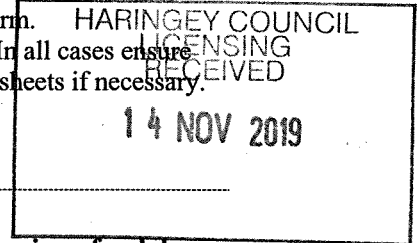


[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Oz Foods 467-469 High Road, London,	
Post town London	Post code (if known) N17 6QA

Name of premises licence holder or club holding club premises certificate (if known) Bruce Grove Food Store Limited
--

Number of premises licence or club premises certificate (if known) LN/00001230 LN000003052

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 Trading Standards L.B. Haringey 1 st Floor, River Park House (Level 1 North) 225 High Road London N22 8HQ
Telephone number (if any) 020 8489-5153
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 but also to the objective relating to the Protection of Children From Harm.

It concerns the discovery of non-Duty paid beer, wine and tobacco on the Licensed Premises on 27th March 2019 following a visit by officers of Her Majesty's Revenue and Customs (HMRC) accompanied by Haringey Trading Standards. The total amount of UK excise duty evaded from the seizure is £4989. This relates to 73.1 litres of vodka, 1.2 litres of rum, 1380 litres of beer and 420 cigarettes. During this visit officers also identified a breach of a Mandatary Licence Condition where high strength beer was being sold below the "Permitted Price" of Duty Plus VAT.

This application also deals with other incidents at the premises both prior to and after 27th March 2019. The most recent incident being a visit by HMRC on 9th October 2019 where non-Duty paid goods valued at £630 were discovered. There was also a visit on 18th October 2017 where non-Duty Paid goods to the value of £313 were discovered by HMRC.

Background:

The Premises was subject to a Licence Transfer on 9th May 2019 from the original Premises Licence Holder Mukaddes TEMUR to a new Premises Licence Holder Bruce Grove Food Store Limited. The Designated Premises Supervisor Mukaddes TEMUR remained and is common to both the previous and current Licence.

There is further commonality between the directing mind of the business both prior and post transfer. Capbar TEMUR is a Director of Oz Food Limited which ran the business on and prior to 27th March 2019. He is also a Director of Bruce Grove Food Store the current Premises Licence Holder.

It is therefore, the submission of Trading Standards that to all intents and purposes the events detailed in this application all took place while the business was under the control of the same individuals and the licence transfer does not negate liability for the full sequence of incidents at the premises.

Specific Details of Actions:

At approximately 10:15 hours on the 27th March 2019, HMRC carried out carried out an inspection of the Licenced premises in partnership with an officer of Trading Standards. The purpose of the visit was to inspect the alcohol and tobacco products on the premises.

During the visit HMRC discovered 420 cigarettes which were not Duty Paid. These cigarettes were handed to Trading Standards for further investigation. All of the cigarettes did not comply with the Standardised packaging of Tobacco Products Regulations as the cigarettes were not in plain packaging as required for the UK Market. This can be a criminal offence.

In addition, 360 of the 420 Cigarettes bore foreign language health warnings which is a criminal offence under the Tobacco and Related Products Regulations 2016.

During the visit HMRC discovered 1380 litres of beer, 73.1 litres of Vodka, 220 Litres of wine and 1.2 litres of Rum all of which were believed to be not Duty Paid. Some of the vodka bore UK Duty Stamps which indicated that Duty had been paid giving the impression that the goods could legally be sold when they could not.

Keeping non-Duty Paid goods on a Licenced Premises can be a Criminal Offence under Section 144(1) of the Licensing Act 2003, while giving the impression that goods can be legally sold when they cannot, can be an offence under Regulation 12 of the Consumer Protection From Unfair Trading Regulations 2008.

During the visit it was discovered that the shop was selling Karpackie Beer at £1.29. The UK Duty of 9% ABV Karpackie beer is £1.11 plus VAT which equates to £1.33. This figure does not take into account production and transport costs and profit margins in the supply chain. Attached to Michael SQUIRE's statement is a photograph of the shelf edge price marker for Karpackie beer showing a price of £1.29. This is a breach of the Mandatory Licence Condition.

A witness statement is attached as Appendix 1 from Ruth STRAUSS and as Appendix 2 Mathew ALLEN both of HMRC which gives full details of the visit on 27th March 2019.

Also attached to this application as Appendix 3 is the witness statement of Michael Squire of Haringey Trading Standards which mainly details the investigation post visit.

Attempts were made to interview the Director of both Oz Foods Limited and Bruce Grove Food Store Capbar TEMUR and the former Premises Licence holder and current Designated Premises Supervisor Mukaddes TEMUR without success. They indicated from the outset through their Licensing Agent NARTS that they wished to be interviewed by correspondence rather than attend an interview in person. No reply has been received in response to the questions put to them by Trading Standards. Full details of these questions are contained in the Exhibits attached to officer Squire's statement.

The spirits, beers, wines and tobacco suspected of being non-Duty Paid were seized by HMRC. HMRC have stated that the seizure was not appealed within the time limit and as such the goods were condemned. The total amount of UK excise duty evaded from the seizure is £4,989.

It is normal practice for HMRC to issue an assessment to the trader to pay the Duty owed.

Mr Temur produced invoices to HMRC following this seizure despite admitting to buying the beer from a man in a van. HMRC visited the supplier on the invoices (PBS Wholesale Ltd) and they admitted that Mr. Temur had purchased the goods on either 27/03/2019 or 28/03/2019 and asked to have the invoice modified to show the purchase date as 20/03/2019. HMRC therefore issued Mr. Temur with an additional Deliberate & Concealed wrongdoing penalty on 16/09/2019 for £3,792.00.

At the time of writing Trading Standards are considering a Criminal Prosecution in respect of the seizure.

The business are members of the Council's Responsible Trader Scheme which includes a commitment to comply with HMRC legislation in respect of tobacco and alcohol. Attached as Appendix 4 is the Commitment signed by Capbar TEMUR.

Trading Standards have also been notified of other incidents at the premises by HMRC which are detailed below.

On 18th October 2017 HMRC visited Oz Foods. On this occasion, several bottles of spirits with fraudulent duty stamps affixed were removed from the premises. The revenue total of this seizure was £313.00.

A further visit was made to the premises of Oz Foods by HMRC on 9th October 2019. On this date non-duty paid tobacco (foreign cigarettes) removed from the premises, HMRC also saw eastern European wines and high strength beers that were under suspicion of being purchased off record. The revenue total of the goods relating to this incident was £630.00.

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

- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and/or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.
- The trade in illicit alcohol and tobacco causes huge losses to the UK's tax revenues.
- The trade in illicit alcohol facilitates teen drinking
- The trade in illicit alcohol and 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 alcohol and tobacco at cheap prices undermines the effectiveness of measures designed to prevent anti-social behaviour and 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
9 th October 2019	Inspection of Premises by HMRC	non-duty paid tobacco (foreign cigarettes) removed from the premises, HMRC also saw eastern European wines and high strength beers that were under suspicion of being purchased off record. The Revenue total of the goods relating to this incident was £630.00.

1 st October 2019	2 nd attempt by Trading Standards to Interview Mukaddes TEMUR and Capbar TEMUR by Correspondence	No Response received to quesitons
3 rd July 2019	1 st attempt by Trading Standards to Interview Mukaddes TEMUR and Capbar TEMUR by Correspondence	No Response received to quesitons
9 th May 2019	Premises Licence Holder Changes	Mukaddes TEMUR ceases to be Premises Licence Holder replaced by Bruce Grove Food Store Limited (Director Capbar TEMUR)
27 th March 2019	Inspection of Premises by HMRC and Trading Standards	HMRC discovered 1380 litres of beer, 73.1 litres of Vodka, 220 Litres of wine and 1.2 litres of Rum all of which were believed to be not not-duty paid. Business run by Oz Food Limited (Director Capbar TEMUR) Duty Value of Seizure £4989
18 th October 2017	HMRC Visit to Oz Foods	Several bottles of spirits with fraudulent duty stamps affixed were removed from the premises. The revenue total of this seizure was £313.00.
7 th July 2015	Business joins Responsible Trader Scheme	Capbar TEMUR has signed commitment to trader responsibly and comply with HMRC legislation

Recommendations:

This licensee has clearly demonstrated that there has been a history of a 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.

There is also a general lack of adherence to a Mandatory Licence Conditions as specified in this application.

The scale and frequency of the Duty Evasion means that Trading Standards have severely reduced confidence in the Designated Premises Supervisor Mukaddes TEMUR. Trading Standards, therefore, recommends that the Committee seriously consider removing her from the Licence.

Trading Standards would also recommend that the Premises Licence be suspended for a considerable period to allow the Licensee to implement suitable systems to prevent any reoccurrence of these incidents.

Notwithstanding the above recommendations, Trading Standards also recommend additional conditions be added to the Licence to provide safeguards moving forward. These are detailed below: -

PROTECTION OF CHILDREN FROM HARM

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. Only Employees of the business who have been formally trained on Licensing requirements and age restricted sales may serve behind the counter.
5. 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.

6. 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.

Prevention of Crime and Disorder

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 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 and tobacco 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. 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.

16. A CCTV system should be installed and kept in working order. It 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.

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

18. The Premises shall not stock High strength beers in excess of 6.5%ABV

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: Statement of Mathew ALLEN of (HMRC)

Appendix 3: Statement of Michael SQUIRE (Trading Standards)

Appendix 4: Responsible Trader Scheme Commitment

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

Felicia Ekemezuma

Date 13th November 2019

Capacity **Commercial Environmental Health & Trading Standards Manager**

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

Trading Standards
L.B. Haringey
1st Floor, River Park House (Level 1 North)
225 High Road

Post town
London

Post Code
N22 8HQ

Telephone number (if any) 0208 486 5153

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) felicia.ekemezuma@haringey.gov.uk

Notes for Guidance

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

