

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.
If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I L. B. Haringey Trading Standards (Responsible Authority)

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description Oz Sultan 348 HIGH ROAD,	
Post town London	Post code (if known) N22 8JW

Name of premises licence holder or club holding club premises certificate (if known) Turac AYDEMIR
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Number of premises licence or club premises certificate (if known) LN/000003031

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
1st 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

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 relates to the objective to prevent crime and disorder and also concerns the protection of children from harm.

It concerns two incidents at the premises. The first relating to an underage sale on 4th August 2021 following a Trading Standards test purchase exercise and the second incident involving the discovery of non-Duty Paid cigarettes and hand rolling tobacco on the licensed premises following a visit by officers of the Trading Standards Service assisted by tobacco detection dogs on 20th October 2021.

Specific Details of Actions:

On 4th of August 2021 as part of a planned operation Trading Standards Officers instructed a 16-year-old volunteer to undertake a test purchase of alcohol at the licenced premises. The 16-year-old volunteer was instructed to go into the premises and attempt to purchase some alcohol. The volunteer was told not lie regarding their age if asked. The 16 year old was able to purchase bottle of "La Gioiosa Sparking Wine". At no point during the transaction did the man serving behind the counter, who was later identified as Mehmet AYDEMIR ask for any form of identification or query their age. A photograph of the wine is attached as **Annex 1**.

Mr TURAC AYDEMIR, the Director of KARTUNC Limited who operates the business, Premises Licence Holder (PLH), Designated Premises Supervisor (DPS) and the brother of the seller was subsequently interviewed by correspondence. A copy of this interview is attached as **Annex 2** together with examples of shop signage and extracts from the Refusals Register provided by Mr AYDEMIR in his reply.

In summary of his interview, Mr AYDEMIR stated that there were no written training records for the seller Mehmet AYDEMIR, however a Refusals Register was in use. His answers also detailed proposed changes to procedures and practices as a result of the incident.

The second incident took place on 20th October 2021. On that date Trading Standards Officers accompanied by tobacco detection dogs and their handler visited the premises to carry out an inspection. At the premises serving behind the counter was again Mehmet AYDEMIR. The PLH and DPS, Turac AYDEMIR was not present during the inspection.

On entry officers explained they wished to conduct an inspection of the premises with the assistance of tobacco dogs to ensure the tobacco on sale was legal to sell. Mr AYDEMIR was asked if he had any foreign tobacco in the shop, he stated he did not. Initially the tobacco dog and handler examined the shelves, the rear of shop where customers had access and the storage areas of the premises while a Trading Standards Officer checked behind the counter. No illegal tobacco was found initially.

The officer noticed two safes on the floor behind the counter which were locked shut. One was opened on request. Mr Mehmet AYDEMIR was asked to open the other safe so it could be checked for tobacco. Mr Mehmet AYDEMIR stated the safe was broken and locked shut and they were waiting for an engineer to come to open it for them.

A tobacco dog was deployed to check the safe. The dog indicated it contained tobacco. The safe was slid onto the main shop floor area and a second dog was deployed to double check the findings of the first dog. This dog also indicated the safe contained tobacco. A Code B Notice was issued to Mr AYDEMIR (**See Annex 3**) which explained Trading Standards powers and his rights. Mr AYDEMIR was informed there was reasonable grounds to suspect the safe contained illegal tobacco and it would be seized and if necessary broken open unless he opened it for the contents to be examined by officers..

Mr AYDEMIR was adamant he could not open the safe and made a phone call and spoke in Turkish. After the call he explained he was trying to get hold of his brother who was in Turkey to get the PIN number. After some time, a PIN number was provided by Mehmet AYDEMIR and several attempts were made to open the safe without success. The battery was also changed in the digital lock. Officers informed Mr AYDEMIR the safe was to be seized. When a receipt was issued (receipt attached as **Annex 4**) and an exhibit label stuck on the safe, Mr AYDEMIR said he would open the safe. He tried a different combination which again failed to open the safe. Only at the point of when the safe was about to be moved did Mr AYDEMIR admit the safe did in fact contain foreign tobacco.

The safe was removed from the premises with some difficulty due to its weight and placed in secure storage. Mr AYDEMIR was told he had 7 days to provide a working PIN or the safe would be opened and that it may be damaged in the process.

Mr AYDEMIR subsequently provided a working PIN within the 7-day limit and the safe was opened by officers. When opened the safe was found to be tightly packed with foreign cigarettes and tobacco. A further receipt for the contents was issued (See Receipt **Annex 5**).

The total quantities seized were 4,580 cigarettes and 1.050kg of hand rolling tobacco. The Duty Value of these products provided by HMRC was £1,612.29. See **Annex 6** for photographs of the seized tobacco and the safe.

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. Some of the cigarettes were brands which are not registered for sale within 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.

The business is operated through a Limited Company Kartunc Limited. Turac ADEYMIR is the sole Director of the business. Mehmet ADEYMIR is an employee.

A letter was initially sent to Turac ADYMIR the DPS and PLH on 20th November 2021 asking

questions under caution in relation to the Investigation (This letter is attached as **Annex 7**). Trading Standards received a reply from Turac AYDEMIR on 5th January 2022 (Attached as **Annex 8**).

In summary Mr Turac AYDEMIR indicated he was the sole Director of the business and that the illegal tobacco was being sold from the premises without his knowledge by his brother Mehmet AYDEMIR while he himself was overseas in Turkey.

Mr AYDEMIR informed us that his brother Mehmet was selling the tobacco from the shop and keeping the money for himself. Mr AYDEMIR explained that his brother had the PIN for the safe but had deliberately given the wrong number to officers to prevent the discovery of the illegal tobacco

In the light of this information Mehmet AYDMIR was also interviewed by correspondence and he did not dispute his brother's account

Turac ADEYMIR provided a copy of his passport with stamps which indicated he was indeed in Turkey on the date of the inspection.

The PLH and DPS Turac AYDEMIR has stated he was in Turkey at the time of the second incident which is not disputed. The fact that his brother Mehmet AYDEMIR was involved in both incidents does not inspire confidence in his suitability to be in a position of day to day management in the absence of the DPS and this therefore brings the judgement of the DPS into question especially as Mehmet AYDEMIR was also involved in the underage sale in August.

Turac AYDEMIR took over the business in September 2019 has been the DPS since 28th July 2020. By his own account he has been the leaseholder and involved in the running of this business in some form for 10 years with the exception of the period between approximately February 2018 and August 2019.

An examination of service records reveal that the most recent intelligence indicating that the shop may be selling illegal tobacco was received on 29/6/2021 and prior to that on 17/09/2020. When visits to the shop have been made prior to these dates, no illegal tobacco was found. A decision was therefore made to carry out an inspection when detection dogs were available.

There is no recent history of complaints relating to underage sales at this premises.

Trading Standards are concerned that an underage sale took place in August 2021 rapidly followed by the discovery of illegal tobacco in October 2021. This indicates that the business is not acting properly to promote the licensing objectives. The issues are compounded by the fact that the tobacco was concealed and probably wouldn't have been discovered without the aid of Tobacco Detection dogs which are not routinely available to officers due to the high cost. The concealment indicates a level of planned sophistication to the wrongdoing. The amount of tobacco sized was also significantly large indicating that there was an intention to supply illegal products on a relatively large scale. The brother of the PLH and DPS Mehmet AYDEMIR was in charge of the premises on both occasions.

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

The business joined the Councils Responsible Trader Scheme in November 2020. Part of the requirements of the Scheme is a commitment not to sell illegal tobacco and to provide adequate documented training for staff involved in underage sales.

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.

Recommendations:

This licensee has clearly demonstrated that there has been a major breakdown in due diligence in respect to the control of the premise on two occasions. The business failed to adequately train and document the training of staff in respect of underage sales requirements. They also failed to source legitimate products to be sold by the business and failed 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 judgement of the DPS is in question in respect of the Licencing Objectives as it would appear that the same staff member has now been involved in two incidents while remaining in charge of the premises day to day

The Duty Evasion and lack of documented staff training to prevent underage sales 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 wine purchased by underage volunteer

Annex 2: Interview transcript of Turac AYDEMIR relating to underage sale.

Annex 3: Code B Notice

Annex 4: Receipt For Safe

Annex 5: Receipt For Safe Contents

Annex 6: Photographs of Seized safe and Tobacco

Annex 7: Letter to DPS/PLH (Turac AYDEMIR)

Annex 8: Reply from DPS/PLH (Turac AYDEMIR)

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

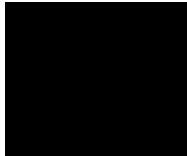
- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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 1st February 2022
.....

.....
Capacity Trading Standards Specialist Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Michael Squire Trading Standards Specialist Officer Regulatory Services River Park House Level 1 (North) 225 High Road Wood Green	
Post town London	Post Code N22 8HQ
Telephone number (if any) 0208 489 5158 or 07870 157819	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) 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.