

Witness Statement

Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B) ; (Criminal Procedure Rules Part 27)

Statement of: Michael Squire

Age if under 18: Over 18

Occupation: Tactical Trading Standards Enforcement Officer

This statement (consisting of 5 pages 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.

Dated 15th day of October 2019

Signature 

I am a Tactical Trading Standards Enforcement Officer employed by the London Borough of Haringey Trading Standards Service. I am an Authorised officer under various pieces of Consumer Protection Legislation. I have thirty-seven years' experience of Trading Standards Work.

5

On 27th March 2019 I received a telephone call from Her Majesty's Revenue and Customs(HMRC). They informed me they were carrying out a visit and would like me to attend.

10

At approximately 13:20 hours I arrived at the Premises of Oz Food Limited 467-469 High Road Tottenham N17 6QA. There I met Officers Strauss, Allen, Parr and Idziak who I knew as HMRC officers. I spoke to officer Allen who appraised me as to what HMRC had discovered at the premises. I was introduced to the shop management and showed them my warrant card.

Signature 

Continuation of witness statement of : Michael Squire

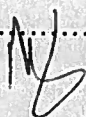
I was handed 420 cigarettes which had been found on the premises. I examined the cigarettes which were Marlboro branded of the total 360 of the cigarettes bore no English language health warnings. Under the Tobacco and Related Products Regulations 2016 all tobacco products must carry a health warning with prescribed wording and an approved picture warning. In all cases the written health warning must be in English if tobacco products are sold on the UK market.

In addition, I noticed that all of the 420 cigarettes (21 packets of 20) were in non standardised packaging. The Standardised Packaging of Tobacco Products Regulations 2015 standardise the packaging of certain tobacco products by requiring the removal of all promotional features. The brand name and variant name, number of cigarettes, weight of the hand-rolling tobacco product, producer details, barcode and calibration mark are permitted but must be in a standardised format and the UK duty-paid mark must be displayed. The packaging must be a specific shape and in a certain colour namely pantone 448c which is a drab dark green colour.; all other colours, trademarks, logos and promotional graphics are prohibited.

I took possession of the cigarettes which bore the hand written HMRC reference E5195343. I produce these cigarettes as exhibit MS/OZ/1

Officer ALLEN and STRAUSS then showed me Smirnoff and Glens branded vodka. I took possession of 1 x 70cl bottle of Smirnoff Vodka, 2x 1 Litre of Smirnoff Vodka and 1x 70cl of Glens Vodka, which HMRC informed me they suspected were non

Signature



Continuation of witness statement of : Michael Squire

Duty Paid. These items were sealed in a bag AB0843485. I produce these as Exhibit

40 MS/OZ/2

On my return to the office I issued a receipt to HMRC which I produce as Exhibit MS/OZ/3.

45 I placed the seized goods in the Secure Property Store.

On 28th May 2019 I wrote to Capbar TEMUR the Director of Oz Food Limited requesting he attend for interview. I produce the letter as Exhibit MS/OZ/4.

50 On 28th May 2019 I wrote to Mukaddes TEMUR the Designated Premises Supervisor of the Licenced premises at 467-469 High Road, London N17 6QA requesting an interview. I produce this letter as Exhibit MS/OZ/5.

55 On 31st May 2019 I received an E mail from Mahir KILIC of NARTS a Licensing Agent asking for the interview to be conducted by correspondence. I produce a Copy of my Email Correspondence with NARTS as Exhibit MS/OZ/6. Mahir KILIC confirmed he was representing both interviewees.

Signature 

Continuation of witness statement of : Michael Squire

On 3rd July 2019 I sent questions by correspondence via Email to Mahir KILIC of
60 NARTS. I produce a copy of the E mail as Exhibit MS/OZ/7, the letter to Capbar
TEMUR as Exhibit MS/OZ/8 and the letter to Muaddes TEMUR as Exhibit MS/OZ/9.

As I received no reply I followed the matter up with an E mail on 26th July 2019. I
produce this Email as Exhibit MS/OZ/10.

65

On 30th July I received an E mail from Mahir Kilic stating that the questions had not
been received and that NARTS had had some issues with their Email system. I
produce this as Exhibit MS/OZ/11. I therefore resent the interview questions on 2nd
August 2019 by E mail. I produce a copy of this Email as Exhibit MS/OZ/12. Mahir
70 KILIC confirmed receipt of the E mail on 4th August 2019. I produce this as Exhibit
MS/OZ/13.

I followed the matter up again on 25th September 2019 as I had received no
response. I produce this E mial as Exhibit MS/OZ/14.

75

As I had received no reply to My questions by the end of September 2019. I wrote
to Capbar TEMUR and Mukaddes TEMUR by post with copies sent to NARTS via E
mail. I produce the letter to Capbar TEMUR as Exhibit MS/OZ/15. I produce my
letter to Mukaddes TEMUR as Exhibit MS/OZ/16. I sent and E mail to Mahir Kilic
dated 1st October 2019 in which I included the interview questions again. I produce

Signature



Continuation of witness statement of : Michael Squire

this E mail as Exhibit MS/OZ/17. To date I have received no response. I produce a copy of the Licence in force on the day of the visit on 27th March 2019 as Exhibit MS/OZ/18. I produce a copy of an application which was received to transfer the Licence as Exhibit MS/OZ/19. I produce a copy of the Companies House Record of Oz Food Limited together with its officers as Exhibit MS/OZ/20. I produce a copy of the Companies House Record of Bruce Grove Food Store Limited the new Premises Licence Holder together with its officers as MS/OZ/21. I produce a copy of the Premises Licence which was issued on 9th May 2019 as Exhibit MS/OZ/22.

85 I produce photographs Taken during the visit to OZ Foods on 27th March 2019 as Exhibit MS/OZ /23.

90 I produce photographs taken of the samples of seized goods as Exhibit MS/OZ/24.

5
m



Signature



0208 489-5158

Regulatory Services

RS 00221



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: MATHEW ALLEN HMRC Date: 27/3/19

Address: HMRC - STRATFORD Post Code: RE OZ FOODS 467-469 HIGH RD N17 6QA Enactment(s)

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	1x 70cl SMIRNOFF VODKA	}	FROM HMRC SEIZURE		
	2x 1 Litre Smirnoff				
	1x 60cl 70cl				
	420 MARLBORO CIGARETTES		FROM HMRC SEIZURE		AB0843485 E5195343

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)

Empty box for additional notes or reasons.

Authorised Officer: (Signed) [Signature]
(Print Name) M. SQUIRE
(Designation) TACTICAL E.O.

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

Commercial and Operations

Regulatory Services Manager: Gavin Douglas

FILE COPY

Haringey
LONDON

Capbar Temur
Oz Food Limited
467-469 High Road,
London N17 6QA

Your ref:

Date: 28th May 2019

Our ref: WK/433294

Dear Sir,

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

I am writing to you following a visit made to your premises T/A/ Oz Supermarket at 467- 69 High Road, London N17 6QA on 27th March 2019. The visit was carried out by HMRC Officers and Trading Standards were also in attendance.

During the visit quantities of tobacco products were seized which did not carry the correct UK health warnings and these were also not in standardised packaging. This can be an offence under the above legislation. Quantities of alcohol were also seized by HMRC which were not Duty paid some of which was being sold below the permitted price. It can be an offence under the Licensing Act to keep non UK Duty Paid goods on the premises.

In order to complete my investigation, I would like to interview you in respect of this matter.

You are advised that you may have a Solicitor present at this interview and or seek legal advice prior to interview should you wish.

I have taken the opportunity to book an appointment for interview at **1st Floor Alexandra house, 10 Station Road, London N22 7TR** at 10:30 hours on 6th June 2019. On arrival please report to reception at Alexandra House and they will telephone me.

Should this appointment be inconvenient please telephone me and I will rearrange your interview to a mutually convenient date.

If you require an interpreter please contact me immediately and I can arrange one.

I have enclosed a Notice of rights, entitlements and safeguards that apply to voluntary interviews under PACE Code C if you require further explanation please contact me.

Yours faithfully

M S SQUIRE
Tactical Trading Standards Enforcement Officer

Exhibit No.....MS/OZ/T
Referred to in my
statement dated.....

Signed.....
Name.....M Squire

**Notice of rights, entitlements and safeguards that apply to voluntary interviews
PACE Code C**

You will be cautioned: "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."

The purpose of the voluntary interview is to question you to obtain evidence about your involvement or suspected involvement in the offence(s) described when you were cautioned and told that you were not under arrest.

The following matters will apply if you agree to the voluntary interview proceeding:

Right to Information

- You are entitled to receive sufficient information about the offence(s) in question to enable you to understand the nature of any such offence(s) and why you are suspected of committing it.

Right to legal advice

- You have a right to seek legal advice if you wish and this includes the right to speak with a solicitor on the telephone and to have the solicitor present during the interview but payment for this will be a matter for you to arrange with the solicitor.
- You will be asked if you want legal advice and your reply will be recorded.
- If you want legal advice the time and place of the interview will be arranged to enable you to obtain that advice and the interview will be delayed until you have received the advice.
- If you decline to exercise your right to legal advice you will be asked the reason for your decision and any reason you give will be recorded.

Rights applicable to juveniles, vulnerable persons and those needing help to check documentation

- If the interviewer determines that you are a juvenile or are vulnerable you have the right to have an appropriate adult present.
- If the interviewer determines that you need help to check documentation you have the right to have the necessary help to check documentation
- The interview will be delayed until the presence of the appropriate adult or (as the case may be) the necessary help is available.
- If you are a juvenile or vulnerable and do not want legal advice, your appropriate adult has the right to ask for a solicitor to attend if this would be in your best interests and the appropriate adult will be so informed. However, you cannot be forced to see the solicitor if you are adamant that you do not wish to do so.

Right to have an Interpreter present

▪ If the interviewer determines that you require an interpreter, the necessary arrangements will be made and the interview will be delayed for those arrangements to be made.

Time and location of interview

- The interview will be arranged for a time and location that enables:
 - your rights as described above to be fully respected; and
 - the whole of the interview to be recorded using an authorised recording device in accordance with PACE Code E (Code of Practice on Audio recording of interviews with suspects) or, as the case may be, PACE Code F (Code of Practice on visual recording with sound of interviews with suspects).
- Your agreement to take part in the interview also signifies your agreement for the interview to be audio-recorded or, as the case may be, visually recorded with sound.

Mukaddes Temur
153 Bury Street
Edmonton,
London N9 7JP

Your ref:

Date: 28th May 2019

Our ref: WK/433294

Dear Sir,

The Licensing Act 2003

I am writing to you following a visit made to the premises T/A/ Oz Supermarket at 467- 69 High Road, London N17 6QA on 27th March 2019. The visit was carried out by HMRC Officers and Trading Standards were also in attendance. I understand you are the Designated Premises Supervisor of this premises and were the premises Licence Holder on 27th March 2019.

During the visit quantities of tobacco products were seized which did not carry the correct UK health warnings and these were also not in standardised packaging These products were not Duty Paid. Quantities of alcohol were also seized by HMRC which were not Duty paid some of which were being sold below the permitted price. It can be an offence under the Licensing Act to keep non UK Duty Paid goods on the premises.

In order to complete my investigation, I would like to interview you in respect of this matter.

You are advised that you may have a Solicitor present at this interview and or seek legal advice prior to interview should you wish.

I have taken the opportunity to book an appointment for interview at 1st Floor Alexandra house, 10 Station Road, London N22 7TR at 14:00 hours on 6th June 2019. On arrival please report to reception at Alexandra House and they will telephone me.

Should this appointment be inconvenient please telephone me and I will rearrange your interview to a mutually convenient date.

If you require an interpreter please contact me immediately and I can arrange one.

I have enclosed a Notice of rights, entitlements and safeguards that apply to voluntary interviews under PACE Code C if you require further explanation please contact me.

Yours faithfully

M S SQUIRE
Tactical Trading Standards Enforcement Officer

Exhibit No..... MS/A2/S
Referred to in my statement dated... 15/6/19
Signed.....
Name..... M S SQUIRE

**Notice of rights, entitlements and safeguards that apply to voluntary interviews
PACE Code C**

You will be cautioned: "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."

The purpose of the voluntary interview is to question you to obtain evidence about your involvement or suspected involvement in the offence(s) described when you were cautioned and told that you were not under arrest.

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- You will be asked if you want legal advice and your reply will be recorded.
- If you want legal advice the time and place of the interview will be arranged to enable you to obtain that advice and the interview will be delayed until you have received the advice.
- If you decline to exercise your right to legal advice you will be asked the reason for your decision and any reason you give will be recorded.

Rights applicable to juveniles, vulnerable persons and those needing help to check documentation

- If the interviewer determines that you are a juvenile or are vulnerable you have the right to have an appropriate adult present.
- If the interviewer determines that you need help to check documentation you have the right to have the necessary help to check documentation
- The interview will be delayed until the presence of the appropriate adult or (as the case may be) the necessary help is available.
- If you are a juvenile or vulnerable and do not want legal advice, your appropriate adult has the right to ask for a solicitor to attend if this would be in your best interests and the appropriate adult will be so informed. However, you cannot be forced to see the solicitor if you are adamant that you do not wish to do so.

Right to have an Interpreter present

- If the interviewer determines that you require an interpreter, the necessary arrangements will be made and the interview will be delayed for those arrangements to be made.

Time and location of interview

- The interview will be arranged for a time and location that enables:
 - your rights as described above to be fully respected; and
 - the whole of the interview to be recorded using an authorised recording device in accordance with PACE Code E (Code of Practice on Audio recording of interviews with suspects) or, as the case may be, PACE Code F (Code of Practice on visual recording with sound of interviews with suspects).
- Your agreement to take part in the interview also signifies your agreement for the interview to be audio-recorded or, as the case may be, visually recorded with sound.

Squire Michael

From: Mahir Kilic <licensing@narts.org.uk>
Sent: 31 May 2019 15:37
To: Squire Michael
Subject: WK/433294
Attachments: Trading Standard Letter.pdf

Hi Michael,

This is Mahir from NARTS. I have been instructed to assist Mr Capbar Temur from Oz Food Limited for the enclosed letter.

Mr Temur would like to complete respond to your PACE in writing. Would you please forward the questions that you wish to ask him?

Kind Regards,

Mahir Kilic
NARTS Licensing
020 7241 3636

Exhibit No.....MS/OZ/6
Referred to in my
statement dated.....15/10/19
Signed.....
Name.....M. SQUIRE

Squire Michael

From: Squire Michael
Sent: 03 July 2019 12:11
To: Mahir Kilic
Subject: RE: WK/433294 PACE Interview Questions
Attachments: capbar TEMUR interview questions.pdf; mukaddes TEMUR interview questions.pdf

Dear Mahir,

Further to our telephone conversation please find enclosed letters containing questions to Mukaddes TEMUR and Capbar TEMUR.

I do not propose to send these by post unless you would like me to. If so please advise which address you would like me to send them to.

I would be grateful for a signed and dated response from both individuals separately.

Please send signed and dated hard copies to the address below.

Let me know if you have any queries.

Please acknowledge safe receipt.

Yours sincerely,

Mike Squire

Tactical Trading Standards Enforcement Officer Haringey Council 1st Floor, River Park House, 225 High Road, London, N22 8HQ T. 020 8489 5158 E. michael.squire@haringey.gov.uk

Please note I do not usually work on Mondays

Exhibit No. MS/OZ/7
Referred to in my
statement dated.....

Signed.....
Name..... M. Squire

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

From: Mahir Kilic <licensing@narts.org.uk>
Sent: 31 May 2019 15:37
To: Squire Michael <Michael.Squire@haringey.gov.uk>
Subject: WK/433294

Hi Michael,

This is Mahir from NARTS. I have been instructed to assist Mr Capbar Temur from Oz Food Limited for the enclosed letter.

Mr Temur would like to complete respond to your PACE in writing. Would you please forward the questions that you wish to ask him?

Environment & Neighbourhoods

Regulatory Services Manager: Gavin Douglas

COPY

Haringey
LONDON

Capbar TEMUR
C/O NARTS

Exhibit No. MS/02/B
Referred to in my
statement dated 15/10/19
Signed M. Kilic
Name M. Kilic

Your ref:

Date: 3rd July 2019

Our ref: WK/433294

For Attn Mahir Kilic

Dear Sir,

Re: Tobacco and Related Products Regulations 2016: The Standardised Packaging of Tobacco products Regulations 2015: The Licensing Act 2003: Consumer Protection From Unfair Trading Regulations 2008.

I write further to an E mail from NARTS at which you expressed a preference to being interviewed by way of correspondence . This Service has considered your request to answer questions in writing and has agreed to proceed on this basis.

The brief summary of the facts in this case are that in conjunction with Her Majesty's Revenue and Customs (HMRC) this Service made a visit to the premises of OZ Supermarket on 27th March 2019. During the visit quantities of tobacco products were seized which did not carry the correct UK health warnings, were not Duty Paid and were not in standardised packaging as required for the UK market.

In addition, beers, wines and Spirits were also seized by HMRC which were not Duty paid. Some of the Vodkas seized (Glens and Smirnoff) also bore fake rear labels with fake Duty Stamps which could be an offence under the Consumer Protection From Unfair Trading Regulations in that the products were giving the impression goods were legal to sell when they were not. Some of the vodka bore foreign Duty stamps.

Keeping tobacco and alcohol 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 response to your request for questions to be put to you in writing I have detailed below a number of questions. 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. Are you authorised to speak on behalf of Oz Food Limited?
5. What is your position in the Company?
6. Would you agree you are active in the management of the business?
7. Can you confirm that Oz Foods Limited the business owner of the Off Licence T/A Oz Foods 467-469 High Road, Tottenham on 27th March 2019?. If not, please provide ownership details of the business?
8. From what date until what date were Oz Food Limited trading at 467-469 High Road, Tottenham?
9. If Oz Food Limited no longer own the business can you provide a copy of the contract relating to the business sale or transfer?
10. Can you explain why the Licence for the Premises was transferred on 9th May 2019 to Bruce Grove Food Store Limited.
11. Can you confirm that on 27th March 2019 the business was selling Karpackie 9% ABV beer for £1.29 for a 500ml can?
12. Do you agree that you had 21 packets of cigarettes (420 cigarettes) which were not Duty paid and were not packaged in UK standardised packaging behind the Service Counter of the shop on 27th March 2019?
13. How much were you selling these cigarettes for?
14. Where did you buy these cigarettes?
15. Do you have any invoices for them? If yes please enclose a copy with your reply?
16. Do you know it is illegal to sell cigarettes without payment of UK Duty?
17. Do you know it is illegal to sell cigarettes in the UK in non-standardised packaging?
18. Do you know it is illegal to sell cigarettes with non UK approved health warnings?
19. Do you agree you had stored behind the Service Counter 6 bottles of Ram Rum 0.2 litre 40% ABV and that these bottles bore Turkish Duty Stamps and were, therefore, not UK Duty Paid?
20. Do you know it is an offence under the Licensing Act 2003 to keep non Duty Paid cigarettes and alcohol on a Licenced Premises?
21. Do you agree you were storing alcohol in the basement of the premises?
22. Can you explain where you purchased the Continental Wine from that was seized by HMRC?
23. Do you agree you purchased 5 to 10 cases of this wine in December 2018 from a man in a van without proper invoices and without payment of Duty?
24. Do you agree that the beer seized by HMRC on 27th March 2019 was purchased from a man in a van without proper invoices?

25. Do you agree you had purchased beer in the way detailed above 6 or 7 times in the past 4 months prior to HMRC's visit?
26. Do you agree you stocked 6 x 1litre bottles of Glens and Smirnoff vodka with false rear labels indicating that Duty had been paid on these products when it had not, thereby giving the impression that these goods were legal to sell?
27. Where did you get these vodkas from (Glens and Smirnoff) which were seized?. Can you provide any invoices for them?
28. HMRC have advised me that £4,989.00 worth of non Duty Paid alcohol and cigarettes were removed from the premises on 27th March 2019. Would you agree you were selling these goods without payment of Duty?
29. Are you aware that alcohol may only be purchased form HMRC approved wholesalers through their AWRS scheme?
30. Who does the buying for the business?
31. If you do not do the buying what instructions have you given them with regard to who to buy from?
32. How much time do you spend at the business in an average week?
33. Do you have anything you would like to say in respect of the large quantity of non Duty Paid alcohol and non Duty Paid cigarettes found at the Licensed Premises?
34. 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 21 days so that I can complete my investigation.

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

COPY

Exhibit No.....M.S./02/A
Referred to in my
statement dated..15/6/19.

Signed.....
Name.....M. Swift

Mukaddes TEMUR
Designated Premises Supervisor
C/O NARTS

Your ref:

Date: 3rd July 2019

Our ref: WK/433294

For Attn Mahir Kilic

Dear Sir,

Re: Tobacco and Related Products Regulations 2016: The Standardised Packaging of Tobacco products Regulations 2015: The Licensing Act 2003: The Consumer Protection From Unfair Trading Regulations 2008.

I write further to E mail from NARTS at which you expressed a preference to being interviewed by way of correspondence . This Service has considered your request to answer questions in writing and has agreed to proceed on this basis.

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In addition beers, wines and Spirits were also seized by HMRC which were not Duty paid. Some of the Vodkas seized (Glens and Smirnoff) also bore fake rear labels with fake Duty Stamps which could be an offence under the Consumer Protection From Unfair Trading Regulations in that the products were giving the impression goods were legal to sell when they were not. Some of the vodka bore foreign Duty stamps.

Keeping tobacco and alcohol 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 response to your request for questions to be put to you in writing I have detailed below a number of questions. 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. When did you Start as the Designated Premises Supervisor at the Licenced premises known as Oz Foods 467-469 High Road, London N17 6QA?
5. Can you explain your role in the business?
6. Can you confirm that on 27th March 2019 the business was selling Karpackie 9% ABV beer for £1.29 for a 500ml can?
7. Do you agree that you had 21 packets of cigarettes (420 cigarettes) on the premises on 27th March 2019 which were not Duty paid and were not packaged in UK standardised packaging behind the Service Counter of the shop?
8. How much were you selling these cigarettes for?
9. Where did the business buy these cigarettes?
10. Do you know it is illegal to sell cigarettes without payment of UK Duty?
11. Do you know it is illegal to sell cigarettes in the UK non-standardised packaging?
12. Do you know it is illegal to sell cigarettes with non UK approved health warnings?
13. Do you agree you had stored behind the Service Counter 6 bottles of Ram Rum 0.2 litre 40% ABV and that these bottles bore Turkish Duty Stamps and were therefore not UK Duty Paid?
14. Do you know it is an offence under the Licensing Act 2003 to keep non Duty Paid cigarettes and alcohol on a Licenced Premises?
15. Do you agree you were storing alcohol in the basement of the premises?
16. Can you explain where you purchased the Continental Wine seized by HMRC from?
17. Do you agree you purchased 5 to 10 cases of this wine in December 2018 from a man in a van without proper invoices and without payment of Duty and that these products were stored on the Licenced premises?
18. Were you aware that the beer seized by HMRC on 27th March 2019 was purchased from a man in a van without proper invoices?
19. Were you aware that the business had purchased beer in the way detailed above 6 or 7 times in the past 4 months prior to HMRC's visit?
20. Do you agree you stocked 6 x 1litre bottles of Glens and Smirnoff vodka with false rear labels indicating that Duty had been paid on these products when it had not, thereby giving the impression that these goods were legal to sell?
21. Do you know where the business got these vodkas from (Glens and Smirnoff) which were seized?. Can you provide any invoices for them?
22. HMRC have advised me that £4,989.00 worth of non Duty Paid alcohol and cigarettes was removed from the premises on 27th March 2019. Would you agree you were storing these goods on the Licensed Premises without payment of Duty?

23. Are you aware that alcohol may only be purchased from HMRC approved wholesalers through their AWRS scheme?
24. Do you do any buying for the business?
25. If you do not do the buying what instructions have you been given with regard to who to buy from and what advice have you given to the owner in this respect?
26. How much time do you spend at the business in an average week?
27. How often do you check the stock in the shop to ensure it is legal to sell?
28. Do you have anything you would like to say in respect of the large quantity of non Duty Paid alcohol and non Duty Paid cigarettes found at the Licensed Premises?
29. 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 21 days so that I can complete my investigation.

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

Squire Michael

From: Squire Michael
Sent: 26 July 2019 12:05
To: Mahir Kilic
Subject: Ox Foods PACE interviews by Correspondence

Good Afternoon Mahir,
I was wondering how you are getting on with regard to your clients responding to the questions I sent.
Best Regards

Mike Squire
Tactical Trading Standards Enforcement Officer
Haringey Council
1st Floor , River Park House, 225 High Road, London, N22 8HQ
T. 020 8489 5158
E. michael.squire@haringey.gov.uk

Please note I do not usually work on Mondays

Exhibit No..... MS/02/10
Referred to in my
statement dated... 15/6/19
Signed.....
Name..... M. Squire

Squire Michael

From: Mahir Kilic <licensing@narts.org.uk>
Sent: 30 July 2019 13:22
To: Squire Michael
Subject: re: Ox Foods PACE interviews by Correspondence

Hi Mike,

I am somewhat very surprised... I hadn't received the questions yet. We had problem about three-four weeks ago with our emails. Could you please send it again?

Ps. I am on holiday and will be back by 8th August

Regards,
Mahir

> Good Afternoon Mahir,
I was wondering how you are getting on with regard to your clients responding to the questions I sent.
Best Regards

Mike Squire
Tactical Trading Standards Enforcement Officer Haringey Council 1st Floor , River Park House, 225 High Road,
London, N22 8HQ T. 020 8489 5158 E. michael.squire@haringey.gov.uk

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Exhibit No.....MS/02/11
Referred to in my
statement dated...15/07/19.
Signed.....
Name.....Mr. S. A. Kilic

Squire Michael

From: Squire Michael
Sent: 02 August 2019 09:17
To: Mahir Kilic
Subject: FW: WK/433294 PACE Interview Questions
Attachments: capbar TEMUR interview questions.pdf; mukaddes TEMUR interview questions.pdf

Good Morning Mahir,
Please find enclosed the interview questions and a copy of my original Email.
Please confirm you have got this E mail as soon as possible.
Best Regards

Mike Squire

Tactical Trading Standards Enforcement Officer Haringey Council 1st Floor , River Park House, 225 High Road,
London, N22 8HQ T. 020 8489 5158 E. michael.squire@haringey.gov.uk

Please note I do not usually work on Mondays

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

From: Squire Michael
Sent: 03 July 2019 12:11
To: Mahir Kilic <licensing@narts.org.uk>
Subject: RE: WK/433294 PACE Interview Questions

Dear Mahir,

Further to our telephone conversation please find enclosed letters containing questions to Mukaddes TEMUR and Capbar TEMUR.

do not propose to send these by post unless you would like me to. If so please advise which address you would like me to send them to.

I would be grateful for a signed and dated response from both individuals separately.

Please send signed and dated hard copies to the address below.

Let me know if you have any queries.

Please acknowledge safe receipt.

Yours sincerely,

Mike Squire

Tactical Trading Standards Enforcement Officer Haringey Council 1st Floor , River Park House, 225 High Road,
London, N22 8HQ T. 020 8489 5158 E. michael.squire@haringey.gov.uk

Please note I do not usually work on Mondays

Exhibit No.....MS/02/12
Referred to in my
statement dated...12/6/19
Signed.....
Name.....M. Squire

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

From: Mahir Kilic <licensing@narts.org.uk>

Sent: 31 May 2019 15:37

To: Squire Michael <Michael.Squire@haringey.gov.uk>

Subject: WK/433294

Hi Michael,

This is Mahir from NARTS. I have been instructed to assist Mr Capbar Temur from Oz Food Limited for the enclosed letter.

Mr Temur would like to complete respond to your PACE in writing. Would you please forward the questions that you wish to ask him?

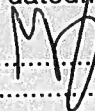
Kind Regards,

Mahir Kilic
NARTS Licensing
020 7241 3636

Squire Michael

From: Mahir Kilic <licensing@narts.org.uk>
Sent: 04 August 2019 17:29
To: Squire Michael
Subject: re: FW: WK/433294 PACE Interview Questions

Dear Mike,
Email is received. I will return it within 10 days if thats ok?
Regards,
Mahir

Exhibit No..... Ms/02/13
Referred to in my
statement dated..... 15/10/19
Signed..... 
Name..... M SQUIRE

> Good Morning Mahir,
Please find enclosed the interview questions and a copy of my original Email.
Please confirm you have got this E mail as soon as possible.
Best Regards

Mike Squire
Tactical Trading Standards Enforcement Officer
Haringey Council
1st Floor , River Park House, 225 High Road, London, N22 8HQ
T. 020 8489 5158
E. michael.squire@haringey.gov.uk

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

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Sent: 03 July 2019 12:11
To: Mahir Kilic <licensing@narts.org.uk>
Subject: RE: WK/433294 PACE Interview Questions

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I would be grateful for a signed and dated response from both individuals separately.

Please send signed and dated hard copies to the address below.

Let me know if you have any queries.

Please acknowledge safe receipt.

Yours sincerely,

Mike Squire
Tactical Trading Standards Enforcement Officer Haringey Council 1st Floor ,

River Park House, 225 High Road, London, N22 8HQ T. 020 8489 5158 E.

michael.squire@haringey.gov.uk

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

From: Mahir Kilic <licensing@narts.org.uk>

Sent: 31 May 2019 15:37

To: Squire Michael <Michael.Squire@haringey.gov.uk>

Subject: WK/433294

Hi Michael,

This is Mahir from NARTS. I have been instructed to assist Mr Capbar Temur from Oz Food Limited for the enclosed letter.

Mr Temur would like to complete respond to your PACE in writing. Would you please forward the questions that you wish to ask him?

Kind Regards,

Mahir Kilic
NARTS Licensing
020 7241 3636

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<

Squire Michael

From: Squire Michael
Sent: 25 September 2019 15:28
To: Mahir Kilic
Subject: RE: FW: WK/433294 PACE Interview Questions

Dear Mahir,
Can you tell me what's happening with this I haven't received any response from yourselves.
Let me know as soon as possible as I need to finalise the matter.
Regards
Mike Squire

Mike Squire
Tactical Trading Standards Enforcement Officer
Haringey Council
1st Floor, River Park House, 225 High Road, London, N22 8HQ
T. 020 8489 5158
E. michael.squire@haringey.gov.uk

Please note I do not usually work on Mondays

Exhibit No.....MS/0.2/14
Referred to in my
statement dated..11/10/19
Signed.....
Name.....M. Squire.

From: Mahir Kilic <licensing@narts.org.uk>
Sent: 04 August 2019 17:29
To: Squire Michael <Michael.Squire@haringey.gov.uk>
Subject: re: FW: WK/433294 PACE Interview Questions

Dear Mike,
Email is received. I will return it within 10 days if thats ok?
Regards,
Mahir

> Good Morning Mahir,
Please find enclosed the interview questions and a copy of my original Email.
Please confirm you have got this E mail as soon as possible.
Best Regards

Mike Squire
Tactical Trading Standards Enforcement Officer
Haringey Council
1st Floor, River Park House, 225 High Road, London, N22 8HQ
T. 020 8489 5158
E. michael.squire@haringey.gov.uk

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

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To: Mahir Kilic <licensing@narts.org.uk>
Subject: RE: WK/433294 PACE Interview Questions