>1000 to 2230</b>
<b>Good Friday</b>	<b>0800 to 2230</b>
<b>Christmas Day</b>	<b>1200 to 1500 &amp; 1900 to 2230</b>

**The designated premises supervisor is: Mr Ozcan Albay**

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

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

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

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

#### **5.0 RELEVANT REPRESENTATIONS (CONSULTATION)**

##### **Responsible authorities:**

##### **5.1 Comments of Metropolitan Police**

No representation made.

##### **5.2 Comments of Enforcement Services:**

No representation made

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

No representation made.

## **6.0 Comments of Interested Parties**

No comments made.

## **7.0 POLICY CONSIDERATIONS**

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

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

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

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

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

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

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

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



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Mr Albay has been previously cautioned by the Trading Standards Team for a similar offence in December 2015. The licence holder submitted a Minor Variation to have agreed conditions that would assist him in not having counterfeit conditions added to the licence at this time. The Licence and its conditions are shown as Appendix 1A.

Clearly, the licensee has continued with stocking the premises with illicit goods and was again found to have further stock in April 2016.

##### **Licensable activities authorised by the Licence:**

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

##### **Supply of Alcohol**

**Monday to Saturday** 0800 to 2300

**Sunday** 1000 to 2230

**Good Friday** 0800 to 2230

**Christmas Day** 1200 to 1500 & 1900 to 2230

**The designated premises supervisor is: Mr Ozcan Albay**

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##### **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.

**Appendix 1 A– Copy of licence**

LICENSING ACT 2003  
Sec 24

## PREMISES LICENCE

Receipt: AG762521

Premises Licence Number: LN/00001187  
LN/000003234

*This Premises Licence has been issued by:*

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

Signature:.....

Date: 24<sup>th</sup> November 2005

Minor Variation: 16<sup>th</sup> December 2015

### Part 1 – PREMISES DETAILS

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

**SEVEN SISTERS OFF LICENCE  
627 SEVEN SISTERS ROAD  
LONDON  
N15 5LE**

Telephone: 020 8802 9589

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

Not applicable

**Licensable activities authorised by the Licence:**

Sale of retail 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 Ozcan Albay

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

Not applicable

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

Mr Ozcan Albay

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

LN/200500694

Issued by London Borough of Enfield

Expires: 31<sup>st</sup> July 2015

**Annex 1 –Mandatory Conditions**

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

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

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

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

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

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

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

There will be two security cameras at the premises and a mirror to view everyone in the public area of the premises. There will also be a security alarm and a panic alarm to a recognised company. There will also be an alarm system to notify the police of any incident. All spirits will be kept behind the counter and wine is to the left of the counter in easy view of the proprietor.

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

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

### **PUBLIC SAFETY**

There will be easy escape from the premises.

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

No alcohol will be sold to those who are intoxicated.

### **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:

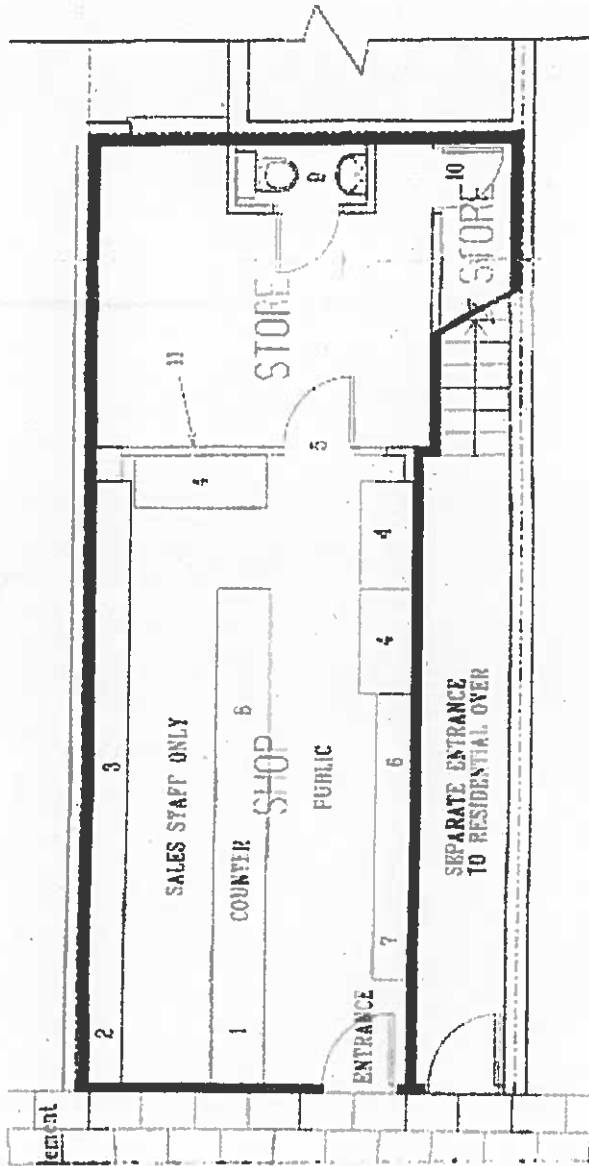
- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

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

Not applicable

**Annex 4 - Plans**

- 2 - Shelving for cigarettes
- 3 - Shelving for spirits
- 4 - Fridge for beer and soft drinks
- 5 - Half hour fire resisting self closing door and frame
- 6 - Shelving for beer and soft drinks
- 7 - Newspaper and magazine rack
- 8 - Chocolates, sweets and snacks
- 9 - Existing WC and basin for staff use only
- 10 - Underside of staircase plastered to provide half hour standard fire resistance
- 11 - Half hour fire resisting timber stud partition



*[Handwritten signature]*



## **Appendix 1 – Review Application**



# **PUBLIC NOTICE**

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

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

**SEVEN SISTERS OFF LICENCE  
627 SEVEN SISTERS ROAD  
TOTTENHAM  
LONDON N15 5LE**

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

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

- **THE PREVENTION OF CRIME & DISORDER**
- **PUBLIC SAFETY**

**Failing to uphold and promote the prevention of crime and disorder and public safety objective by selling non duty paid goods on the premises namely cigarettes and alcohol over a period of time.**

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

**Lead Officer – Licensing, Haringey Council, Alexandra House, Level 6, 10 Station Road, Wood Green, London N22 7TR.**

**By: 8<sup>TH</sup> AUGUST 2016**

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Alexandra House, Level 6, 10 Station Road, Wood Green, London, N22 7TR between the hours of 10.00am and 4.00pm.

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

[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 Rebecca Whitehouse/Felicia Ekameozuma

(Insert name of applicant)

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

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

Postal address of premises or, if none, ordnance survey map reference or description Seven Sisters Off Licence 627 Seven Sisters Road		HARINGEY COUNCIL LICENSING RECEIVED  12 JUL 2016
Post town London	Post code (if known) N15 5LE	

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

Number of premises licence or club premises certificate (if known)  
LN000003234

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

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

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

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

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

Please tick one or more boxes ✓

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

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

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

It particularly relates to the discovery of illicit tobacco in the shop under the control of the Premises Licence Holder and Designated Premises Supervisor Ozcan ALBAY. It also relates to a previous occasion where illicit tobacco was discovered on the same premises under the control of Ozcan ALBAY. These circumstances indicate that the highest standards of management have not been exhibited by the business.

On 6<sup>th</sup> April 2016, officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the premises to inspect the stock of alcohol and tobacco. The Premises Licence Holder Ozcan ALBAY was present.

The officers seized 680 cigarettes with a Duty Value of £184.95 which were not UK Duty Paid. These products were discovered concealed in Chivas Regal Whisky presentation boxes on display behind the counter where the whisky bottle itself had been removed from the box and cigarettes placed inside. The box had then been placed back on display among other spirits. Once one box and its contents had been discovered by officers Mr Albay was asked to produce any other foreign cigarettes he had in the shop and he indicated to a Whisky box on display behind the counter.

The seized goods were foreign Marlboro branded cigarettes which as well as not being Duty Paid also did not bear the correct statutory health warnings which are legally required for the

UK market. Having these cigarettes in possession for supply on a shop premises on that date is a breach of Regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 as they do not bear the required warning "smoking kills" or "Smoking seriously harms you and others around you" and on the other most visible surface a prescribed picture warning. This can be a criminal offence under Section 12(1) of the Consumer Protection Act 1987.

Ozcan ALBAY the Premises Licence holder and designated Premises Supervisor was subsequently interviewed under Caution in accordance with the Police and Criminal Evidence Act 1984 by Trading Standards.

During the interview Mr ALBAY refused to answer questions relating to the incident and gave a "no comment" interview.

When asked at the end of the interview if there was anything he wished to say Mr ALBAY stated he had no comment

I have set out below the relevant history of the business.

The Ozcan ALBAY signed up to Haringey's Responsible Retailer Scheme and was accepted as a member on 9<sup>th</sup> September 2014. This scheme includes a commitment by the business to comply with legislation relating to the retail sale of tobacco.

On 17<sup>th</sup> November 2015 Ozcan ALBAY agreed and signed a Simple Caution relating to a previous visit to the shop premises by Trading Standards and Officers of HMRC on 24<sup>th</sup> June 2015. The Caution related to an offence under Section 12 (1) of the Consumer Protection Act in that on 24<sup>th</sup> June 2015 he had in possession for supply on the Licenced Premises at 627 Seven Sisters Road N15 5LE 1.5kg of Golden Virginia hand rolling tobacco 600 Marlboro Red cigarettes and 1200 Marlboro Gold Cigarettes all of which did not bear the required statutory health warnings in English.

Subsequent to the Simple Caution Trading Standards wrote to Ozcan ALBAY on 18<sup>th</sup> November 2015 asking him to apply for a Minor Variation to his Premises Licence imposing additional conditions in relation to the storage of tobacco. Ozcan ALBAY applied for the requested minor variation.

On 16<sup>th</sup> December 2015 a Minor Variation was approved and the licence reissued. The additional conditions were as follows.

- All tobacco products which are not in the covered tobacco display cabinet shall be stored in a container clearly marked "tobacco stock". This container shall be kept within the store room or behind the sales counter.
- Tobacco shall only be taken from the covered display cabinet behind the sales counter in order to make a sale.

It is our submission that concealing or storing illicit tobacco in a Chivas Regal Whisky box which was not clearly labelled "tobacco stock" is a breach of a specific condition of the Premises Licence.

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

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

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

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

Here is a summary of events supporting this application:-

Date	Event	Description
17 <sup>th</sup> September 2014	Ozcan ALBAY applies to join Haringey's Responsible Trader Scheme.	Ozcan ALBAY signs commitment to abide by all legislation in relation to the retail supply of alcohol and tobacco including that enforced by Environmental Health and HMRC
24 <sup>th</sup> June 2015	Trading Standards and HMRC inspect the licenced premises	HMRC and trading Standards seize 1.5kg of Golden Virginia hand rolling tobacco 600 Marlboro Red cigarettes and 1200 Marlboro Gold Cigarettes Duty value of seized products £873.15

22nd July 2015	Ozcan Albay interviewed	Tape Recorded interview in accordance with Police and Criminal Evidence Act in relation to tobacco seized on 24th June 2015.
20 <sup>th</sup> August 2015	Responsible Retailer compliance Visit	Ozcan ALBAY reminded to use Refusals Register and not to Trade in illicit tobacco.
26 <sup>th</sup> August 2015	Letter sent to Ozcan ALBAY by Trading Standards	Ozcan ALBAY reminded not to sell tobacco products with non English Language Health warnings.
17 <sup>th</sup> November 2015	Ozcan ALBAY admits offence and signs Simple Caution in relation to visit on 24 <sup>th</sup> June 2015	Simple Caution administered in relation to possession for supply of hand rolling tobacco and cigarettes bearing foreign language health warnings.
16 <sup>th</sup> December 2015	Minor Variation to Premises Licence	Additional conditions applied in relation to storage of tobacco products on the Premises
6 <sup>th</sup> April 2016	Trading Standards and HMRC carry out inspection of the Licenced Premises	The officers seize 680 cigarettes with a Duty Value of £184.95 which were not UK Duty Paid and carried foreign language health warnings.
17 <sup>th</sup> May 2016	Interview of Ozcan Albay Under the Police and Criminal Evidence Act 1984	Interview recorded on CD under caution. Ozcan Albay "gives no comment interview"



Recommendations:

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

The history of the premises indicates that the Premises Licence holder and Designated Premises Supervisor Ozcan ALBAY was in sole control of the premises during the period in which the two incidents occurred and continued to have illicit tobacco products on his premises after signing a simple caution in relation to a previous incident.

There is evidence that the Ozcan ALBAY has been knowingly involved in serious breaches of the law and has disregarded legal requirements and breached a specific condition of his licence. This gives me severely reduced confidence in his willingness to fulfil his responsibility to promote the licensing objectives or to exhibit the highest standards of management.

I believe on the facts described in this application that the Designated Premises Supervisor and Premises Licence Holder Ozcan ALBAY should be removed from the licence.

I also recommend the following conditions be attached to the Licence by the Committee.

1. Only products available for retail sale can be stored at the licensed premises.

I would also recommend that the Committee consider a suspending the Licence for a period of a minimum of three months or revoking the licence.

No conditions have previously been attached by the Licensing Authority.

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

**Attached Documents**

1. Application form and conditions of Haringey's Responsible Trader Scheme signed by Ozcan ALBAY dated 17/9/14
2. Letter dated 26<sup>th</sup> August 2015 reminding Mr Albay not to stock or sell cigarettes and tobacco with non English Health Warnings
3. Simple Caution Signed by Ozcan ALBAY dated 17<sup>th</sup> November 2015
4. Photographs of Goods Seized on 6<sup>th</sup> April 2016
5. Record of Interview with Ozcan ALBAY conducted on 17<sup>th</sup> May 2016
6. Statement of Mathew Parr (HMRC)

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 Ronmetase

Date 11/7/16

Capacity Applicant R.A.

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.

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

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year

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

N/A



Haringey Council

MURTHY BALAKRISHNAN

Regulatory Services  
 Alexandra House 6<sup>th</sup> Floor, 10 Station Road, Wood Green, London N22 7TR  
 Tel: 020 8489 5134 Fax: 0208 489 5554  
 www.haringey.gov.uk  
 Group Manager Regulatory Services: Eubert Malcolm

## RESPONSIBLE RETAILER SCHEME

Application for Registration under the Responsible Retailer Scheme

**Part 1 - Applicant's Details**

1. Title: Mr  Mrs  Miss  Ms  Other (please specify)

Surname: Albau

Other name(s): 02 can

2. Home Address: 627 - Seven Sisters Road.  
London N15 5LE

Postcode:

3. Telephone: Daytime: 02088024584.  
Mobile: 07939586847.  
Evening:

4. Email Address:

*[please give as many contact details as possible in case we need to contact you]*

As the Premises Licence Holder/Designated Premises Supervisor/Proprietor/Manager (please delete as appropriate) of the premises hereinafter mentioned I HEREBY MAKE APPLICATION in respect of REGISTRATION UNDER THE RESPONSIBLE RETAILER SCHEME at the premises of which particulars are given below:

The following sections to be filled in by the Officer.

**Part 2 - Premises Details**

5. Business/Trading Name of Premises: SISTER  
SEVEN SISTERS LTD

6. Postal Address of Premises: 627 7th 7th seven sisters  
627

Postcode: N15 5LE

7. Number of staff employed in the business: 1+2 (parttime)

8. Premises Licence Schedule Displayed on Premises:  
Yes/No Yes

Services Provided:

Health and Safety  
 Trading Standards  
 Street Enforcement  
 Street Trading

9. Number of staff employed in the business with Personal Licences:  
(Issuing Licensing Authorities and Licence numbers).

1 + 2 (part time)

10. Age Verification Policy in Operation at Premises :

Yes/No

Ask for id

11. Details and Records of Staff Training around Age Restricted Products:

NO - but use in pack

12. Record of Refusals Register Available and Inspected:

Yes/No

Date of Last Entry:

NO will use bin one pack

13. Age Verification Posters displayed on the premises:

Yes/No

Type:

It is illegal to sell!

14. Statutory Notices displayed on premises (where applicable). (Tobacco & Fireworks)

Yes/No

Type:

Yes  
It is illegal to sell

15. Policy in place on Proxy Sales:

Yes/No

NO

16. Type of Age Restricted Products within Premises:

Alcohol:	<input checked="" type="checkbox"/>
Tobacco:	<input checked="" type="checkbox"/>
Fireworks:	<input checked="" type="checkbox"/>
Knives:	<input checked="" type="checkbox"/>
Solvents:	<input checked="" type="checkbox"/>
Other:	<input checked="" type="checkbox"/>

17. Coverage by CCTV within premises: (How many cameras & number of days recording)

4 camera

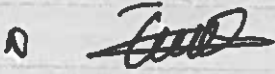
18. Any Prompts on Electronic Tills

Yes/No

NO

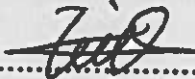
19. Any other comments from the Officer inspecting the Premises:

None

<b>Part 3 – Signature</b>	
22. Name of Applicant:	ALBAY OZAN
Signature:	
Print Name:	ALBAY OZAN
Capacity:	OWNER
Date:	17/09/2014

**I AM AWARE OF THE PROVISIONS OF THE RESPONSIBLE RETAILER SCHEME AND THE RELEVANT CONDITIONS AND I HEREBY APPLY FOR REGISTRATION UNDER THE SCHEME.**

**I CERTIFY that to the best of my knowledge and belief, the information contained in this application is true**

DATE..... 17/09/2014 ..... SIGNED  .....

If the applicant signs on behalf of a Company or partnership, the capacity of the Applicant should be stated.

**Return completed form to:**

**Trading Standards Service  
Alexandra House  
6<sup>th</sup> Floor  
10 Station High Road  
London  
N22 7TR**

**Telephone: 020 8489 4519**

**DATA PROTECTION**

Personal information provided in an application form and during the period of any subsequent Registration is normally held for a period of five years from the expiry of the last consecutive Registration held. It will be used primarily for the purpose of the licensing function concerned although it may also be used for data matching purposes across various licensing functions.

Personal information held for the purposes of Registration will be held and used in accordance with the requirements of the Data Protection Act 1988. To assist the Council in the prevention and detection of fraud so that it can protect the public funds it administers the Council may use information provided for licensing purposes within this Authority for data matching purposes. It may also data match information provided for licensing purposes with other public bodies that regulate, administer or are in receipt of public funds for the purposes of the prevention and detection of fraud.

**FREEDOM OF INFORMATION**

Information held by the Council may need to be disclosed in response to a request for it within the terms of the Freedom of the Information Act 2000. This information excludes that which is in any other way already in the public domain.

**FOR OFFICIAL USE ONLY**

Date of Inspection .....

Name of the Officer carrying inspection out.....

Recommendation .....

Date reported to Scheme Manager.....

Decision.....

Entered on Schedule: – Date .....



## RESPONSIBLE RETAILER SCHEME

### CONDITIONS OF MEMBERSHIP

As a participant in the Responsible Retailer Scheme, I agree to comply with the following conditions:

- I agree to abide by all legislation relating to the sale of all age restricted products,
- My staff and I will operate a Challenge 25 scheme when selling any age restricted products and will only accept bona-fide forms of identification as proof of age (e.g. passport, driving licence). If customers cannot prove they are old enough to make the purchase, then my staff will refuse the sale,
- I will use a refusals register or similar system, and will check on a regular basis that my staff keep the register or system up to date by logging any sales refusals made to underage customers,
- I will ensure that my sales staff, continue to receive regular training on all the legislation applicable to age restricted products, and keep an up-to date record of the training given to staff members. At the very least I will get them to read through and sign that they have read the material as provided
- If, applicable I will display clearly visible signs required by legislation, stating minimum age requirements for the products I sell (e.g. statutory notices for tobacco products and fireworks),
- I fully understand that Haringey Trading Standards Service can carry out test purchasing of age-restricted products at my business premises, utilising child volunteers, at any time when the premises are open for trade,
- I agree to abide by all legislation relating to the retail supply of alcohol and tobacco, including that legislation enforced by Environmental Health Services and HM Revenue & Customs,
- I fully understand that Haringey Regulatory Services reserves the right to refuse or revoke membership of the scheme if there is any evidence of non-compliance with the conditions of the scheme, and that my participation in the scheme will be reviewed if there are any significant changes in my business circumstances.

### SUSPENSION OF MEMBERSHIP

To maintain the credibility and integrity of the Responsible Retailer Scheme, any members who fail test purchases for age restricted products, are identified by Police as allegedly selling to those underage or who are identified by other enforcement agencies such as HMRC as being in breach of relevant legislative provisions will be notified in writing that their membership is to be suspended.

The offending business will be instructed to remove from display on their premises any branding materials, i.e. the membership display sticker etc, which could mislead consumers into thinking the business is still an active member of the scheme. Failure to comply with this instruction will be considered to be a potential breach of the Consumer Protection from Unfair Trading Regulations 2008. This is a criminal offence.

Suspension from the Responsible Retailer Scheme will be for a minimum period of 3 months from the date of the alleged breach of the legislative provisions. Suspension from the Responsible Retailer Scheme will not preclude legal proceedings also being brought against a retailer. Also suspension from the Responsible Retailer Scheme will not prevent Reviews of Premises Licences by a Responsible Authority entitled to take such an action under the Licensing Act 2003.

Before allowing membership to resume, Haringey Trading Standards Service and/or Police will make efforts to ascertain through follow-up test purchases and reference to other relevant enforcement agencies, whether the retailer in question is acting responsibly and is indeed worthy of renewed membership of the Responsible Retailer Scheme. Repeated test purchase failures and sales to underage persons of age restricted products from the premises, as identified by Police Officers, will lead to expulsion from the scheme. Businesses will be notified in writing when the suspension has been lifted and new Responsible Retailer branding material will be provided at this point.

Members have a right of appeal against the decision by Haringey Council Regulatory Services to suspend membership. Appeals must be made in writing within one calendar month of the date of notification of suspension. Please state clearly in your appeal any mitigating circumstances that you feel should be taken into consideration by the Appeals Panel.

Decisions on appeals against suspension will be made by a panel of the relevant Regulatory Services Team Managers, after reviewing any evidence submitted by the appellant. The decision of the Appeals Panel is final, and will be notified to appellants within one calendar month of the appeal being received. Appeals against suspension should be addressed to: The Chief Trading Standards Officer, Haringey Trading Standards, Alexandra House, 6<sup>th</sup> Floor, 10 Station Road, Wood Green, London, N22 7TR. E-mail [tradingstandards@haringey.gov.uk](mailto:tradingstandards@haringey.gov.uk)



**Trading Standards**

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

Tel: 020 8489 5134 Fax: 0208 489 1251  
[www.haringey.gov.uk](http://www.haringey.gov.uk)

Regulatory Services Group Manager Eubert Malcolm



**Haringey** Council

Ozcan Albay  
Seven Sisters Off Licence  
627 Seven Sisters Road  
Tottenham  
London  
N15 5LE

Our ref: WK/000298187  
Date: 26th August 2015  
Direct line: 020 8489 4519  
Email: [Murthy.Balakrishnan@Haringey.gov.uk](mailto:Murthy.Balakrishnan@Haringey.gov.uk)

Dear Mr Ozcan Albay,

**Re: Responsible retailer Scheme compliance inspection**

I visited to premises on the 20<sup>th</sup> August 2015, to check compliance of the Responsible Retailer Scheme.

It is conditions of the membership:-

- that a record of the training given to all staff regarding underage products is kept
- that you abide by all legislation relation to the sale of alcohol and tobacco e.g. not stock or selling cigarettes or rolling tobacco with non English Health warning

It is important that you keep a record of the staff training. This would form a part of your due diligence defence and can be used in mitigation. If no records can be produced, this defence cannot be used.

The membership of the Responsible Retailer Scheme will be decided once the outcome of the formal action regarding the seizure of non English Health warning on Cigarettes and Tobacco discovered on your premise by Trading Standards and Custom officers on the 24<sup>th</sup> June 2015.

I have included another Responsible Retailer Scheme as requested

Yours sincerely

Murthy Balakrishnan  
Senior Trading Standards Officer

LONDON BOROUGH OF HARINGEY  
ENFORCEMENT SERVICE

Ref: 15/7

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

RECORD OF SIMPLE CAUTION

PART 1: IDENTITY OF PERSON CAUTIONED

Title Mr

Surname: ALBAY

First Names: Ozcan

Address: 19 Hornbeams Avenue, Enfield EN1 4RA

Date of Birth: 01/01/1973

Occupation: Premises Licence Holder/Proprietor

Trading Name: - Seven Sisters Supermarket

Business Address: 627 Seven Sisters Road, London N15 5LE

Type of business: Off Licence

PART 2: PERSONS PRESENT

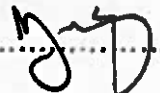
Officer administering caution:

Signed.....

Person receiving the caution: Ozcan ALBAY

Signed.....

Witness: Michael Squire

Signed.....

PART 3: DETAILS OF OFFENCE(S)

- 1) 24<sup>th</sup> June 2015 at Seven Sisters Off Licence, 627 Seven Sisters Road, London N15 5LE, did have in possession for supply goods namely 1kg of Amber Leaf Hand Rolling Tobacco, 1.5kg of Golden Virginia Hand Rolling Tobacco, 600 Marlboro Red cigarettes and 1200 Marlboro Gold cigarettes which did not comply with regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended) in that they did not bear the required warning "smoking kills" or "Smoking seriously harms you and others around you" and on the other most visible surface an additional health warning in the form of a picture warning set out in Part 1 of the schedule. Contrary to Section 12(1) of the Consumer Protection Act 1987.

PART 4: CERTIFICATE AS TO EVIDENCE and PUBLIC INTEREST CONSIDERATIONS

I certify that I am satisfied that there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction of the offence specified in Part 3 hereof. I am further satisfied that the administration of a caution is in the public interest.

Signed: 

PART 5: ADMISSION OF OFFENCE and CONSENT TO CAUTION

I, Ozcan ALBAY admit the offence described above and agree to accept a simple caution in this case.

I accept that this caution forms part of my criminal record and that it may influence how I am dealt with should I commit an offence in the future.

I understand that I have the right to take independent legal advice before I sign or say anything and that I do not have to sign or say anything unless I wish to do so.

I understand that if I am cautioned in respect of the offence specified in Part 3 above, a record will be kept of the caution by the Council and, if applicable, by the Office of Fair Trading. It has been explained to me that the fact of a previous caution may influence the decision whether or not to prosecute if I should offend again and that the caution may be cited if I am subsequently found guilty of an offence by a Court.

I ADMIT THE OFFENCES SPECIFIED IN PART 3 HEREOF AND CONSENT TO BE FORMALLY CAUTIONED.

Signed: 

Dated: 17/11/15

PART 6: CERTIFICATE AS TO CAUTION

On 17<sup>th</sup> Nov 2015 at Alexandra House, 10 Station Road, London N22 7TR at  
2:20 hours, I formally cautioned the person named in Part 1 hereof in respect of the  
offence specified in Part 3 hereof.

Signed: [Signature]

Dated: 17<sup>th</sup> Nov 2015

ETHNIC ORIGIN

In view of the importance of ensuring that every cautioning decision is taken on the basis of fair and equal treatment irrespective of ethnic origin, the Head of Legal Services maintains a record of the ethnic origin of persons cautioned in order that decisions may be monitored. Please specify Ethnic Origin (not Nationality) as either UK European, Greek-Cypriot, Turkish-Cypriot, African, Caribbean/West Indian, Asian, Irish or Other (specify):

Ethnic Origin: Turkige









Palenie tytoniu zabija

Palenie tytoniu szkodzi i zniekształca płucnika - nie zaczyna paląc

Palenie tytoniu zabija

Palenie tytoniu szkodzi i zniekształca płucnika

Palenie poważnie szkodzi Tobie i osobom w Twoim otoczeniu

Dym tytoniowy zawiera benzen, formaldehyd i cyjanowodór

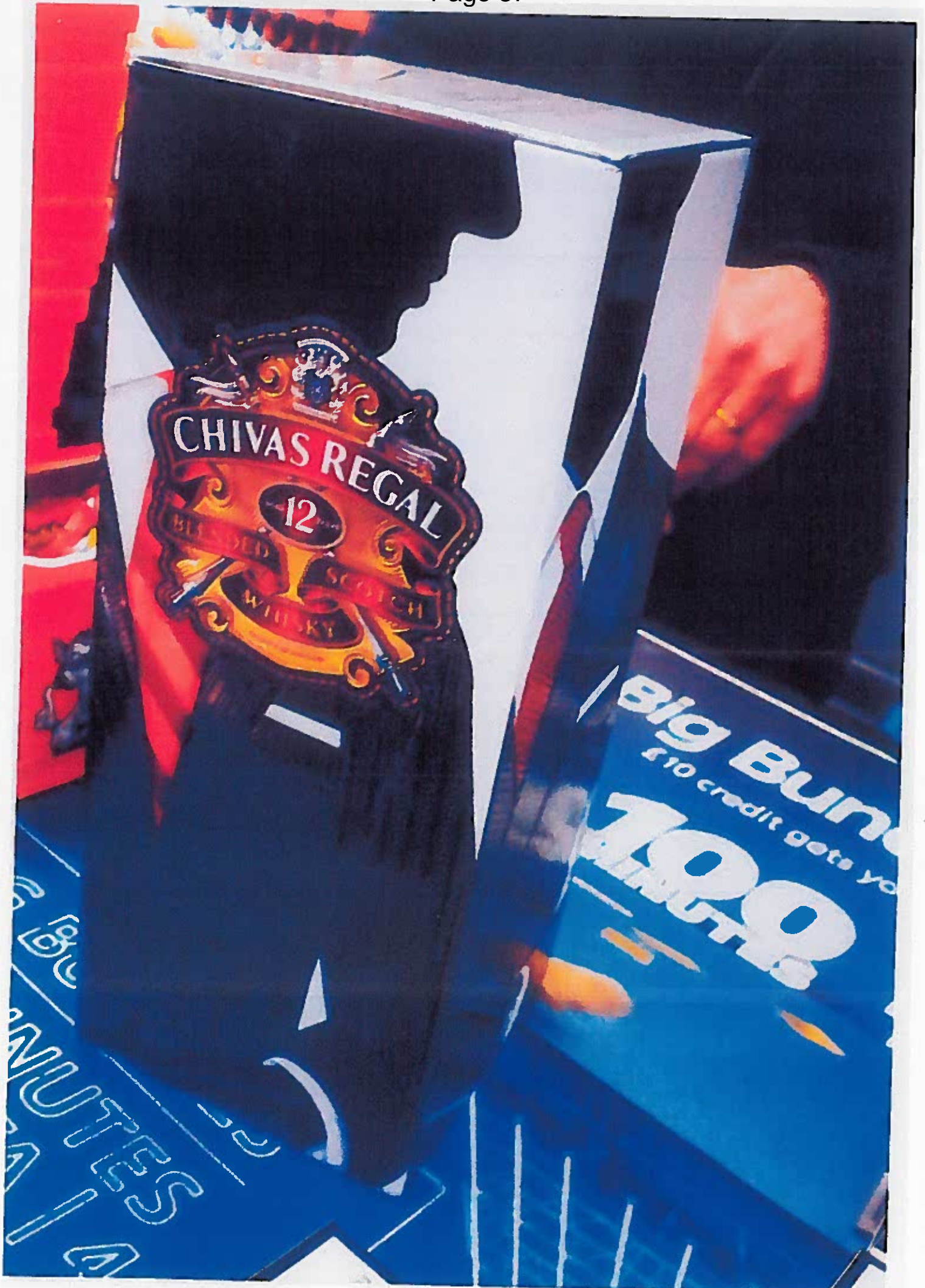
nie  
ija

P  
m

WHOLE

2





**LONDON BOROUGH OF HARINGEY TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

Person interviewed Ozcan ALBAY

Place of interview: interview Room: Alexandra House, N22

Date of Interview 17/05/2016 Commenced 3:03 pm Ended 3:17pm

Interviewing Officer(s) Michael Squire

Other Persons Present M Baiakrishnan, Nevin (interpreter) Sezgin ONAY (solicitor)

Officer Preparing Record M Squire

Signature

Tape Ref No Identifying Mark No of Pages 5

TAPE TIMES	
	<p>Mr Ozcan ALBAY was informed that the interview was being recorded on CD and that at the end of the interview he would get a notice about what would happen to the CDs. The persons present introduced themselves.</p> <p>Mr ALBAY gave his home address as 19 Hornbeams Avenue EN1 4RA . Mr ALBAY gave his date of birth as 01/01/1973 and his place of birth as Adana, Turkey.</p> <p>The reason for the interview was explained in that it related to cigarettes found at his shop premises on 6<sup>th</sup> April 2016. The cigarettes bore foreign language health warnings and to have these in possession for supply can be an offence under the Consumer Protection Act 1987.</p> <p>Mr ALBAY was cautioned at in the following terms at 3:08pm</p>



RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

OA	<p><b>You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. Do you understand?</b></p>
	<p>Yes</p>
MS	<p><i>Mr ALBAY was told he could consult his Solicitor during the interview.</i></p>
OA	<p><i>Mr ALBAY was informed he was not under arrest and could leave at any time.</i></p>
MS	<p><i>Mr Sezgin (Solicitor) stated that he has advised his client to make a no comment interview and that his advice stands as of now.</i></p>
MS	<p><i>Were you the owner of that business on 6<sup>th</sup> April</i></p>
OA	<p><i>No Comment</i></p>
MS	<p><i>Do you recall myself and the Customs officers finding foreign cigarettes in your shop</i></p>
OA	<p><i>No Comment</i></p>
MS	<p><i>Do you recall the cigarettes being in a Chivas Regal Whisky box</i></p>

Signed..........

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

OA	<i>No comment</i>
MS	<i>What were the cigarettes doing in your shop?</i>
OA	<i>No comment</i>
MS	<i>You were selling the cigarettes Weren't you?</i>
OA	<i>No comment</i>
MB	<i>Where were the cigarettes?</i>
OA	<i>No Comment</i>
MS	<i>How much did you pay for the cigarettes</i>
OA	<i>No comment</i>
MS	<i>You know it's illegal to sell those sort of cigarettes don't you</i>
OA	<i>No comment</i>
MS	<i>You know that cigarettes you sell in the UK have to have health warnings in English</i>
OA	<i>No Comment</i>
MS	<i>Were you selling those cigarettes because there's more profit in those?</i>
OA	<i>No comment</i>
MS	<i>How long have you been running your business there at 627</i>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

	<i>Seven Sisters Road</i>
OA	<i>No comment</i>
MS	<i>And What position do you hold on the licence for that business?</i>
OA	<i>No comment</i>
MS	<i>Is there anything you do want to say about the incident regarding the cigarettes</i>
OA	<i>No comment</i>
MB	<i>So theres nothing you want to say at all</i>
OA	<i>No there is nothing I don't want to talk about anything</i>
MS	<i>Do you recall applying for a Minor Variation on your licence One of the conditions which stated All tobacco products which are not in the covered display cabinet shall be stored in a container clearly marked tobacco stock. The container shall be kept within the storeroom or behind the sales counter. Is there anything you want to say?</i>
OA	<i>No comment</i>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

MS	<i>Would you agree you were in breach of your licence?</i>
OA	<i>No comment</i>
MS	<i>I've got no more questions to ask you Mr Albay if you want to say anything to clarify anything you have already said or if you wish to add anything on your own behalf now is your opportunity is there anything you want to say.</i>
OA	<i>No, no comment my mind is not right at the moment, I don't feel well.</i>  <i>Mr Sezgin stated that it had not been disclosed by the officers that there was any evidence of sale of these foreign tobacco products at the store.</i>

**Appendix 2– Secretary of State Guidance**

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 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.

11.22 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.

11.23 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**

11.24 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, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. 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.

---

<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

- 11.25** Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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.
- 11.26** 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.
- 11.27** 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage of smuggled tobacco and alcohol.
- 11.28** 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.

**Appendix 3– Extract from Licensing Policy**



- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

**78 The sale and possession of smuggled, bootlegged or counterfeit Products and the handling of stolen goods**

The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods.

**Smuggled** – foreign brands illegally brought into the UK

**Bootlegged (duty evaded)** foreign products brought into the UK in illegal quantities and / or resold in the UK

**Counterfeit** – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands

Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. The Home Office guidance indicates that these offences are taken particularly seriously. To prevent these offences occurring, the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service.

**79 Theft of personal property**

Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV

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 Licensing Act 2003 Sub-Committee on 18<sup>th</sup> August 2016

**Report title: Application for a Review of a Premises Licence at Tottenham Express, 591 High Road Tottenham N17**
**Report of: The Licensing Team Leader**
**Ward(s) affected BG**
**1. Purpose**

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

**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: 12<sup>th</sup> July 2016**

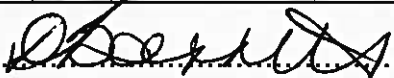
In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, officers arranged for notices of the review to be published for 28 days on the affected premises, on the public notice board at the Civic Centre and on the Council's website.

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

**2. Officers Observations**

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

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

**Report authorised by: Daliah Barrett**
  
 .....  
 Licensing Team Leader

**Contact Officer: Ms Daliah Barrett -Williams**
**Telephone: 020 8489 8232**
**3. Access to information:**

Local Government (Access to Information) Act 1985

Background Papers

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

**File: Tottenham Express**

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

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#### 4. REPORT

##### Background

A premises licence was originally transferred to Mr Salman Ekinici in November 2015. Mr Ekinici has remained as the DPS until recently when he attempted to transfer the licence to a Mr Marasli in July 2016 who is also a director of the company under which the shop operates. Mr Marasli is also the owner of the premises. The Metropolitan Police rejected Mr Marasli due to his criminal record.

A subsequent application for the transfer and variation of the licence and DPS to a Ms Tonbul was received and accepted. We understand that Mr Ekinici and Marasli are still involved with the premises.

Mr Ekinici was in control of the premises when Trading Standards carried out their visit with HMRC in February 2016. The officers believe that it was general day to day practice at the premises to provide illicit tobacco and alcohol for sale from the premises.

The licence is shown at **Appendix 1A**.

##### Licensable activities authorised by the Licence:

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

##### Supply of Alcohol

Monday to Saturday      0800 to 2300

Sunday                      1000 to 2230

Good Friday                0800 to 2230

Christmas Day             1200 to 1500 & 1900 to 2230

New Years Eve from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The designated premises supervisor is: Mr Salman Ekinici at the time of the visit.  
Recently transferred to Fatma Tonbul.

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

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

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

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

#### 5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

#### 5.1 Comments of Metropolitan Police

No representation made.

**5.2 Comments of Enforcement Services:**

No representation made

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

No representation made.

**6.0 Comments of Interested Parties**

No comments made.

**7.0 POLICY CONSIDERATIONS**

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

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

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

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

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

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

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

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

**Appendix 1 A– Copy of licence**

LICENSING ACT 2003  
Sec 24

### PREMISES LICENCE

Receipt: AG754806

Premises Licence Number: LN/00001251  
LN/000003443

*This Premises Licence has been issued by:*

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

Signature:.....

Date: 24<sup>th</sup> November 2005

Transfer & Vary DPS: 3<sup>rd</sup> August 2016

#### Part 1 – PREMISES DETAILS

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

**TOTTENHAM EXPRESS  
591 HIGH ROAD  
TOTTENHAM  
LONDON  
N17 6SB**

Telephone: 079501 99216

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

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

Supply of Alcohol

Monday to Saturday      0800 to 2300

Sunday                      1000 to 2230

Good Friday                0800 to 2230

Christmas Day              1200 to 1500 & 1900 to 2230

New Years Eve from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The opening hours of the premises:

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

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



## **Annex 1 –Mandatory Conditions**

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

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

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

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

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

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

Not applicable

## **Appendix 1 – Review Application**



# **PUBLIC NOTICE**

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

---

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

**TOTTENHAM EXPRESS  
591 HIGH ROAD  
TOTTENHAM  
LONDON N17 6SB**

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

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

- **THE PREVENTION OF CRIME & DISORDER**
- **PUBLIC SAFETY**

**Failing to uphold and promote the prevention of crime and disorder and public safety objective by selling non duty paid goods on the premises namely cigarettes and alcohol over a period of time.**

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

**Lead Officer – Licensing, Haringey Council, Alexandra House, Level 6, 10 Station Road, Wood Green, London N22 7TR.**

**By: 8<sup>TH</sup> AUGUST 2016**

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Alexandra House, Level 6, 10 Station Road, Wood Green, London, N22 7TR between the hours of 10.00am and 4.00pm.

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

WK/358336

[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 Rebecca Whitehouse**

(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> Tottenham Express		HARINGEY COUNCIL LICENSING RECEIVED  12 JUL 2016
<b>Post town</b> London	<b>Post code (if known)</b> N17 6SB	

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

<b>Number of premises licence or club premises certificate (if known)</b> LN000003443
--

**Part 2 - Applicant details**

I am

Please tick ✓ yes

- 1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname  First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town  Post Code

Daytime contact telephone number

E-mail address (optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

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

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

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

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

Please tick one or more boxes ✓

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

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

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

It particularly relates to the discovery of illicit tobacco and alcohol in the shop under the control of the Premises Licence Holder and Designated Premises Supervisor Salman EKINCI which indicates that the highest standards of management have not been exhibited by the business.

The owner of the business is Kazim MARASLI who operates the business through a Limited Company Demarasli Limited CO 9377732. The Premises Licence Holder and Designated Premises Supervisor Salman EKINCI is a relative of the owner and also an employee of the business.

On 24<sup>th</sup> February 2016, officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the premises of Tottenham Express at 591 High Road, Tottenham N17 6SB to inspect the stock of alcohol and tobacco. The Premises Licence holder Salman EKINCI was not present.

As a result of the visit HMRC seized the following alcoholic spirits 13 x 70cl High Commissioner Whisky, 22 x 70cl Glen's Vodka, 1 x 1 litre Glen's Vodka, 6 x 70cl Bell's Whisky, 1 x 1 litre Souza Tequila and 45 x 20cl Alomo Bitters all of which were not Duty Paid

HMRC also seized the following tobacco products, namely, 4 x 50g Golden Virginia hand rolling tobacco, 1640 Marlboro Gold cigarettes and 140 Marlboro Red cigarettes, all of which were not UK Duty Paid.

The duty evasion of all the seized products amounted to £884.19.

Trading Standards seized samples of the cigarettes as they bore foreign language health warnings which did not comply with UK requirements under the Tobacco Products Manufacture Presentation and Sale Safety Regulations which is a Criminal Offence under the Consumer Protection Act 1987.

Samples of the Glens Vodka, Bells Whisky, High Commissioner Whisky and Bells Whisky which were part of the HMRC seizure were seized by Trading Standards. There were examined in detail and were found to be original products intended for export from the UK and therefore were not Duty Paid. At some stage prior to seizure these products had been diverted back into the UK supply chain. The rear labels on these products had been replaced to display a fake label containing a UK Duty label giving the impression that the goods were legal to sell when in fact they were not. This can be an offence under the Consumer Protection From Unfair Trading Regulations 2008.

The foreign cigarettes found in the shop were discovered by officers on a concealed shelf behind the counter. The cigarettes were not visible to customers or to the person serving behind the counter. They could only be reached by reaching up underneath the counter and the reaching backwards to retrieve the cigarettes by feel. It is believed, therefore, that these cigarettes were deliberately placed in this area to avoid detection during an inspection as they were not visible even to a person standing on the shopkeepers side of the counter. This in our submission is an aggravating factor.

The business owner Kazim MARASLI was interviewed under caution in accordance with the Police and Criminal Evidence Act 1984.

During the interview MARASLI stated he bought the Glens Vodka, High Commissioner Whisky and Bells Whisky from Belgium while on holiday. He was unable to produce an invoice for these products stating he had only been given a till receipt which he did not produce.

Mr MARASLI stated the cigarettes were not for sale and that he had bought them for his personal use and for friends and shop workers. When asked why they were in the shop he said they were originally in the flat above but he had removed them as tenants had started smoking them.

Mr MARASLI was asked to provide any CCTV footage that might assist in proving that these cigarettes were not being supplied. To date no CCTV footage has been provided.

Mr MARASLI has provided an invoice for the seized ALOMO Bitters which has been passed to HMRC for further investigation.



On 1st June 2016 the Premises Licence Holder and Designated Premises Supervisor Salman EKINCI was interviewed by Trading Standards. During the interview he stated the following:-

- He had no knowledge that the foreign cigarettes were in the shop and had not been told about them by Kazim MARASLI
- He stated he had previously informed Mr MARASLI some months earlier not to buy non UK Duty paid products and keep them on the premises.
- He stated he had some months prior to the visit he had informed Mr MARASLI to only source stocks of alcohol from bona fide wholesalers and to obtain receipts.
- He stated that he was under the impression after speaking with Mr MARASLI that the seized foreign cigarettes had been purchased by Mr MARASLI from Belgium. He stated he had been informed by Mr MARASLI that the seized spirits were old stock that had been on the premises when Mr MARASLI had bought it.

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

Trading Standards do not accept the explanation given in relation to the illicit tobacco seized and submit that the concealment of a large quantity of individual packets in the vicinity of the counter is consistent with a business trading in illicit products and using a reasonably sophisticated method to avoid detection..

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

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

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

Here is a summary of events supporting this application:-

Date	Event	Description
24 <sup>th</sup> February 2016	Inspection visit by Trading Standards and HMRC	HMRC Seized illicit tobacco and alcohol with a Duty value of £884.19. Trading Standards seize samples of these goods including cigarettes and tobacco with foreign language health warnings and alcoholic spirits with fake UK Duty labels.
26 <sup>th</sup> April 2016	Kazim MARASLI interviewed by Trading Standards	Owner of premises Kazim MARASLI interviewed by Trading Standards
1 <sup>st</sup> June 2016	Premises Licence Holder and Designated Premises Supervisor interviewed by Trading Standards.	Premises Licence Holder and Designated Premises Supervisor Salman EKINCI interviewed by trading Standards

**Recommendations:**

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

Trading Standards recommend the following conditions be attached to the licence.

1. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
2. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
3. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:
  - I. Seller's name and address
  - II. Seller's company details, if applicable
  - III. Seller's VAT details, if applicable
  - IV. Vehicle registration detail, if applicable
4. Legible copies of the documents referred to in Condition 3 above shall be retained on the premises and made available for inspection by Police and authorised Council Officers on request.
5. Copies of the documents referred to in Condition 3 above shall be retained on the premises for period of not less than twelve months.
6. An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
7. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the The Council of this immediately.
8. All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
9. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

10. only products available for retail sale can be stored at the licensed premises.

Trading Standards would also recommend that the Committee consider suspending the licence for a period of one month.

No conditions have previously been attached by the Licensing Authority.

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

**Attached Documents**

1. Photographs of Seized spirits with fake UK Duty Paid stamps x3.
2. Photograph of foreign cigarettes concealed beneath sales counter
3. Photograph of sample goods seized by Trading Standards
4. Statements of HMRC officers HOANG and ESPONDA
5. Copy of interview summary carried out with shop owner Kazim MARASLI
6. Companies House Documentation in relation to Demarasli Limited.

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

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year

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

N/A

Please tick ✓

yes

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

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

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

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

Signature *R. A. [Signature]*

Date 11/7/16

Capacity Applicant R.A.

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.



# BELL'S

BLENDED SCOTCH WHISKY



**DRINK RESPONSIBLY**

**D-RINKAWARE.CO.UK**

For more information on Bell's  
visit [www.bells.co.uk](http://www.bells.co.uk)

### NUTRITION INFORMATION

A 25ml serving provides	100ml provides
230kJ/56kcal	919kJ/222kcal
0g	0g
Trace	Trace
0g	0g



Exhibit No... *20/16/18* .....  
 Referred to in my  
 statement dated.....  
 Signed... *AM Savice* .....  
 Name.....





# RED HOT RUSSKI

1/3 Glen's Vodka - 1/3 Glen's Gin  
 1/3 Tomato Juice - Dash of Tabasco  
 Shake with ice and strain into glass.  
 Add Tabasco!



ENJOY GLEN'S VODKA RESPONSIBLY  
 DRINKAWARE.CO.UK



Exhibit No. *MS/16/8*.....  
 Referred to in my  
 statement dated.....  
 Signed..... *M. J. [Signature]*.....  
 Name..... *M. J. [Signature]*.....



# HIGH COMMISSIONER OLD SCOTCH WHISKY

Over 140 years of experience and craftsmanship have contributed to the superior quality of High Commissioner Old Scotch Whisky. Produced from a selection of some of the finest Scotch's malt and grain whiskies and matured in oak casks, it has a smooth and mellow flavour.



ENJOY HIGH COMMISSIONER RESPONSIBLY  
D-RINK AWARE.CO.UK



Exhibit No. MS/12/18.....  
 Referred to in my statement dated.....  
 Signed [Signature].....  
 Name MS/12/18.....





Exhibit No. M.S. 118/2  
Referred to in my  
statement dated  
Signed M.S.  
Name M. Squire





Exhibit No. MS/TS/1  
Referred to in my  
statement dated.....

Signed..... [Signature]  
Name..... M. S. W.

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Andrew Hoang

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

Occupation: Higher Officer, HM Revenue &

This statement (consisting of 2 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: 20/05/2016

I am an Officer of HM Revenue and Customs working in CITEX Operations based at Jubilee House, Stratford, and London. As part of my duties I conduct visits to off licences, cash and carries and tobacco and alcohol wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and Issue Excise Wrongdoing Penalties when evasion has taken place.


I provide the following information under Schedule 15 of the Enterprise Act.

I acquired the information during my visit under the Customs and Excise Management Act 1979.

On 24 February 2016 at approximately 1430 hours, I entered the premises of Tottenham Express, 591 High Road, N17 6SR under Section 112 of the Customs and Excise Management Act 1979. I was accompanied by Officer Strauss, Officer Esponda, Officer Idziak and Officer Squire from Trading Standards Haringey.

Myself, Officer Strauss, Officer Esponda and Officer Idziak identified ourselves as HMRC officers by way of our official identification cards, and explained the reason for the visit. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop.

Date: 20/05/2016

Signature: 

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Andrew Hoang

As part of the inspection, I checked the stock behind the counter.

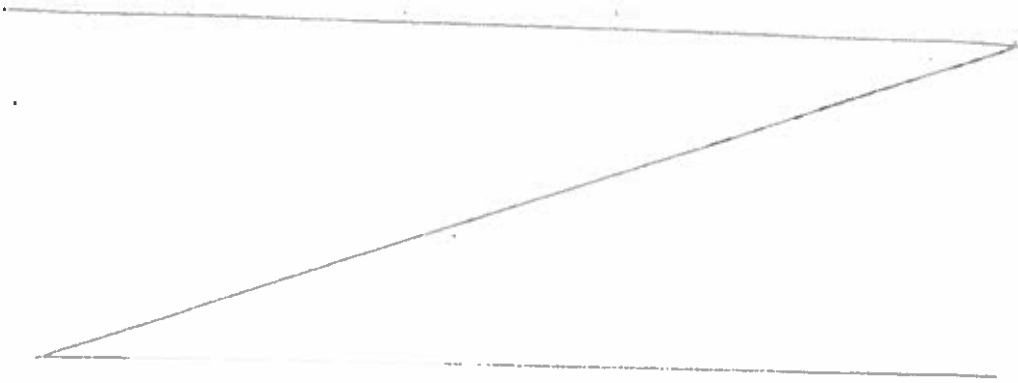
At approximately 1456 hours, I found 20 Marlboro Gold cigarettes under the till on the right hand side of the till counter. The cigarettes had Polish duty markings and no UK fiscal duty marks.

At approximately 1458 hours, I found Marlboro Gold cigarettes concealed underneath the till. The cigarettes were out of plain sight underneath the till on a hidden shelf. The cigarettes had Polish duty markings and no UK fiscal duty marks.

I took a photo of the concealed cigarettes.

During the assurance check, I also found other containers of spirits in the premises, which had no evidence of duty payment.

The goods were seized as liable to forfeiture under Section 139 of the Customs and Excise Management Act 1979 at 1528 hours by Officer Esponda.



Date: 20/05/2016

Signature: *[Handwritten Signature]*

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: André Esponda

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

Customs

Occupation: Higher Officer, HM Revenue &

This statement (consisting of 4 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: 20/5/16

I work in CITEX Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.

I provide the following information under schedule 15 of the Enterprise Act.

I acquired the information during my visit under the Customs and Excise Management Act 1979.

At approximately 14:30 hours on the 24/02/2016, I was on duty with other Officers from HMRC, conducting a shop inspection under S112 of the Customs and Excise Management Act 1979 also in attendance was Officer Squire from Trading Standards Haringey. We identified ourselves as HMRC officers by way of our official identification cards, and reason for the visit was explained. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop. The shop details are: Tottenham Express, 591 High Road, London N17 6SB. The director Kazim Marasli was not present at the time of entering the premises. When I entered the premises I was able to establish that this trader had a display cabinet that sold UK duty tobacco products and shelving containing UK Duty Alcohol products. At this time, I asked the male behind the counter (Ali Aksu) if they had any foreign cigarettes in the shop, he answered saying they did not have any.

Date: 20/5/16

Signature: 

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY



RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: André Esponda

1. Found behind the counter on the shelves for sale were 70cl bottles of High Commissioner Whisky, in total 13 x 70cl bottles were detected, these bottles bore a counterfeit rear label, the duty stamp on the rear back label did not fluoresce yellow when exposed to UV light, the colour of the duty stamp was a solid purple an indication of a digital copy.
2. 4 x 50g of sealed foreign Golden Virginia hand rolling tobacco were also detected behind the counter under the till.
3. At 14:47 hours, 22 x 70 cl bottles of Glen's Vodka and a 1 litre bottle of Glen's Vodka with counterfeit rear labels were found behind the counter. These labels had a closed number 4 on the barcode when the authentic article would actually have an open number 4 and the duty stamps did not fluoresce.
4. 7 x 70cl bottles of Bell's Whisky were discovered on the shelf with counterfeit rear labels with excise duty stamps that did not fluoresce and a 1 x 1litre bottle of SAuza Tequila without a UK duty stamp..
5. The Alomo Bitters 45 x 20cl were found along with the 22 x 70cl bottles of Glen's Vodka, the 1 litre bottle of Glen's Vodka, the 7 x 70cl bottles of Bell's Whisky and the 13 x 70cl bottles of High Commissioner Whisky all bore fake UK Duty stamps. A UK duty stamp is a document issued by or on behalf of HMRC affixed onto retail containers of alcoholic liquor to indicate that the appropriate excise duty has been paid, and must be affixed onto containers of capacity 35cl or more containing liquor above 30% ABV by virtue of paragraph 1, Schedule 2A of the Alcoholic Liquor Duties Act 1979. A UK duty stamp is a 25mm diameter disc that has one of the appearances illustrated in Schedule of the Duty Stamps Regulations 2006, and as described in Regulation 4 of the Duty Stamps Regulations 2006, is predominantly magenta; has the words 'For The UK Market', 'Liable to UK excise duty' and 'HM Revenue & Customs'; has an alphanumeric reference written on the stamp.

Date: 20/5/16

Signature: *André Esponda*

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**  
ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: André Esponda

- 6. A product without a legitimate UK duty stamp is not evidenced to be UK excise duty paid, and therefore is liable to forfeiture under Section 139 of the Customs & Excise Management Act 1979. A fake UK Duty stamp would therefore give the impression that goods were legal to sell when they are not.
- 7. Gunay Guadin advised the director would be present within 15 minutes.
- 8. At 14:58 Officer Hoang found a large quantity of foreign cigarettes concealed under the counter behind the till. Officer Strauss asked GG if he knew how much he was selling the cigarettes for, but he declined to answer, she asked him again and he replied he did not know.
- 9. At 15:09 the director Kazim Marasli arrives at the premises. KM advised when asked about the cigarettes that they were all for personal use and that he had purchased the alcohol in Belgium.
- 10. 82 x 20 packs of foreign cigarettes consisting of the various brands Mariboro Gold, and Marlboro Red. Officer Squire from Trading Standards Haringey took 1 x 20 Marlboro Gold and 1 x 20 Marlboro Red as samples.
- 11. At 15:17 the director KM produced an invoice from Blue Mountain Peak, confirming this is where the Alomo Bitters had been purchased from. The invoice provided did not evidence proof of duty payment and therefore did not satisfy me that the UK excise duty had been paid. This trader was visited at a later date and the trader was also unable to provide proof of duty payment for this invoice.
- 12. At 15:28 hours, the goods seized were removed from the premises of Tottenham Express.
- 13. The approximate unpaid duty amount was £884.19 which was extracted from a departmental database.
- 14. I can confirm that the spirits and tobacco seized which I have referred to in this

Date: 20/5/16

Signature: *André Esponda*

(signature of witness)

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

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

RESTRICTED (when completed)

**WITNESS STATEMENT**

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: André Esponda

statement is illegal to sell in the UK due to non payment of excise duty.

15. The seizure was not appealed so therefore the goods were deemed condemned as forfeited.

Date: 20/5/16

Signature: [Handwritten Signature]  
(signature of witness)

Signature: \_\_\_\_\_  
(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**LONDON BOROUGH OF HARINGEY TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

Person Interviewed Kazim MARASLI

Place of Interview: Interview Room: Alexandra House, N22

Date of Interview 20<sup>th</sup> April 2016      Commenced 11:40      Ended 12:05 pm

Interviewing Officer(s) Michael Squire

Other Persons Present M Balakrishnan Trading Standards Mehmet Hassan  
(interpreter) Shaun Neville (Solicitor) S Satha and Co

Officer Preparing Record M Squire

Signature

Tape Ref No      Identifying Mark      No of Pages      7

TAPE TIMES	
	<p>Mr Kazim MARASLI was informed that the interview was being recorded on CD and that at the end of the interview he would get a notice about what would happen to the CDs. The persons present introduced themselves.</p> <p>Mr MARASLI gave his home address as 591 High Road, London N17 6SB. Mr MARASLI gave his date of birth as 01/01/1969 and his place of birth as Turkey. Mr MARASLI stated he had a Limited Company namely, Demarasli Limited.</p> <p>The reason for the interview was explained in that it related to cigarettes and alcohol found at his shop premises at 591 High Road on 24<sup>th</sup> February 2016. The cigarettes had incorrect health warnings on them and most of the spirits seized had fake back labels and therefore fake Duty stamps on them. It was explained that to have these in possession for supply can be an</p>

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	<p>offence under the Consumer Protection Act 1987 and the Consumer Protection Form Unfair Trading Regulations 2008.</p> <p>Mr MARASLI was cautioned at in the following terms at 11:46AM</p> <p><b>You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. Do you understand?</b></p> <p>Yes</p> <p><i>Mr MARASLI was told he could consult his Solicitor during the interview.</i></p> <p><i>Mr MARASLI was informed he was not under arrest and could leave at any time.</i></p> <p><i>Mr Marasli confirmed he was the owner of Tottenham Express 591 High Road and that the business was run through his Limited Company Demarasli Limited. He stated he was the sole Director. He stated he had run the business for 3 years.</i></p> <p><i>Mr Marasli was asked who Salman EKINCI was. Mr Marasli stated he was a family friend who works at the shop and lives 5 minutes away.</i></p> <p><i>Mr Marasli was shown a picture MS/TR/1</i></p>
----	--

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

MS	If I can ask you about the cigarettes in the photo. Are you aware that cigarettes that you sell in the UK have to have English Language health warnings?
KM	I sell the English label cigarettes but I didn't know that this was...and this is not for sale I don't sell it
MS	What were the cigarettes doing in the shop if they were not for sale?
KM	For my own personal consumption and my friends and people working there. I don't, whatever was there was there it wasn;t much cigarettes.  <i>Mr M was shown a photo MS TR/2 taken from inside the counter.</i>
MS	Do you recognise that photo it's the inside of your counter?
KM	Yes that where I put them
MS	You had significant numbers of cigarettes effectively what I would say hidden on a little shelf which you can only get to by putting your hand underneath the counter?

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	They were not hidden because as you look at them you can see they were cigarettes there, they were visible.
MS	I have to say that's not my recollection. Because there was actually the counter then, there was a wooden panel coming down and then there was a shelf going under the counter Now the cigarettes were on the shelf facing away from you so you cant see the cigarettes unless you know they're there?
KM	I bought them for myself but since the illness of my child the last few months I had to put them there not to be seen by others.
MS	Why was that?
KM	Not to mix with the other cigarettes. The UK cigarettes they were in a box underneath I put them on a shelf behind they were not for sale you can come and check we never sold them?
MS	Do you not think it looks to me like you hid them there so we wouldn't find them?
KM	You might think that way it wasn't the idea
MS	You say you gave them away to employees and friends Is that

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	right?  Only once I purchased them and just for personal and some friends?
MB	You say they are for personal use so what are they doing in the shop?
KM	They were put there 2 days prior to your visit. Normally we keep them upstairs but there are tenants there. The tenants were smoking them so I took them and brought them downstairs, we don't sell them.
MS	Where did you get them from?
KM	Somebody bought them from outside he explained he bought them from a Polish customer outside his shop who brought them in from Poland.
KM	<i>Referring to Photo MS/ TR/1 and the UK Duty labels Mr MARASLI was asked if he knew what the Duty stickers meant. Mr MARASLI explained that it means that it belongs to the UK. He went on to explain that he bought the spirits from Belgium on a family holiday. He added that tourists come here and buy spirits. He said he brought these particular spirits in through</i>



RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

	<p><i>Dover with no problems. Mr Marasli said if he knew it was a problem he wouldn't have bought them . Mr Marasli stated he was selling the Bells for £13.99, the High Commissioner for £11.99 and the Glens for £10.99. He agreed the prices he bought them for in Belgium were cheaper than the UK Cash and Carry's. He stated he no longer has the invoices as they were just till receipts. Mr Marasli stated he bought 6 boxes for himself. (36 bottles),</i></p> <p><b>MS</b> Do you know that it is illegal to sell foreign spirits that haven't had the UK Duty Paid on them.</p> <p><b>KM</b> No I didn't know when you tested them with your special tester then i knew.</p> <p><i>Mr M stated he did not have a UV light to check the bottles but wanted to buy one if he could.</i></p> <p><i>Mr Marasli confirmed again he had no receipts for the spirits as they were till receipts not normal receipts.</i></p> <p><i>It was put to Mr Marasli again that the cigarettes were for sale.</i></p> <p><i>Mr Marasli said he had heard about it and had warned his friends not to do it, not to sell illegal cigarettes and that Trading Standards were welcome to come and check at anytime.</i></p>
--	---

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

	<p><i>Mr M was asked if he wished to add anything and he stated that he did not have anything to add.</i></p> <p><i>Interview Concluded 12:05.</i></p>
--	--

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# DEMARASLI LTD

Company number 09377732

## Filter officers

Current officers

Apply filter

**1 current officer / 0 resignations**

**MARASLI, Kazim**

Correspondence address 591a, High Road, London, London, England, N17 6SB

Role Director

Date of birth January 1969

Appointed on 7 January 2015

Nationality British

Country of residence England

Occupation Director

Exhibit No... MS/TE/9  
Referred to in my statement dated.....  
Signed.....  
Name.....

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## DEMARASLI LTD

Company number **09377732**

Registered office address

591 High Road, London, London, N17 6SB

Company status

Active

Company type

Private limited Company

Incorporated on

7 January 2015

### Accounts

First accounts made up to **31 January 2016**

due by **7 October 2016**

### Annual return

Next annual return made up to **7 January 2017**

due by **4 February 2017**

Last annual return made up to **7 January 2016**

### Nature of business (SIC)

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

Exhibit No..... *MJ/16/9*  
Referred to in my  
statement dated.....

Signed..... *[Signature]*  
Name..... *M. J. Sullivan*

**Appendix 2– Secretary of State Guidance**

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the Incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 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.
- 11.22 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.
- 11.23 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**

- 11.24 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, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. 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.

<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.

- 11.25** Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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.
- 11.26** 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.
- 11.27** 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage of smuggled tobacco and alcohol.
- 11.28** 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.

**Appendix 3– Extract from Licensing Policy**



- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

**78 The sale and possession of smuggled, bootlegged or counterfeit Products and the handling of stolen goods**

The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods.

**Smuggled** – foreign brands illegally brought into the UK

**Bootlegged (duty evaded)** foreign products brought into the UK in illegal quantities and / or resold in the UK

**Counterfeit** – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands

Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. The Home Office guidance indicates that these offences are taken particularly seriously. To prevent these offences occurring, the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service.

**79 Theft of personal property**

Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV



Agenda Item  
Page No. 1

Licensing Act 2003 Sub-Committee on 18<sup>th</sup> August 2016

**Report title: Application for a Review of a Premises Licence at TASTY HUTT (MARHABA) 443 WEST GREEN ROAD TOTTENHAM N15**

**Report of: The Licensing Team Leader**

**Ward(s) affected WG**

**1. Purpose**

To consider an application by The Enforcement Response Team for a review of the premises licence at Tasty Hutt.

**Summary of application**

- The applicants – Enforcement Response 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 The Prevention of Public Nuisance.

**Date review application served: 12<sup>th</sup> July 2016**

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

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

**2. Officers Observations**

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

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

**Report authorised by: Daliah Barrett**

Licensing Team Leader

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

**Telephone: 020 8489 8232**

**3. Access to information:**

Local Government (Access to Information) Act 1985  
Background Papers

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

**File: Tasty Hutt**

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

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#### 4. REPORT

##### **Background**

A premises licence was originally granted to Mr Ossama Wagdi in October 2006. It permitted late night refreshment and the sale of alcohol from the premises. Mr Wagdi has not been a position to do alcohol sales as he does not hold a Personal Licence.

The premises operates as a take away selling kebabs and burgers. To the rear of the premises is a shed Mr Wagdi has built without Planning Permission and it is used for shisha smoking throughout the day and night . This shed is surrounded by residential properties and sits within a shared walkway at the rear of the premises. Environmental Health Officers received complaints of noise nuisance from 443 West Green Road and on investigating found the shed and rear of the premises to be the cause of the problem. The EHO served an Abatement Notice on Mr Wagdi on 8<sup>th</sup> June 2016. Further complaints were received on 26<sup>th</sup> June and on this occasion when officers visited the premises they were confronted with aggressive behaviour from the patrons at the premises.

The premises has been subject to residents concerns for a period of time which were directed to Ward Members and the Planning Service generally.

The report from the ASBAT Team officer stated the following "Ward Councillors reported that there have been complaints of noise, anti social behaviour and drug taking/dealing coming from premises on West Green Road close to Hallam Road.

The ASB issues in Hallam Road do appear to have stemmed from the Maharaba Social Club – primarily as it operates a Shisha Bar at the rear of the property (with an opening on Stanley Road). ASBAT have liaised with licensing in relation to this but there are no prohibitions in relation to the shisha smoking, as it does not amount to breach of current licence. There is continued noise nuisance which the ASBAT are trying to evidence; we are unable to rely on residents owing to fear of reprisals and are currently exploring other avenues e.g. assistance from Noise Team"

This was taken from the Chief Executive area walkabout briefing in March 2015 and gives a sense of the length of time the premises has been a cause of some concern for nearby residents.

Within the report pack at **Appendix 1B** are pictures taken in July 2016 at the premises showing the shisha hut at the back and the alleyway.

The licence is shown at **Appendix 1A**.

**Licensable activities authorised by the Licence:**

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

**Supply of alcohol**

**Monday to Sunday            1100 to 0400**

**Provision of Late Night Refreshment**

**Monday to Sunday            2300 to 0400**

**The opening hours of the premises:**

**Monday to Sunday            1100 to 0430**

**The designated premises supervisor is: None.**

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

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

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

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

**5.0 RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**5.1 Comments of Metropolitan Police**

No representation made.

**5.2 Comments of Enforcement Services:**

No representation made

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

No representation made.

**6.0 Comments of Interested Parties**

No comments made.

**7.0 POLICY CONSIDERATIONS**

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

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

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

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

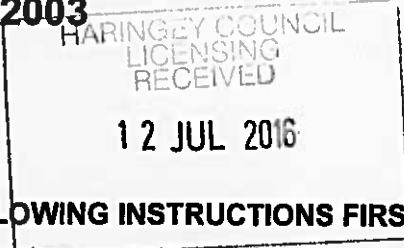
The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any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

- 8.0 The following provisions of the Secretary of State's guidance apply to this Application these are attached at **Appendix 2**.
- 8.1 The licensing authority's Statement of Licensing Policy apply to this application, 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 DOCUMENTS.**

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

(1)



Reference number:  
**WK/358331**

**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

(2) **I, Derek Pearce** apply for the review of a premises license under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

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

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description  Tasty Hutt (Marhaba), Shop, 443 West Green Road, Tottenham, London,.	
Post town London	Postcode (if known) N15 3PL
Telephone number (if any)	

Name of premises licence holder or club holding club premises certificate (if known)  Ossama Wagdi, Flat 30 Birch House, 5 Droop Street, London, W10 4EQ
--

Number of premises licence or club premises certificate (if known)  LN/000003077
--

**Part 2 - Applicant details**

**I am a responsible authority**

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

- (1) Insert name and address of relevant licensing authority and its reference number (optional)
- (2) Insert name(s) of applicant(s)



Please tick ✓ yes

2) a responsible authority ✓ (please complete (C))



3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over  Please tick ✓ yes

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current address

Post town

Postcode

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Post town

Postcode

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone number (if any)

E-mail address  
(optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Derek Pearce Team Leader Enforcement Response Haringey Council Alexandra House, 10 Station Road, London, N22 7TR	
Post town London	Postcode N22 7TR

Telephone number (if any) Tel: 020 8489 5264

E-mail address derek.pearce@haringey.gov.uk

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

Please tick  one or more boxes

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

**Please state the ground(s) for review** (please read guidance note 1)

Complaints have been made to the Haringey Council Enforcement Response team about noise from loud music and loud voices at the premises. This has resulted in a noise abatement notice being served upon Mr Wagdi dated 8<sup>th</sup> June 2016. This abatement notice has been breached on more than one occasion resulting in a fixed penalty notice and also with prosecution action being considered. On 26<sup>th</sup> June 2016 whilst on duty at 23:06 on 26<sup>th</sup> June 2016 officers received a complaint and subsequently visited the above address to investigate noise from loud shouting and talking at the rear of the premises. After the visit and as they were leaving the officers felt that their safety was at risk and they were in danger when several men from the premises one of which said he was a partner in the business followed the officers to their car, filming them on a mobile phone. As the officers got to their car one of the men became more threatening and pulled open the driver's door.

We do not consider that the behaviour exhibited by management at the premises is consistent with the holding of a Premises Licence

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

Have you made an application for review relating to these premises before?

If yes, please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

**Part 3 - Signatures** (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)  
If signing on behalf of the applicant please state in what capacity.

Signature \_\_\_\_\_  
Date 11/7/16

Capacity: Enforcement Response Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e-mail address (optional)	

**Notes for Guidance**

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



**Licensing Consultation**

**To: Licensing Officer**

**From: Enforcement Response Officer (Noise)**

**Name of Officer preparing representation:**

**Derek Pearce, Team Leader Enforcement Response**

**Our Reference: WK358331**

**Date: 3<sup>rd</sup> August 2016**

**Premises: Tasty Hutt (Marhaba) [Taste of Lebanon], 443 West Green Road, N15 3PL**

**Type of application: Review**

---

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

**The operating hours are inappropriate due to the close proximity of residential dwellings and the poor management of the premises. Whilst the Premises Licence permits the sale of alcohol from 11:00 to 04:00 there has been no Designated Premises Supervisor and it is our view that sale of alcohol should be removed from the Licence.**

**Supporting Information**

**I carried out a visit to the premises on the afternoon of 3<sup>rd</sup> August 2016. The layout of the premises is of a takeaway with a couple of small tables and no public access past a counter into the area shown on the Premises Licence plan [Item DP1] as Sitting area (ground floor) and Sitting area (basement). This is quite different from that which is shown on the Premises Licence plan.**

**Many complaints have been received about noise from the premises and in particular from the rear area shown on the Land Registry title plan / Leasehold / Freehold [DP2 - 4] and this has led to the service of a noise abatement notice [DP5a and DP5b]**

**This representation recommends that at the Review hearing consideration is given to revoking the Premises Licence or if the Licensing sub-committee deems this to be inappropriate to suspending the Premises Licence for a period to give the management the opportunity to respond to some of the issues raised**

**The following is an abstract from the Premises Licence:**

**"Licensable activities authorised by the Licence.**

**Supply of alcohol**

**Provision of Late Night Refreshment**

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

**Supply of alcohol**

**Monday to Sunday 1100 to 0400**

**Provision of Late Night Refreshment**

**Monday to Sunday 2300 to 0400**

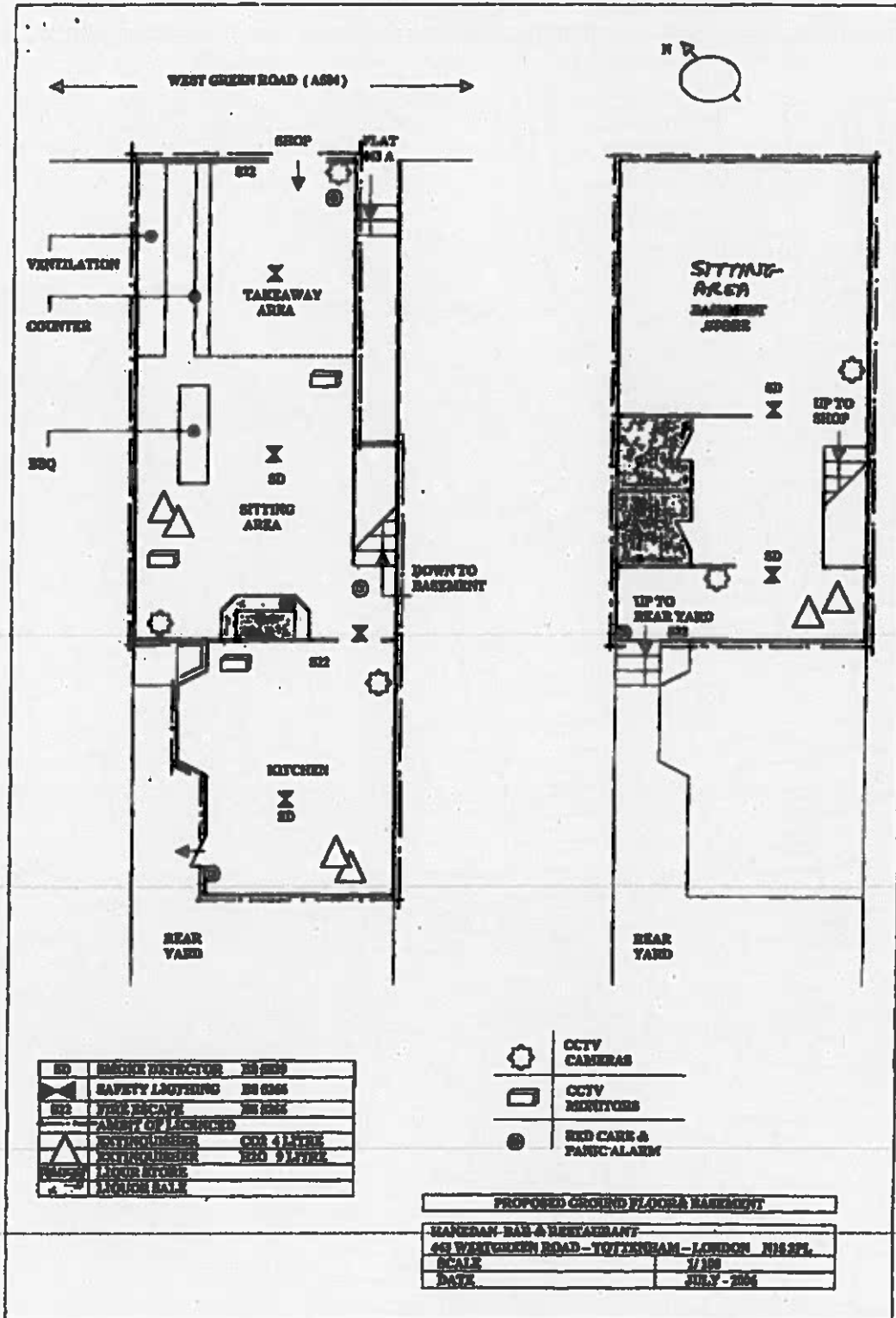
**The opening hours of the premises:**

**Monday to Sunday 1100 to 0430"**

However the Premises Licence is marked with a note "NO SUPPLY OF ALCOHOL IS PERMITTED UNTIL A DPS IS APPOINTED" and for this reason currently there has only been Late Night Refreshment permitted under the Licence.

The Premises Licence shows the holder to be Mr Ossama Wagdi, Flat 30 Birch House, 5 Droop Street, London, W10 4EQ but upon questioning over the phone Mr Wagdi gave his address as Flat 22, Invergarry House, 45, Carlton Vale, Kilburn, London, NW6 5EP.

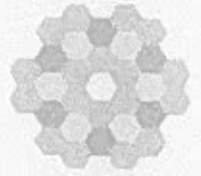
DPI





Land Registry  
Current title plan

Title number EGL310955  
Ordnance Survey map reference TQ3189SE  
Scale 1:1250  
Administrative area Haringey



443, West Green Road - Title Plan

DP2

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Leasehold

DP3

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 3 AUG 2016 AT 15:40:57. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: AGL136301

There is no application or official search pending against this title.

## A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

### HARINGEY

- 1 (03.12.2004) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being Shop and basement at 443 West Green Road, London (N15 3PL).

NOTE 1: As to the part tinted blue on the title plan only the basement is included in the title.

NOTE 2: As to the part tinted pink on the title plan only the Ground floor shop and basement is included in the title.

NOTE 3: As to the part tinted yellow on the title plan only the ground floor shop is included in the title.

- 2 (03.12.2004) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 23 November 2004  
 Term : 12 years from 23 November 2004  
 Parties : (1) Uniplex Ventures Limited  
 (2) Sevket Sevket

NOTE: The rights granted by clause 3.1(f) of the lease are included in this title only so far as the lessor has the power to grant the same

- 3 (03.12.2004) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

- 4 (03.12.2004) The landlord's title is registered.

- 5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

### Title absolute

- 1 (26.07.2012) PROPRIETOR: OSSAMA WAGDI of 443 West Green Road, London

Title number AGL136301

## B: Proprietorship Register continued

N15 3PL.

- 2 (26.07.2012) The value as at 26 July 2012 was stated to be under £100,000.
- 3 (26.07.2012) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (03.12.2004) A Conveyance of the freehold estate in the land in this title and other land dated 25 July 1881 made between (1) Isaac Edmonson (Vendor) (2) Edward Fulvoys and George Harris Lea (Mortgagees) and (3) Samuel Hall (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

## Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 25 July 1881 referred to in the Charges Register:-

COVENANT by Purchaser for himself his heirs executors administrators and assigns (to the intent that the burden of the covenant thereafter contained might run with the premises thereinbefore expressed to be thereby granted but not so as to render himself his heirs executors administrators or assigns or any of them liable for any such breach or breaches of same covenant as should take place after he or they respectively should have ceased to be owner or owners of the same respective premises) with the Mortgagees their heirs and assigns and also by way of separate covenant with the Vendor his heirs and assigns and his and their tenants etc.

To observe and perform stipulations contained in First Schedule thereto so far as same related or premises thereinbefore expressed to be thereby granted.

### THE FIRST SCHEDULE above referred to

1. Fences - Each Purchaser is forthwith to make and afterwards to maintain the boundary fence next the roads and on the sides of his lot marked "T" within the boundary.
2. Building Line - The Building line shall be that defined by the Tottenham Local Board. No fence to be more than 6 feet high.
3. Value of Buildings - No house or part of a house shall be erected on Lots 1 to 8, 14 to 18, 56 to 63, 99 to 106, 148 to 171 and 230 to 234 of less value than £400. On lots 9 to 13, 107 to 111 of less value than £350. On Lots 19 to 55 and 64 to 98, 172 to 229 and 235 to 286 than £250. On Lots 112 to 145 than £200. The value of a house is the amount of its net first cost in materials and labour of construction only estimated at the lowest current prices.
4. Trades &c. Prohibited - The trade of an innkeeper, victualler or retailer of wine spirits or beer either under grocer's licence off licence or wholesale retail or any other permission or licence whatsoever is not to be varied on upon any lot except Lot 171. No building shall be erected or used as a shop workshop warehouse or factory and no trade or manufacture shall be carried on nor any operative machinery be fixed or placed on any lot except Lots 14 o 18, 56 to 63, 163 to 171 and 230 to 234. No hut shed caravan house on wheels or other chattel adapted or intended for use as a dwelling or sleeping apartment shall be erected made placed or used or be allowed to remain upon any lot.

NOTE: The western boundary of the land in this title is affected by the

Freehold

DPK

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 1 AUG 2016 AT 12:50:01. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: EGL310955

There is no application or official search pending against this title.

## A: Property Register

This register describes the land and estate comprised in the title.

HARINGEY

- 1 (01.12.1972) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 443 West Green Road, London (N15 3PL).
- 2 The land has the benefit of a right of way over the land tinted brown on the filed plan.

## B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (06.02.2004) PROPRIETOR: UNIPLEX VENTURES LIMITED (Co. Regn. No. 04383158) of 39 Howberry Road, Canons Park, Edgware, Middx HA8 6SS.
- 2 (06.02.2004) The price stated to have been paid on 5 November 2003 was £140,000.
- 3 (06.02.2004) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 22 October 2003 in favour of The Royal Bank Of Scotland PLC referred to in the Charges Register.

## C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 25 July 1881 made between (1) Isaac Edmonson (Vendor) (2) Edward Fulvoys and George Harris Lea (Mortgagees) and (3) Samuel Hall (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (06.02.2004) REGISTERED CHARGE dated 22 October 2003.
- 3 (06.02.2004) Proprietor: THE ROYAL BANK OF SCOTLAND PLC (Scot. Co. Regn. No. 90312) of North West House, 119 Marylebone Road, London NW1 5PY.
- 4 (03.12.2004) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.

Title number AGL136301

Schedule of restrictive covenants continued

"T" marks referred to. No lot numbers were shown on the plan supplied on first registration.

End of register



Commercial & Operations

8/6/16 - 22 ISARS  
letterbox



Regulatory Services Manager: Gavin Douglas

DP 59

Mr Wagdi Ossama  
Tasty Hutt Shop  
443 West Green Road  
Tottenham  
London  
N15 3PL

Our Ref: ES/RS WK/000955331  
Date: 8th June 2016  
Contact: Enforcement Response Team

Dear Mr Wagdi

Re: Environmental Protection Act 1990 - Section 80  
Noise Nuisance: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL

This Service wrote to you recently regarding the level of noise coming from the above premises. Observations carried out showed that the noise coming from the above address was excessive and a nuisance.

The Council has determined that it is appropriate to serve a Noise Abatement Notice on you. This Notice prohibits the recurrence of noise nuisance from your premises and requires that steps be taken to reduce the level of noise to a level that does not disturb nearby residents.

The effect of the Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with the Notice for which the maximum penalty on conviction is £5,000 (unlimited in respect of commercial premises).

Therefore any further nuisance witnessed by Noise Enforcement Officers, will be an offence under the above Act. This will normally result in legal proceedings being taken against you.

In addition contravention of the notice may make you liable to have any noise making equipment seized

The Council have also introduced Fixed Penalty Notices as a means of discharging liability to prosecution for an offence against an abatement notice. If you do offend against this notice then you may be offered the opportunity to pay a £100 Fixed Penalty Notice (£2400 in respect of commercial premises).

The Council are unlikely to offer this option for repeat offences.

Should you wish to discuss this matter, please contact us.

Yours sincerely,  
C Buckle  
Enforcement Response Team

Enforcement Response Team  
Level 6, Alexandra House  
10 Station Road, Wood Green  
London N22 7TR

F: 020 8489 5133  
T: 020 8489 1986  
E: enforcement.response@haringey.gov.uk

Commercial & Operations

8/6/16 - 22:15HRS  
letter-box

Regulatory Services Manager: Gavin Douglas



DP 5g

Mr Wagdi Ossama  
Tasty Hutt Shop  
443 West Green Road  
Tottenham  
London  
N15 3PL

Our Ref: ES/RS WK/000355331  
Date: 8th June 2016  
Contact: Enforcement Response Team

Dear Mr Wagdi

Re: Environmental Protection Act 1990 - Section 80  
Noise Nuisance: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL

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Therefore any further nuisance witnessed by Noise Enforcement Officers, will be an offence under the above Act. This will normally result in legal proceedings being taken against you.

In addition contravention of the notice may make you liable to have any noise making equipment seized

The Council have also introduced Fixed Penalty Notices as a means of discharging liability to prosecution for an offence against an abatement notice. If you do offend against this notice then you may be offered the opportunity to pay a £100 Fixed Penalty Notice (£400 in respect of commercial premises).

The Council are unlikely to offer this option for repeat offences.

Should you wish to discuss this matter, please contact us.

Yours sincerely,  
C Buckle  
Enforcement Response Team

Enforcement Response Team  
Level 6, Alexandra House  
10 Station Road, Wood Green  
London N22 7TR

F: 020 8489 8133  
T: 020 8489 1336  
E: enforcement.response@haringey.gov.uk

www.haringey.gov.uk/noise

DPS<sub>6</sub>

Haringey Council

EPA90 Sec 80 LMV rev. April 2016

**Environmental Protection Act 1990 - Part III**

**Statutory Nuisance - Abatement Notice**

To: Mr Ossama Wagdi

at: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL, rear smoking area.

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL, re smoking area.

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 is likely to occur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH an occurrence of the nuisance and for that purpose requires you to: Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See notes attached].

AND FURTHER TAKE NOTICE that in the opinion of the Council the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect AND THEREFORE this Notice shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court. Under ss2A(b) the Council shall take such other steps as it thinks appropriate to abate the nuisance or prohibit or restrict its occurrence or recurrence by seizing equipment and an application for a Warrant to enter premises may be made under Schedule 3. The maximum penalty for failure to comply with this Notice is £5,000 (unlimited in the case of industrial, trade or business premises) plus a further £500 for each day on which the offence continues after conviction.

Dated: 8th June 2018

Our Ref: C&O/RS WK/000355331

Address (to which any communication regarding this Notice may be sent):-

.....  
being the Officer appointed for this purpose

Commercial & Operations - Enforcement Response  
Level 6, Alexandra House, 10 Station Road, Wood Green, London N22 7TR

Telephone: 020 8489 1335

This matter is being dealt with by:  
Enforcement Response Team



**Appendix 1A – COPY OF CURRENT LICENCE.**

LICENSING ACT 2003  
Section 24

### PREMISES LICENCE

Receipt: FO0110019549

Premises Licence Number: LN/000003077

*This Premises Licence has been issued by:*

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

Signature: .....

Date: 9<sup>th</sup> October 2006  
17<sup>th</sup> February 2014

#### Part 1 – PREMISES DETAILS

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

**MARHABA  
443 WEST GREEN ROAD  
TOTTENHAM  
LONDON  
N15 3PL**

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

Not applicable

**Licensable activities authorised by the Licence:**

Supply of alcohol

Provision of Late Night Refreshment

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

Supply of alcohol

Monday to Sunday      1100 to 0400

Provision of Late Night Refreshment

Monday to Sunday      2300 to 0400

**The opening hours of the premises:**

Monday to Sunday      1100 to 0430

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

**NO SUPPLY OF ALCOHOL IS PERMITTED UNTIL A DPS IS APPOINTED**

LICENSING ACT 2003  
Sec 24

**Part 2**

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

Ossama Wagdi

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

Not applicable

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

Not applicable

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

Not applicable

## **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.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that

**Annex 1 –Mandatory Conditions**

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.

5. The responsible person shall ensure that—

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

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

Alcohol will not be sold or supplied on the premises other than to persons taking table meals and for consumption by such a person as an ancillary to his meal.

Suitable beverages, other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

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

A digital Closed Circuit Television System will be installed and maintained on the premises. The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the police and council on request.

### **PUBLIC SAFETY**

Fire Safety Equipment will be checked regularly and any requirements made by the Fire Safety Officer will be complied with.

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

A litter bin will be provided for the use of take away customers.

### **THE PROTECTION OF CHILDREN**

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.

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**

Not applicable

**Annex 4 – Plans**

Lodged with Licensing Authority



**Appendix 1B – PHOTOS TAKEN OF NON COMPLIANT SHISHA HUT**

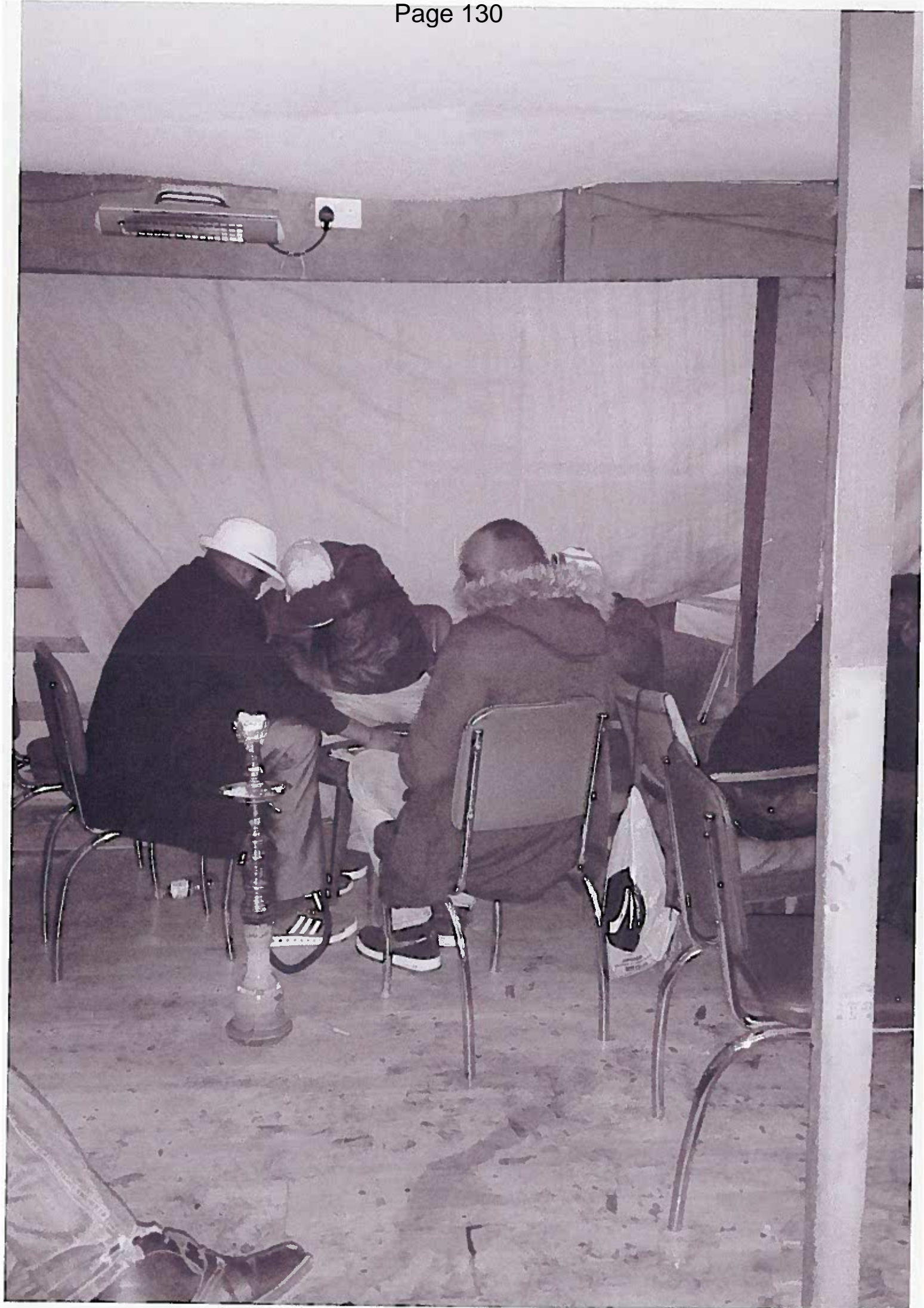




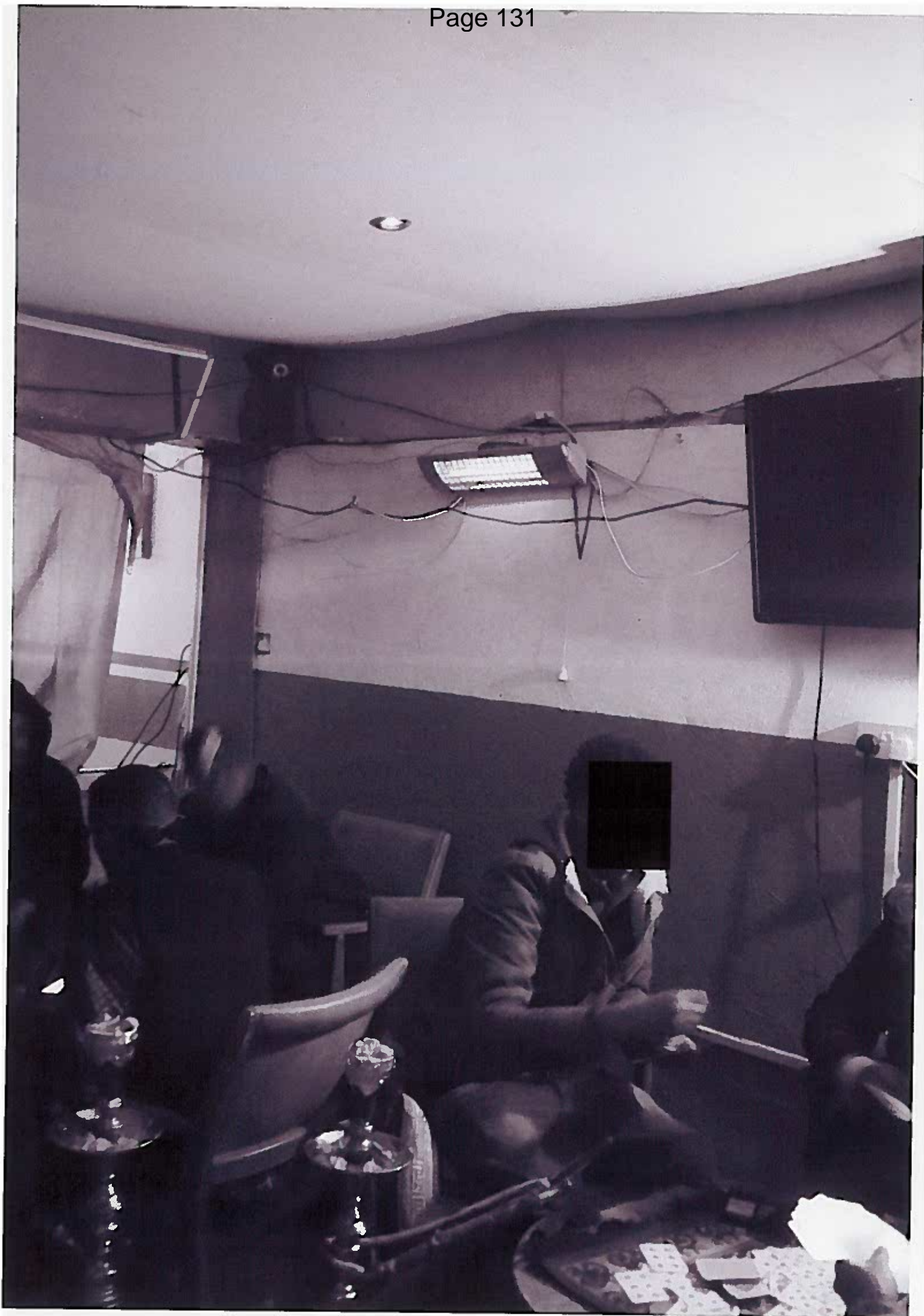
















**Appendix 2 – RELEVANT PARTS OF SECTION 182 GUIDANCE**



# 1. Introduction

## The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at [www.legislation.gov.uk](http://www.legislation.gov.uk). The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 15).

## Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
  - Public safety;
  - The prevention of public nuisance; and
  - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
  - Neighbourhood Statistics websites;
  - websites or publications by local responsible authorities;
  - websites or publications by local voluntary schemes and initiatives; and
  - on-line mapping tools.
- 8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.41 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

# 11. Reviews

## The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder or the sexual exploitation of children. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent hard copy, unless the licensing authority waives this requirement.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

### **Repetitious grounds of review**

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
  - representations considered by the licensing authority when the premises licence or certificate was granted; or

- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.
- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

### **Powers of a licensing authority on the determination of a review**

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)<sup>10</sup>;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 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.
- 11.22 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.
- 11.23 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**

- 11.24 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, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. 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.

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<sup>10</sup> See chapter 15 in relation to the licensing of live and recorded music.



- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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.
- 11.26 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.
- 11.27 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage of smuggled tobacco and alcohol.
- 11.28 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.

**Appendix 3– RELEVANT PARTS OF STATEMENT OF LICENSING  
POLICY**

**Objective 5** – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

19 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely;

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other.
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

20 How the Policy works

This Licensing Policy sets out the relevant information on how licence Applications will be determined and how licensed premises are expected to operate in Haringey, as well as explaining how licensing integrates with other related strategies for the borough. The aims of this Licensing Policy are to pursue and promote the Licensing Objectives

#### Written and Spoken English

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

21 This policy has five main aims:

- To help inform elected members on the licensing committee to make decisions on licensing matters.
- To set out, for the benefit of prospective applicants, responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decisions.
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area. Licensed premises suitable for the neighbourhood within which they are located and that support the neighbourhood.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

22 The policy supports a number of other key aims and these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators.
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises.
- Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. Section 3, Para 125 and following, will be particularly helpful for residents in this context.

### 23 Consultation for the Licensing Policy

In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this Licensing Policy:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) such persons as the licensing authority considers to be representative of holders of Premises Licences issued by that authority
- d) such persons as the licensing authority considers to be representative of
- e) Such persons as the licensing authority considers to be representative of holders of Licences issued by that authority
- f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area

### 24 What is covered by the policy:

The Licensing Act 2003 regulates the following activities

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of "regulated entertainment"
- The provision of "late night refreshment"

### 25 Definitions:

'Regulated entertainment'

Subject to the conditions, definitions and exemptions set out in the Act, "regulated entertainments" includes:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- Boxing or wrestling entertainment.
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports").
- A performance of live music.

Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

**51 Duplication with other regulatory regimes**

In exercising its licensing functions, the licensing authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

**52 Section 2 Licensing Objectives**

**Promoting the Licensing Objectives in Haringey**

The licensing authority works in conjunction with partners (Responsible Authorities) such as Environmental Health, Trading Standards, Police, Planning Department, Anti Social Behaviour Team, Enforcement Response Team, National Health Service (NHS), Local Safeguarding Children Board (LSCB), Public Health Team and Fire Authority, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Haringey such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- multi-agency meetings
- The establishment of Public Spaces Protection Orders where, following a direction from a police officer or authorised officer, alcohol may not be consumed publicly.
- Pub watch schemes/ Best Bar None Schemes.
- Responsible Retailer Scheme
- Conducting training in responsible alcohol service and conflict management
- Alcohol Diversion Schemes.
- Attendance and participation in local and community meetings and workshops

**53 LICENSING HOURS**

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

**54 THE FIRST LICENSING OBJECTIVE THE PREVENTION OF CRIME AND DISORDER**

- between 0800 and 2000 hours.
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises.
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

82 Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Haringey Noise Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)

83 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

#### 84 Preventing nuisance outside of premises

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.

Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.