

NOTICE OF MEETING

SPECIAL LICENSING SUB COMMITTEE

Wednesday, 26th August, 2020, 10.00 am - MS Teams

Members: Councillors Sarah Williams (Chair), Luke Cawley-Harrison and Yvonne Say

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

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

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. REVIEW OF A PREMISES LICENCE UNDER THE LICENSING ACT 2003 - BUCKYS OFF LICENCE, 1 MOOREFIELD ROAD, TOTTENHAM N17 (PAGES 1 - 48)

Emma Perry, Principal Committee Co-ordinator
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Bernie Ryan
Assistant Director – Corporate Governance and Monitoring Officer
River Park House, 225 High Road, Wood Green, N22 8HQ

Wednesday, 26 August 2020

Report for: Licensing Sub Committee 26th August 2020

Title: Review of a Premises Licence under the Licensing Act 2003
Buckys Off Licence 1 Moorefield Road Tottenham London N17

Report authorised by : Daliah Barrett-Licensing Team Leader – Regulatory Services.

Ward(s) affected Bruce Grove

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

1. Describe the issue under consideration

- 1.1 An application for the review of the Premises Licence for Buckys Off Licence, 1 Moorefield Road, Tottenham London N17-held by Mr Baksie was submitted by the Haringey Trading Standards Team. A copy of the application form is attached to this report at **Appendix 1**.
- 1.2 The applicants of the review are Haringey Trading Standards and have cited their reason for the review due to the operation of the premises has failed to uphold the licensing conditions and licensing objective of:
- The prevention of crime and disorder
- 1.3 The Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that at any stage following the grant of a premises licence, a responsible authority, such as the Police or the Environmental Health Service, or any other person who can seek a review, may ask the Licensing Authority to review the premises licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 1.4 As such, in accordance with section 52(2) of the above-mentioned Act, the Licensing Authority must hold a hearing to consider the application and any relevant representations.

2. Licensing history of the premises

- 2.1 The premises was issued with a New Premises Licence in September 2010. The current holder Mr Bariz took over the licence in in February 2019. The named DPS Mr Jabarkhil started in September 2019.
- 2.2 The current licence permits:
- Supply of Alcohol**
Monday to Saturday 0800 to 2300
Sunday 1000 to 2230
The opening hours of the premises:
Monday to Saturday 0730 to 2300
Sunday 0900 to 2230

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

- 2.3 These review proceedings are brought under the licensing objectives on the grounds of the protection of children from harm. Further documents that were submitted as part of the review application can be found at **Appendix 1**.
- 2.4 The reason for review was the discovery of non-Duty paid cigarettes and hand rolling tobacco on the premises on 12th November 2019 following a visit by officers of Trading Standards and Her Majesty's Revenue and Customs (HMRC). The total amount of UK excise duty evaded from the seizure is £2934.61. This relates to 11200 cigarettes and 350grams of hand rolling tobacco.
- 2.5 At approximately 13:09 hours on the 12th November 2019, Trading Standards carried out an inspection of the Licenced premises in partnership with officers of Her Majesty's Revenue and Customs (HMRC). The purpose of the visit was to inspect the alcohol and tobacco products on the premises. During the visit officers initially discovered non-Duty paid cigarettes and tobacco behind the counter. Upon closer examination officers discovered a trap door which was concealed with a dustbin on top of it. In the cellar area beneath the shop floor, further larger quantities of cigarettes and tobacco were found.

3. **Other considerations**

- 3.1 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises: money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. 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.
- 3.2 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 go beyond any findings by the courts, which should be treated as a matter of undisputed evidence before them.
- 3.3 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 interest of the wider community and not those of the individual licence holder.

3.4 Options

The Committee must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The options are:

- To modify the conditions of the licence
- To exclude a licensable activity from the scope of the licence
- To remove the designated premises supervisor
- To suspend the licence for a period not exceeding three months
- To revoke the licence
- To take no action.

3.5 The Sub-Committee must ensure that all licensing decisions have:

- a direct relationship to the promotion of one or more of the 4 licensing objectives;
- regard to the Council's statement of Licensing Policy;
- regard to the Secretary of State's National Guidance.

Where the authority modifies the conditions or excludes a licensable activity from the scope of the licence it may determine that the modification or exclusion is to have effect permanently or for a period not exceeding 3 months.

3.6 The Licensing Authority's determination of this application does not have effect until the 21 days appeal period has expired or if the decision is appealed, the date the appeal is determined and or disposed of.

3.7 Section 182 Guidance – relevant sections.

The most recent statutory guidance was Issued in April 2018 and applies to this application.

3.8 The following provisions of the Secretary of State's guidance (2018) apply to this application:

Chapter 11-this chapter gives guidance around the review process and determining an application for a review.

3.9 Guidance issued under section 182 of the Licensing Act 2003 (para 11.2) states that 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.

3.10 In accordance with section 52(2) of the Act, the Licensing authority must hold a hearing to consider the application and any relevant representations.

3.11 Section 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

3.9 **Section 17 of the Crime and Disorder Act 1998** states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonable to prevent crime and disorder in its area”.

3.10 **Human Rights**

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

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

4. **Use of Appendices**

Appendix 1 - Application form review

Appendix 2 – Copy of current licence.

Background papers: **Licensing Act 2003**
 Section 182 Guidance
 Haringey Statement of Licensing policy
 Report Pack

Appendix 1 – Review Application

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

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

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

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Bucky's Off Licence and Grocery	
Post town London	Post code (if known) N176PX

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

Number of premises licence or club premises certificate (if known) LN/000008483

Part 2 - Applicant details

I am

Please tick ✓ yes

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

fro

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address L.B. Haringey Trading Standards Service 1 st Floor, River Park House, 225 High Road London N22 8HQ
Telephone number (if any) 020 8489-5158
E-mail address (optional) Felicia.Ekemezuma@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 type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

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

Introduction

This application to review relates primarily to the objective To Prevent Crime and Disorder.

It primarily concerns the discovery of non-Duty paid cigarettes and hand rolling tobacco on the Licensed Premises on 12th November 2019 following a visit by officers of Trading Standards and Her Majesty's Revenue and Customs (HMRC). The total amount of UK excise duty evaded from the seizure is £2,934.61. This relates to 11,200 cigarettes and 350grams of hand rolling tobacco.

Specific Details of Actions:

At approximately 13:09 hours on the 12th November 2019, Trading Standards carried out an inspection of the Licenced premises in partnership with officers of Her Majesty's Revenue and Customs (HMRC). The purpose of the visit was to inspect the alcohol and tobacco products on the premises.

A witness statement is attached as Appendix 1 from Ruth STRAUSS of HMRC which gives her version of the visit.

The Premises Licence Holder Ahmad BARIZ and Designated Premises Supervisor Mr. Jehangir JABARKHIL were not present during the visit.

A male who identified himself as Sayed HASHIMI was present and appeared to be in charge of the premises on the day.

During the visit officers initially discovered non-Duty paid cigarettes and tobacco behind the counter.

Upon closer examination officers discovered a trap door which was concealed with a dustbin on top of it. In the cellar area beneath the shop floor, further larger quantities of cigarettes and tobacco were found.

Mr HASHIMI confirmed that he had worked in the shop for 8 months and was selling the foreign cigarettes for £4 - £5 a packet and the hand rolling tobacco for £8 a packet. He also confirmed the owner and Premises Licence Holder, Mr BARIZ knew about the tobacco products and that BARIZ himself had come to the shop the previous day and put foreign tobacco products behind the counter.

Trading Standards took samples of the tobacco product, photographs of which together with a photograph of the trap door to the cellar are attached as Appendix 2. Documents provided at the time of seizure by Trading Standards are attached as Appendix 3.

The foreign tobacco products were not in UK Standardised packaging and many bore incorrect or foreign language health warnings so were not legal to sell in the UK. The prices the goods were being sold at was significantly below UK Duty paid prices.

It can be a criminal offence under Regulation 15(1) of the Standardised Packaging of Tobacco

Products Regulations 2015 to offer to supply tobacco products in non-standardised packaging which are not coloured pantone 448c (Dark drab green).

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

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

Bucky's Off Licence and Grocery are not currently members of the Councils Responsible Trader Scheme.

Bucky's Off Licence have not appealed the seizure by HMRC and will therefore receive an assessment for the unpaid Duty.

I wrote to Ahmad BARIZ on 22nd April 2020 asking questions under caution in respect of the Criminal Investigation. This letter is attached as Appendix 4

Trading Standards received a reply to this letter from Ahmad BARIZ together with a "statement" purportedly signed by a shop employee Sayed HASHIMI together with a copy of his Driving Licence, who was the employee present and in charge of the shop at the time of the visit. These are attached as Appendix 5 and 6 respectively.

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

The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.

The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses. Illicit goods are often smuggled into the country and/or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.

The trade in illicit tobacco causes huge losses to the UK's tax revenues.

The trade in illicit tobacco facilitates teen smoking.

The trade in illicit tobacco makes it harder to beat addiction.

Illicit goods may be harmful as they do not come from legitimate, legal and/or traceable suppliers. There is no guarantee that they are safe and comply with other legislation.

Supplying tobacco at cheap prices undermines the public health message.

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
12th November 2019	Visit to shop premises by Trading	11,200 cigarettes and 350g of

	Standards and HMRC	hand rolling tobacco seized.
22nd April 2020	Letter sent to Ahmad Kanishka BARIZ (Premises Licence Holder)	Letter sent regarding a PACE interview by post 21st April 2020
5 th May 2020	Reply received from Ahmad Kanishka BARIZ	Response to questions sent by Trading Standards
5 th May 2020	Statement received purportedly signed by Sayed HASHIMI	Statement sent in by Ahmad BARIZ with his letter received on 5 th May 2020

Recommendations:

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

The scale of the Duty Evasion and the concealment of illegal products in the cellar of the premises means that Trading Standards have severely reduced confidence in the Premises Licence Holder and Designated Premises Supervisor Trading Standards therefore, recommend that the Committee seriously consider revoking the Licence.

If the Committee are not minded to revoke the Licence then Trading Standards recommends a period of suspension of the Licence, the removal of the Designated Premises Supervisor and additional conditions as detailed below.

1. The business shall adopt a "Challenge 25" policy.
2. A refusals register shall be maintained to record instances where alcohol sales are refused. These records shall be made available for inspection by Police and Authorised Council officers on request.
3. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.
4. Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.
5. Only Employees of the business who have been formally trained on Licensing requirements and age restricted sales may serve behind the counter.
6. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This book shall contain:
 - The date and time of the incident,
 - The product which was the subject of the refusal
 - A description of the customer,
 - The name of the staff member who refused the sale
 - The reason the sale was refused.This book shall be made available to Police and all authorised council officers on request.
7. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from a wholesaler registered with HMRC under the Alcohol Wholesaler Registration Scheme (AWRS).and shall produce receipts for the same upon request for inspection.
8. The Premises Licence Holder and Designated Premises Supervisor shall ensure

persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.

9. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:

- I. Seller's name and address
- II. Seller's company details, if applicable
- III. Seller's VAT details, if applicable
- IV. AWRS registration number
- V. Vehicle registration detail, if applicable

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

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

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

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

13. 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 storeroom or behind the sales counter.

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

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

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

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

18. A CCTV system should be installed which should be able to record colour footage for a period of 28 days and be able to capture clear video of persons faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a police Officer or Authorized Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist software.

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

20. The business shall join the Council’s Responsible Trader Scheme.

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

Attached Documents

Appendix 1: Statement of Ruth STRAUSS of HMRC

Appendix 2: Photos of samples of seized tobacco products and trap door to cellar.

Appendix 3: Trading Standards Seizure Documents.

Appendix 4: Letter sent to Ahmad BARIZ by Trading Standards.

Appendix 5: Reply to letter from Ahmad BARIZ

Appendix 6: Statement purportedly from Sayed HASHIMI.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

N/A

Please tick ✓

yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

F. Ekemezuma

.....
Date **11th May 2020**
.....

Capacity **Commercial Environmental Health and Trading Standards Manager**
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Felicia Ekemezuma Commercial EH & TS Manager Regulatory Service River Park House Level 1 (North) 225 High Road Wood Green	
Post town London	Post Code N22 8HQ
Telephone number (if any) 0208 489 5153 or 07805752926	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) felicia.ekemezuma@aol.com	

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.

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: Ruth Strauss

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

Occupation: Higher Officer, HM Revenue & Customs

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: _____ Ruth Strauss _____

Date: 03/02/2020


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.

4. At approximately 13:09 hours on the 12/11/2019, I was on duty with another HMRC Officer conducting a shop inspection under S112 of the Customs and Excise Management Act 1979 as excise goods were clearly seen in the shop. 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

Date: 3/2/2020

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

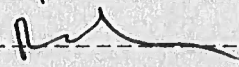
ENGLAND AND WALES ONLY

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

Statement of: Ruth Strauss

sold and stored in the shop. The shop details are: Bucky's Off Licence and Grocery, 1 Morefield Road, Tottenham, N17 6PX. The owner Ahmad Bariz was not present during the visit. Officer Parr from HMRC asked a male who was behind the counter and had been serving customers when we walked in (this male said he did not work in the shop but was just helping out he had no identification details on him) if there was any foreign tobacco products behind the counter or in the shop. The male replied no. Officer Parr then detected behind the counter various foreign cigarettes and foreign hand rolling tobacco. I then went behind the counter to assist Officer Parr. Behind the counter was a large bin, I picked up the bin to move it out of the way so I could assist Officer Parr. As I lifted the bin and placed it further along the counter I could see hinges and what appeared to be a under floor storage hatch. I asked the man if there was a cellar underneath the hatch he replied no. I could see a piece of string that was attached to the latch. Officer Parr pulled up the string attached to the hatch, the hatch opened to reveal steps leading down into a cellar. Officer Parr went down the steps into the cellar where he located more foreign cigarettes. The man that had been behind the counter at this point left the shop. There had been another man in the shop that had been stocking the shelves when we

Date: 3/2/2020

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

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: Ruth Strauss

walked in, he confirmed that he worked in the shop and then provided me with his driving licence: details on driving licence Sayed Obaiduollah Hashimi date of birth 03/11/1975 he confirmed that he had been working in the shop for approximately 8 months. I then asked Mr. Hashimi if he was aware about the foreign tobacco products on the premises, he confirmed that he did know about the foreign tobacco products on the premises. I asked Mr. Hashimi how much the foreign cigarettes were sold for in the shop, Mr. Hashimi confirmed that they sold the foreign cigarettes for £4 to £5 per packet of 20. I then asked Mr. Hashimi how much the foreign hand rolling tobacco was being sold for in the shop, Mr. Hashimi confirmed that they charged £8.00 for a 50 gram pouch. I asked Mr. Hashimi if Mr. Bariz the owner of the shop knew what was going on with regards to foreign tobacco products being stored and sold in the shop. Mr. Hashimi informed me that Mr. Bariz the owner came in yesterday and put foreign tobacco products behind the counter, these being the excise goods that Officer Parr had detected under the counter. At approximately 13:27 I informed Mr. Hashimi that all the foreign tobacco products detected in the shop were being seized. I seized the tobacco products as liable to forfeiture as no UK excise duty had been paid on these products. I issued all the relevant seizure

Date: 3/2/2020

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

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: Ruth Strauss

paperwork to Mr. Hashimi and left a card with my work details on for Mr. Bariz to contact me and explain why he had foreign tobacco products in the shop. Mr. Bariz did not contact me.

2. The seizure was no appealed within the time limit and as such the goods have been condemned. The total amount of foreign cigarettes seized amounted to 11,200 cigarettes (various foreign brands) the UK excise duty evaded from the foreign cigarettes seized amounts to £2,864.21. The total amount of foreign hand rolling tobacco seized amounted to 350 grams the UK excise duty evaded from the foreign hand rolling tobacco amounts to £70.40 this has been extracted from a departmental database.

3. Officer Squire from Trading Standards took samples of the foreign cigarettes and tobacco that had been seized by HMRC from this trader.

Date: 3/2/2020

Signature: *[Handwritten Signature]*

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Appendix 2: Bucky's Off Licence





Regulatory Services RS 00514



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

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

Name: BUCHELI Date: 12/11/19
 Address: 1 MARSHFIELD ROAD
 Post Code: N12
 Enactment(s): CONSUMER RIGHTS ACT

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

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

Notice /Observations/Action Required (Circle if applicable)

Item No.	Description of Property Or Notice/Observations/Action	Seized by Officer	From Where Or Legislation	Time	Seal No. or Statutory Requirement
1	6 PACKETS CIGARETTES 50g MS HARD BOLLING BARRON		Bolton 6hr + 6hr	1330	PO3435016

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

.....

Authorised Officer:
 (Signed) [Signature]
 (Print Name) M. BUCHELI
 (Designation) TRADER

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

Notice of exercise of additional powers of seizure under Sections 50 or 51 of the Criminal Justice and Police Act 2001

Basis of powers

Sections 50 of the Criminal Justice and Police Act 2001 allow for the seizure and removal of property found on premises where it is not reasonably practicable to complete a process of examination, searching or separation at the scene. Section 52 requires the provision of a written notice to the the person from whom the property was seized, specifying various information.

Information for interested persons

Applying for the return of seized property

Section 59 gives any person with a relevant interestⁱ in property seized using these powers the right to apply to the appropriate judicial authority for it to be returned. The appropriate judicial authority will normally be a judge of the Crown Court.

The grounds on which an application can be made are:

- (a) that there was no power to make the seizure;
- (b) that the seized property is or contains an item subject to legal privilegeⁱⁱ which there is no power to retainⁱⁱⁱ;
- (c) that the seized property is or contains excluded material^{iv} or special procedure material^v which there is no power to retain³;
- (d) that the seized property is or contains something which there is no power to retain once the examination is complete³.

Anyone wishing to make such an application in this case should give notice of that application to the address overleaf:

Following an application the appropriate judicial authority may order the return or retention of any or all of the relevant property or may give directions for its examination, separation etc. Alternatively it may dismiss the application.

Anyone failing to comply with an order or direction given by a judge of the Crown Court under these provisions may be dealt with as if he had committed a contempt of the Crown Court.

Duty to secure property

Section 60 creates a duty to secure property seized under these powers if an application for return of the property is made under section 59, notice of the application is given to the relevant person⁶ and the application is based on the property being or containing legally privileged, excluded or special procedure material.

Section 61 specifies that the duty to secure is a duty on the person in possession of the seized property to ensure that, once notice of an application for return has been given, the property shall not be examined, copied or generally put to any other use without consent of the applicant or in accordance with the directions of the appropriate judicial authority.

Applying to attend examination of seized property

Any person with an interest in property seized under these powers who wishes to attend the initial examination of that property should apply to the address overleaf:

Notes for information

ⁱ For the purpose of section 59 a person with a relevant interest in the seized property is:

- (a) the person from whom it was seized;
- (b) any person with an interest in the property; or
- (c) any other person who had custody or control of the property immediately before the seizure.

ⁱⁱ Legally privileged material includes communications between a professional legal adviser and his client in respect of legal advice or proceedings.

ⁱⁱⁱ The legislation does provide for the retention of certain inextricably linked material, including legally privileged, excluded or special procedure material, if it cannot be separated from material that can be seized without prejudicing the use of that sizeable material. Excluded and special procedure material can sometimes be seized where it is evidence in relation to an offence or itself the proceeds of an offence.

^{iv} Excluded material includes journalistic material and personal records which are held in confidence.

^v Special procedure material includes confidential material created in the course of a business and journalistic material provided neither is excluded material.

⁶ A "relevant person" for the purposes of giving notice of an application for return of property is:

- (a) the person who made the seizure;
- (b) the person in possession of the seized property;
- (c) the person whose name and address are specified in this notice.

Appendix 2 – Copy of current licence

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LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG964639

Premises Licence Number: LN/000008483

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
1st Floor River Park House, 225 Station Road,
Wood Green, London, N22 7TR**

Signature:

Date: 7th September 2010

Transfer: 25th February 2019

Part 1 – PREMISES DETAILS

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

**BUCKYS OFF LICENCE & GROCERY
1 MOOREFIELD ROAD
TOTTENHAM
LONDON
N17 6PX**

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

The opening hours of the premises:

Monday to Saturday 0730 to 2300

Sunday 0900 to 2230

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:

Ahmad Kanishka Bariz,
50 Eaton Valley Road,
Luton,
LU2 0SW

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:

Jehangir Khan Jabarkhil
90B Beehive Lane
Ilford
IG4 5EG

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

Personal Licence: 048752

Issued by: London Borough of Redbridge

Annex 1 –Mandatory Conditions

1. No supply of alcohol may be made under the Premises Licence –
 - (a) At a time when there is no Designated Premises Supervisor in respect of the Premises Licence; or
 - (b) At a time when the Designated Premises Supervisor does not hold a Personal Licence or his Personal Licence is suspended.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d) 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.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

Annex 1 –Mandatory Conditions

- (2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
 - (3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either:-
 - (a) a holographic mark or
 - (b) an ultraviolet feature.
6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and
 - (c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) “duty” is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) “permitted price” is the price found by applying the formula –

$$P = D + (D \times V)$$
 Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) “relevant person” means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence

Annex 1 –Mandatory Conditions

- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) “relevant person” means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

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

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

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

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

CCTV cameras will be installed internally and externally. They will be maintained and cover all points of access and coverage of public areas.

A crime and disorder incident book will be in use and all information regarding date and time of incident will be recorded.

There will be a strict no drugs policy and posters will be on display to this extent.

Alarms will be installed and the premises will be protected by PCRS two way radio.

PUBLIC SAFETY

The premises will fully comply with fire regulations. Fire exits will be clearly marked and fire extinguishers will be available for use.

All staff will be trained on manual handling and to ensure that the premises are safe for the public.

An accident book will be in use and all accidents which happen on the premises will be recorded.

THE PREVENTION OF PUBLIC NUISANCE

Licence holder will ensure that no noise will disrupt the neighbours by keeping the doors closed and ensuring the public does not crowd outside the premises.

All rubbish and litter will be cleared away and a trade waste contract will be maintained.

THE PROTECTION OF CHILDREN

Premises will have a time restriction as to when children are permitted to the premises and a notice explaining this to customers.

All staff will be trained to check customers proof of age when in doubt.

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

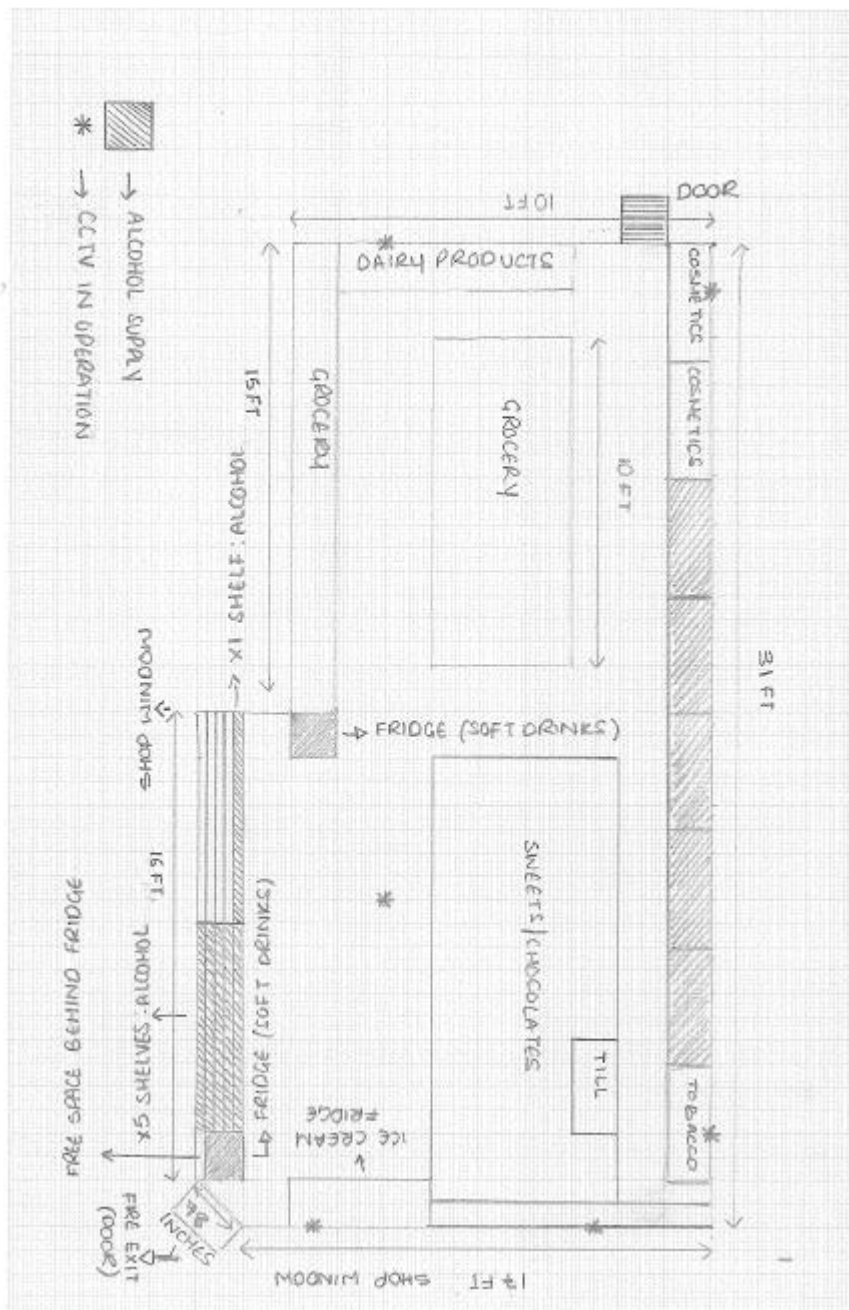
- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

A Refusals Book will be kept on the premises and details of all refused sales will be recorded.

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

Not applicable

Annex 4 - Plans



Appendix 3 – Letter sent to Mr Bariz
Reply from Mr Bariz

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Environment & Neighbourhoods

Regulatory Services Manager: Gavin Douglas



Ahmad BARIZ
50 Eaton Valley Road
Luton
LU2 OSW

Your ref:

Date: 21st April 2020

Our ref: WKJ452795

Dear Sir,

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

I write further to my visit to your shop premises trading as Bucky's Off Licence and Grocery situated at 1 Moorefield Road, Tottenham, London N17 6PX, accompanied by officers of Her Majesty's Revenue and Customs (HMRC) on 12th November 2019.

During the visit quantities of tobacco products namely 11,200 cigarettes and 350g of hand rolling tobacco were seized. These products did not carry the correct UK health warnings, were not Duty Paid and were not in standardised packaging as required for the UK market. These products were found behind the counter and in a cellar area beneath a trap door situated behind the counter of the shop. These facts can constitute offences under the above mentioned legislation.

Keeping tobacco on a Licensed Premises which is not Duty Paid can also be an offence under the Licensing Act 2003. HMRC have informed me that the seizure has not been appealed therefore it is deemed to have been non Duty Paid as you have been unable to provide evidence that the goods were purchased legitimately.

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

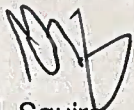
1. Can you state your full name?
2. What is your date and place of birth?
3. What is your home address?

4. Were you the owner of Bucky's Off Licenece and Grocery 1 Moorefield Road, London N176PX on 12th November 2019 ?
5. Are you a sole trader a partner or a Director of a Limited company.?
6. If you are a partner what is the name and address of the other partners?
7. If you are trading as a Limited company what is the name of the company and are you a Director?
8. Would you agree you are active in the management of the business?
9. How long have you been trading as Bucky's off Licence and Grocery.
10. Do you agree that you had 11,200 cigarettes and 350g of hand rolling tobacco which were not Duty paid and were not packaged in UK standardised packaging behind the Counter of the shop and in a cellar area 12th November 2019?
11. How much were you selling these cigarettes and tobacco products for?
12. Where did you buy these tobacco products?
13. Do you have any invoices for them? If yes please enclose a copy with your reply?
14. Do you know it is illegal to sell cigarettes and tobacco without payment of UK Duty?
15. Do you know it is illegal to sell cigarettes and tobacco in the UK in non-standardised packaging?
16. Do you know it is illegal to sell cigarettes and tobacco with non UK approved health warnings?
17. Do you know it is an offence under the Licensing Act 2003 to keep non Duty Paid cigarettes and tobacco on a Licenced Premises?
18. Does A Mr HASHIMI work for you in the shop?
19. Mr HASHIMI stated he was selling the cigarettes for £4-5 a packet and the hand rolling tobacco for £8 a packet. Do you agree this was the case.
20. Mr HASHIMI stated you had brought this stock to the shop for him to sell. Do you agree?
21. How much time do you spend at the business in an average week?
22. Do you have anything you would like to say in respect of the large quantity of non Duty Paid tobacco found at the Licensed Premises?
23. Is there anything you want to say in respect of this matter or to clarify anything you have already said in this letter in response to other questions?

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

I thank you for your attention

Yours faithfully,



M Squire
Tactical Trading Standards Enforcement Officer

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

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Attention: M Squire
Haringey London Council
Commercial Environmental Health & Trading Standards
Level 1, River Park House
225 High Road, London
N22 8HQ

Date: 05/05/2020
Your Ref: WK/452795

Dear M Squire

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

Thank you for your letter dated 21/04/2020, in relation to the visit to the premises, 1 Moorefield Road, Tottenham, London, N17 6PX on 12th November 2019, further to your letter in relation to the questions please find answers below accordingly;

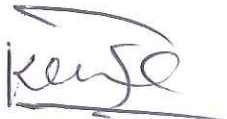
- 1) Mr Ahmad Kanishka Bariz
- 2) D.O.B: 20/12/1973 and Place of Birth: Afghanistan
- 3) Home Address: 50 Eaton Valley Road, Luton. LU2 0SW
- 4) Yes I can confirm that I am the owner of Bucky's Off Licence and Grocery at 1 Moorefield Road, London, N17 6PX
- 5) Sole Trader
- 6) N/A
- 7) N/A
- 8) At that precise moment and period I was not active in the management of the business due to personal circumstances with my parent – The person who was active in the management of the business is Mr Sayed Obaidullah Hashimi
- 9) I have been trading since September 2018 as Bucky's Off Licence and Grocery
- 10) I agree to your findings, but I was not aware and did not have any knowledge of this activity or products.
- 11) I am unsure as I was not aware of these products or its existence in my business
- 12) I would not know that as I was not aware of these tobacco products
- 13) N/A
- 14) I am fully aware that these tobacco products which are not UK Duty Paid, are non-standardised packaged and do not have UK approved health warning are prohibited and illegal to buy and sell or keep such products in my Licenced Premises or as a matter of fact any business, and we always follow these rules and guidance very strictly and we buy our cigarettes from the Cash & Carry Best Way and always retain invoices for our purchases, we do not purchase any products from any outsourcers or any third parties who are not a registered company or authorised sellers.
- 15) Same as above
- 16) Same as above
- 17) Same as above

- 18) Yes, Mr Hashimi works for me in the shop as an employee working at my business and he is one of my trusted employees who was running the management due to my personal circumstances
- 19) I was unaware of these products and that they were selling them – these were bought and sold without my knowledge
- 20) I have not provided any purchases of these products to Mr Hashimi and have not authorised any purchases or sales of such products
- 21) From 20th October 2019 to 18th December 2019 I was only able to visit the premises once a week or every 5 days to do the calculations and check and monitor the progress of business due to my personal issues at home with my mum as she had serious health issues and I had to help her due to her disability and have been Corticobasal Degeneration (CDB) as she is bedbound and is being fed by tube and there was no one to look after them as I lived in Luton and my parents lived in Harrow and my business is in Tottenham so it was hard for me to go to the business on regular bases due to my family situation. But on other occasions I would normally be at the business premises almost every day.
- 22) I was shocked and I was unaware of these products being bought or sold at my business premises due to my personal issues I have been unable to manage the business for a few months as explained and that has taken things out of hand, but let assure I have stepped back in the business since 18/12/2019 and I have zero tolerance towards such activities and illegal sales of products, and I am making sure that these do not take effect in my business premises again, and for me to do this I have managed to find an assistant nurse to be with my mother almost everyday.
- 23) I would like to mention that I was unaware of you visit to my business premises until the day I received your letter in relation to this matter, I then confronted Mr Hashimi in relation to this matter and he has accepted the liability that he saw an opportunity of quick income, without my knowledge due to his financial issues, but he has come clean and has accepted full responsibility of this and agreed to never do such things and has provided me with a written confirmation letter of the liability, due to his shock and hesitation he has mentioned my name as he thought this would be a warning and would not cause issues, but he was unaware of the consequences that lied with the sale of these products.

I hope the above clears the matter and I am happy to provide any response and provide full compliance with your investigation.

Looking forward to your response.

Kind Regards,



Ahmad Kanishka Bariz
1 Moorefield Road
London
N17 6PX

Appendix 4 – Statement of Sayed Hashimi

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Date: 26th April 2020

I, Mr Sayed Obaidullah Hashimi, accept the full respobisility for buying and selling the tobacco and cigarettes which were not permitted be sold in Bucky's Off Licence and Grocery.

When the officers came to the shop I panicked and was in a shock so I gave them my boss's name. Mr Bariz that he bought the cigarette for me to sell, but he was not aware as he felt me in charge when he was not in shop.

I regret and now understand how this situation has become a big issue because of my mistake and Ignorance. But I would like to say that I did not know at the time that this was such a big offence.

I would like to apologies for my mistakes and I will never do such things again and always be by rules and regulations.

Please accept my apology.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Sayed', with a long, sweeping horizontal stroke extending to the right.

Sayed Obaidullah Hashimi

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