

[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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b>  ATAKAN SUPERMARKET 315-321 WEST GREEN ROAD	
<b>Post town</b> LONDON	<b>Post code (if known)</b> N15 3PA

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Metin KARTAL and Savas AKSU
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<b>Number of premises licence or club premises certificate (if known)</b> LN 00001545
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**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<sup>st</sup> Floor, River Park House, 225 High Road  
London N22 8HQ

Telephone number (if any)

**020 8489-5158**

E-mail address (optional)

Michael.squire@haringey.gov.uk  
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 ✓

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

**Introduction:**

This application to review relate to the objectives To Prevent Crime and Disorder and The Protection of Children From Harm.

It specifically concerns two incidents which took place at the premises, most recently on 20<sup>th</sup> January 2021 and a prior incident on 3<sup>rd</sup> November 2020. On both occasions' seizures of Non-Duty Paid and incorrectly labelled cigarettes and tobacco were made. The earlier seizure also included a large quantity of nitrous oxide cannisters. (Psychoactive Substances)

**Specific Details of Actions:**

On 20<sup>th</sup> January 2021 an officer of the Trading Standards Service accompanied by Metropolitan Police Officers, including a Police Licensing Officer visited the premises of ATAKAN SUPERMARKET at 315 WEST GREEN ROAD N15 3PA with the intention of carrying out an inspection of the premises. Officers entered the Premises at 10AM.

The joint Licensee and Designated premises Supervisor Metin KARTAL was not present during the visit, nor was the other joint Licensee Mr Savas AKSU.

Officers showed their Warrant Cards and introduced themselves to a Ms STEFANOVA who was serving at the till. She was asked if there were any foreign cigarettes behind the counter. She replied that there were not.

An inspection was made behind the counter by Trading Standards and 620 foreign cigarettes and 450g of Hand Rolling Tobacco were discovered which were not Duty Paid. These tobacco products also bore foreign language health warnings and were not in UK standardised packaging. Trading Standards issued a Code B Notice attached (Appendix 1) and a Receipt for the tobacco Products which were seized (Appendix 2). Photographs of the tobacco products seized on this visit are attached (Appendix 3).

According to figures supplied by HMRC the approximate Duty Value of the seized tobacco from this visit is £303.63

A letter was sent to the joint licensees Mr KARTAL and Mr AKSU dated 16<sup>th</sup> February 2021 asking questions under Caution in relation to the above incident. The letter sent to Metin KARTAL was returned by the post office marked "Addressee Gone Away" (APPENDIX 4) To date no reply has been received from Savas AKSU (Appendix 4A) .

On Tuesday 3<sup>rd</sup> November 2020 at 1355 hours officers from NA Proactive Unit (Metropolitan Police) executed a search warrant under S.39 PSYCHOACTIVE SUBSTANCES ACT 2016 at ATAKAN SUPERMARKET, 315 WEST GREEN ROAD, N15 3PA.

When officers entered the premises, they identified themselves as police officers to the multiple members of staff that were present and the details of the warrant were explained, along with the occupiers copy of the warrant being shown.

In the rear office of the premises was the joint Licensee and Designated Premises Supervisor Metin KARTAL. He stated that he was the owner of the shop. Once he was aware of what police were searching for, he directed officers to a rear kitchen area, where there were TEN (10) boxes of "gas canisters" aka nitrous oxide.

The search continued and items seized included:

BWK/01 – Cigarettes & tobacco – Sealed in evidence bag MPSA24494451 – Found in office under desk.

BWK/05 – Retractable baton – Sealed in evidence bag MPSA24494467 – Found in office on desk.

MOM/01 – TEN (10) boxes of canisters – Sealed with evidence label MPSZ13353047 – Found in kitchen area.

MPM/01 – Quantity of foreign cigarettes and tobacco – Sealed in evidence bag M0819D018627 – Found in main shop behind counter.

MPM/02 – EIGHT (8) white boxes of cream chargers (gas cannisters) – Sealed in evidence bag M0819D018626 – Found in main shop behind counter.

At 1425 hours KARTAL was arrested by Police for possession with intent to supply of Psychoactive Substance and Possession Goods with a False Trademark For Sale (cigarettes).

Photographs of the Tobacco from this seizure are attached as APPENDIX 5

Photographs of the Gas Cannisters are attached as APPENDIX 6.

A photograph of the retractable baton is attached as APPENDIX 7.

The total tobacco seizure from this visit was 2.4 kilos of hand rolling tobacco and 920 cigarettes. HMRC have estimated the Duty Value of these goods to be £952.32.

The grand total of Duty Evasion for both seizures was approximately. £1,255.95.

The photographs of the tobacco show that the tobacco products from both seizures were not in UK Standardised packaging. 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).

The foreign tobacco products from both seizures bore incorrect or foreign language health warnings so were not legal to sell in the UK. 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 and Metin KARTAL has been charged with this offence by the Metropolitan Police in relation to the seizure on 3<sup>rd</sup> November 2020 of tobacco products.

Section 7 of the Psychoactive Substances Act makes it an offence to supply the psychoactive substance to another person for its consumption, whether by any person to whom it is supplied or by some other person, for its psychoactive effects.

No further criminal action has been taken in respect of the Psychoactive Substances (Gas Cannisters) seized by the Metropolitan Police. There is a legitimate purpose for use of these canisters as a propellant for whipped cream in baking.

In this instance Trading Standards remains concerned that the size of the seizure of approximately 5,370 individual cannisters was so large that it would not be representative of normal stock levels for a retail shop which was not a specialist wholesale baking products supplier. When all factors are taken into account, namely the type of premises and the likely legitimate retail demand in the local area for these cannisters for legitimate baking purposes, Trading Standards remains of the opinion that any reasonable person would be suspicious that these cannisters were likely to be purchased for their psychoactive effects by the shop's customers. Trading Standards are also concerned that these canisters can potentially be bought by persons under the age of 18 and misused without controls in place.

Atakan Supermarket applied to join then Councils Responsible Trader Scheme in 2016 and was accepted. One of the Conditions of membership is that the shop make a commitment not to stock nonduty paid tobacco products. A copy of the application form and conditions are attached as Appendix 8.

Two previous visits have been made of the premises in respect of the Responsible Trader Scheme. On both Occasions on 11/9/17 and 25/10/18 the Premises was found not have a Refusals book available, which is a condition of membership.

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.

Trading Standards is also concerned that the availability of Psychoactive Substances at the premises in large quantities should be subject to additional controls when recent activity at the premises is taken into account.

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
3 <sup>rd</sup> November 2020	Visit to shop premises by Metropolitan Police. Execution of Search Warrant	Seizure of quantity of 2.4kg of hand rolling tobacco, 920 cigarettes and tobacco and 5370 Nitrous oxide Cannisters.
20h January 2021	Visit to shop Premises by Trading Standards and Police	Seizure of 620 cigarettes and 450g of hand rolling tobacco
16 <sup>th</sup> February 2021	Letters sent to Metin KARTAL and Savas AKSU	Letters sent with questions under Caution in respect of seizure on 20 <sup>th</sup> January 2021

## **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.

The scale of the Duty Evasion and the fact that there have been two incidents in quick succession means that Trading Standards have severely reduced confidence in the Joint Premises Licence Holders 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 that the Committee consider removing the Designated Premises Supervisor from the Licence and a period of suspension of the Licence in order to allow the Licensee to appoint a new Designated Premises Supervisor and fully implement the recommended additional conditions below.

1. The business shall adopt a "Challenge 25" policy.
2. A refusals register shall be maintained to record instances where sales of age restricted products are refused. Including products restricted by other conditions attached to the Licence. 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. CCTV shall cover the area of the sales counter and copies of recordings in a readily available format shall be provided on request by Police or Authorised Council Officers.
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. Gas cartridges, including cream chargers and Nitrous oxide cartridges shall only be supplied to persons over the age of 18.
21. Any refusal of sale of nitrous oxide gas cartridges shall be recorded in the Refusals Register.
22. Retail packs/boxes of nitrous oxide/gas cartridge or cream charger cartridges must not be broken open and must be sold in their original intended state. Cartridges may not be sold individually.
23. Sales of cartridges containing nitrous oxide shall only be made be subject to the purchaser providing a valid photo ID. and proof of address. Details of the purchaser shall be recorded in a register which will include the date of sale and the name and address of the purchaser. This register shall be produced to Authorised Council Officers or Police on request.

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

#### Attached Documents

Appendix 1 Code B Notice 20th January 2021

Appendix 2: Receipt from Trading Standards 20<sup>th</sup> January 2021

Appendix 3: Photographs of Tobacco Products Seized By trading Standards on 20<sup>th</sup> January 2021

Appendix 4: Letter to Savas AKSU

Appendix 4A Letter to Metin KARTAL and Post office Return Slip

Appendix 5: Photographs of Tobacco Seized by Police on 3<sup>rd</sup> November 2020

Appendix 6: Photographs of Nitrous Oxide Cartridges Seized by Police on 3<sup>rd</sup> November 2020

Appendix 7: Photograph of Retractable Baton seized by Police on 3<sup>rd</sup> November 2020.

Appendix 8: Application Form For Responsible Retailer Scheme.

**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 24<sup>th</sup> February 2021  
.....

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

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