

*[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> <b><i>Tiger Food and Wine</i></b>  <b><i>20 LORDSHIP LANE</i></b>	
<b>Post town</b> London	<b>Post code (if known)</b> N17 8NS

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Burcin YURGA
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<b>Number of premises licence or club premises certificate (if known)</b> LN000003083
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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

Michael Squire  
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](mailto:Michael.squire@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 concerns the protection of children from harm.

It primarily concerns the discovery of non-Duty paid cigarettes and hand rolling tobacco on the Licensed Premises on 30<sup>th</sup> April 2021, following a visit by officers of the Trading Standards Service. The total amount of UK excise duty evaded from the seizure of tobacco was £640.55. This relates specifically to 1,780 cigarettes and 500g of hand rolling tobacco which were seized.

Trading Standards also wish to highlight concerns with regards to the Duty status of beer stocks found on the premises on the same date and the fact that the shops CCTV was not recording images at the time of the visit. An existing Licence Condition states "CCTV will be operational at all times and notices will be displayed informing the public"

There was a further incident at the premises on 1<sup>st</sup> September 2021, where an underage test purchase was made. On this occasion a can of Gordons Gin was sold to a 16 year old female.

### **Specific Details of Actions:**

At approximately 12:05pm on 30<sup>th</sup> April 2021, Trading Standards carried out an inspection of the licenced premises trading as Tiger Food and Wine at 20 Lordship Lane, London N17 8NS The purpose of the visit was to inspect the alcohol and tobacco products on the premises.

The Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) Mr. Burcin YURGA was not present during the visit.

A male who identified himself as Ahmet YIMAZ was present and appeared to be in charge of the premises.

During the inspection officers initially discovered 180 non-Duty paid cigarettes and 500g of hand rolling tobacco behind the counter. These were found in a box which also contained cash. (See photograph: Annex 1). In the storeroom at the back of the shop in a cupboard a further 1600 cigarettes were discovered and seized (See picture of the cigarettes in the rear of the shop: Annex 2).

Whilst on the premises officers also noticed relatively large stocks of Polish beers in the storeroom and on display at the premises for sale. Officers subsequently officers enquired about these products. (Photographs of some of the beer in the storeroom is attached as Annex 3).

A Code B Notice and receipt was issued for the seizure. (See Annex 4 and Annex 5 respectively).

The foreign tobacco products seized were not in UK Standardised packaging and many bore incorrect or foreign language health warnings so were not legal to sell in the UK.

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.

A letter was initially sent to the DPS and PLH, namely, Burcin YURGA on 18<sup>th</sup> May 2021 asking questions under caution in relation to the Investigation. (This letter is attached as Annex 6). Trading Standards received a reply from Burcin YURGA on 25<sup>th</sup> May 2021 (Attached as Annex 7). In his letter Mr YURGA indicated he was not the Director of the business and that the cigarettes were purchased from a Mr ERCAN for personal use. An receipt of the cigarettes was provided (See Annex 8). When questioned In respect of the stocks of Polish beer at the premises Mr YURGA stated that the Polish Beer on the premises was purchased from a Cash and Carry. Invoices were provided for three Cash and Carry's (Annex 9) which were all dated the day after the Trading Standards visit, namely, 1<sup>st</sup> May 2021. In an email Mr YURGA also explained that he had tried to obtain the CCTV footage requested by Trading Standards but had discovered after consulting an engineer that his CCTV was not set to record images.

A letter was sent on 3<sup>rd</sup> June 2021 to Burhan YURGA the Director of Kaplan Food and Wine Limited who trades as Tiger Food and Wine. (The letter is attached as Annex 10). His reply received on 18<sup>th</sup> June 2021 is attached as Annex 11. In this letter Burhan YURGA was asked specifically how the previously supplied beer invoices could relate to stock seen on 30<sup>th</sup> April 2021 when they were dated after the visit. In reply Burhan YURGA stated that the shop had not stocked these particular beers before and they were all delivered on the morning of the Trading Standards visit by the relevant Cash and Carry's.

An attempt was made to clarify whether the beer on the invoices was actually delivered on the 30<sup>th</sup> April 2021 by the Cash and Carry's concerned however, no reply was received to my letters sent on 3<sup>rd</sup> July 2021 to the Cash and Carry's concerned.

Trading Standards do not accept the explanation given that the tobacco was for personal use. The quantity, variation in brands and type of tobacco consisting of cigarettes and hand rolling tobacco make the explanation that they were for personal use seem unlikely. The storage of these non-Duty Paid products in quantity in the shop, behind the counter and in the store room is not consistent with a purchase made for personal use only.

Trading Standards are concerned that no CCTV footage was available despite a request to the Licence holder, particularly as it could have been used to help verify whether illegal tobacco was being sold or not.

Trading Standards are further concerned as to the explanation provided in relation to the beer stocks and find it unlikely that all the Polish branded beers seen in the shop were delivered by three different Cash and Carry's on the morning of the Trading Standards visit and that all the corresponding invoices were dated the day after the Trading Standards visit. Significant doubt therefore, remains as to the Duty status of the beer found in the shop as no prior invoices are

available.

On the 1<sup>st</sup> of September 2021 an underage test purchase was made at Tiger Food and Wine, 20 Lordship Lane, London N17 8NS, an officer from Haringey Trading Standards, witnessed Mr. Burhan YURGA behind the counter sell a can of Gordon's Dry Gin to a 16 year old female. Mr. YURGA did not ask for any form of identification or ask for her age before selling the can of Gin to the underage person.

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.
- Supplying alcohol to underage persons without challenge or asking for ID undermines the Licensing objective of the Prevention of Children from Harm.

In September 2020 the business joined the Councils Responsible Trader Scheme which includes a commitment not to deal in non-Duty paid products.

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
September 2020	Business joins the Council's Responsible Retailer Scheme	Scheme Includes commitment not to trade in non-Duty Paid Products.
30 <sup>th</sup> April 2021	Trading Standards inspection visit to Tiger Food and Wine	Seized 1780 cigarettes and 500g of Hand Rolling Tobacco.
18 <sup>th</sup> May 2021	Letter Sent to DPS and PLH Burcin YURGA	Letter asked questions in relation to cigarettes, tobacco and beer and requested CCTV footage.

26 <sup>th</sup> May 2021	Response received from Burcin YURGA	Response Received from Burcin YURGA. Mr YURGA states he is not the owner of the Business and unable to provide CCTV footage.
3 <sup>rd</sup> June 2021	Letter Sent to Burhan YURGA	Letter sent to Burhan YURGA Director of Business
18 <sup>th</sup> June 2021	Response Received from Burhan YURGA.	Response Received
1 <sup>st</sup> September 2021	Underage Test Purchase made.	Burhan YURGA sells a can of Gordons Gin to a 16 year old.

## 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. In addition there has been a disregard for legal requirements for standardised packaging, health warnings and legal requirements not to store non-Duty paid products on a Licenced premises. The CCTV system has also not been operated to a reasonable standard of professional diligence.

The Duty Evasion 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 suspending the Licence for a period to allow for additional controls to be implemented at the licenced Premises as detailed below.

## Additional Conditions Proposed by Trading Standards

1. The business shall adopt a "Challenge 25" policy.
2. A refusals register shall be maintained to record instances where age restricted product 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 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 and maintained which should be able to record colour footage for a period of 31 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 Authorised 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. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.

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

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

#### Attached Documents

- Annex 1: Photograph of Cigarettes and cash in box
- Annex 2: Photograph of cigarettes found in storeroom
- Annex 3: Photographs of beer in storeroom
- Annex 4: Code B Notice
- Annex 5: Receipt
- Annex 6: Letter to Burcin YURGA.
- Annex 7: Reply from Burcin YURGA.
- Annex 8: Receipt for Cigarettes
- Annex 9: Receipts for Beer
- Annex 10: Letter sent to Burhan YURGA (Director)
- Annex 11: Reply from Burhan YURGA
- Annex 12: Photograph of Gordons Gin sold to 16 Year Old.

**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  
M Squire

.....

Date **17<sup>th</sup> September 2021**

.....

Capacity **Trading Standards Specialist Officer**

.....

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
Michael Squire Trading Standards Specialist Officer Regulatory Services 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 5158 or 07870 157819	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b> michael.squire@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.