

[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
1st 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.