

*[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**

23 Westbury Avenue,  
Wood Green

**Post town** London

**Post code (if known)** N22 6BS

**Name of premises licence holder or club holding club premises certificate (if known)**

Hunter Supermarket Limited (Co 10103567)

**Number of premises licence or club premises certificate (if known)**

LN/00001474

LN/000003539

**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) <b>020 8489-5158</b>
E-mail address (optional) <a href="mailto:Michael.squire@haringey.gov.uk">Michael.squire@haringey.gov.uk</a>

**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 injury

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

**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.

It primarily concerns an incident at the premises on 22<sup>nd</sup> March 2022 during a Trading Standards inspection in which a locked safe was seized following an indication from tobacco search dogs. The safe was subsequently opened and found to contain a quantity of illegal tobacco.

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

In early January 2022 Intelligence information was received which suggested that the Licenced Premises at 23 Westbury Avenue, Wood Green, N22 was selling illegal tobacco.

On 19<sup>th</sup> January 2022, Trading Standards officers carried out an inspection of the Licenced premises. Kemal AVCI the DPS was present. No illegal products were found. During the visit officers noticed a locked safe behind the counter and asked to look inside. Mr AVCI informed the officers that the key was not on the premises. Officers advised Mr AVCI that in future they wished to look inside the safe to ensure there was no illegal tobacco on the premises. They advised Mr AVCI to keep the key on the premises from now on to allow access. Officers informed Mr AVCI that they would return to carry out another inspection at a later date.

On 22<sup>nd</sup> March 2022 a Trading Standards Officer accompanied by tobacco detection dogs and their handler visited the premises to carry out an inspection of the tobacco stocks. At the premises serving behind the counter again was the DPS Kemal AVCI.

An inspection was carried out and once again no illicit tobacco was found initially. Mr AVCI was asked to open the safe. Mr AVCI stated again that the key was not on the premises. A tobacco dog was deployed and the dog indicated the safe contained tobacco. When asked again to open the safe Mr AVCI again stated he could not open the safe.

A Code B Notice was therefore issued to Mr AVCI (**See Annex 1**) which explained Trading Standards powers and his rights.

The safe was seized and receipt given (**See Annex 2**). The safe was removed with some considerable difficulty as it was suspected to contain illegal tobacco. The safe was transported to secure storage at the Trading Standards Office. Mr AVCI was given instructions to provide the key within a reasonable time or the safe would be broken open.

Subsequently, a telephone call was received, and arrangements were made for Mr AVCI and his representatives to attend the Trading standards Office with the key where the safe was opened in his presence. Inside a quantity of cigarettes and cash was discovered.

The cash was returned uncounted, and the tobacco was seized. A receipt was given (**See Annex 3**)

Photographs were taken of the cigarettes in the safe (**See Annex 4**)

In total 1,040 cigarettes were seized. The Duty Value of these products is approximately £420.

The foreign tobacco products seized were not in UK Standardised packaging and many bore incorrect or foreign language health warnings so were 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, Hunter Supermarket Limited who are the Premises Licence Holders. Kemal AVCI is the sole Director of the business.

A letter was sent to Kemal AVCI the DPS and Company Director on 8<sup>th</sup> April 2022 asking questions under caution in relation to the Investigation (This letter is attached as **Annex 5**). Trading Standards received a reply from Kemal AVCI on 25<sup>th</sup> April 2022 (Attached as **Annex 6**).

During the interview, Mr AVCI stated that he deliberately stored the tobacco in the safe to avoid it being discovered during an inspection. He added that the tobacco was not for sale and was for the use of shop workers who had brought it back from abroad. When asked who had access to the safe, he stated that he himself did and that the key was kept away from the premises to prevent a burglary.

Subsequent to the seizure further intelligence was received by Trading Standards from a major tobacco company who periodically conduct test purchases from Off Licences in the UK in order to combat the trade in illicit tobacco. Where a sale is made they in turn provide their findings to the relevant Licensing Authority. Information has been received relating to two test purchases carried out at the licenced premises on 17<sup>th</sup> February 2022 and 4<sup>th</sup> March 2022 prior to the date of the Trading Standards seizure. These purchases were carried out entirely independently from Trading Standards.

On the first occasion on 17<sup>th</sup> February 2022 test purchasers asked a shop worker serving behind the counter for "cheap Cigarettes" and were offered and sold a packet of Marlboro Gold Cigarettes for £7.50. On the second occasion on 4<sup>th</sup> March 2022 the test purchasers were sold a packet of Marlboro Touch Blue Cigarettes for £7.50. On both occasions the cigarettes sold were Non-Duty Paid, bore foreign language health warnings and were not in plain packaging. On both occasions the seller produced the cigarettes from a waistcoat style jacket he was wearing.

Trading Standards have made this application for a 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 are not members of the Councils Responsible Trader Scheme.

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 premises. 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.

Trading Standards do not accept the DPS's explanation for the events , particularly as intelligence received indicates the cigarettes were likely to be for sale and casts severe doubt on his explanation that the cigarettes were for the sole personal use of shop workers.

It does not seem logical for the sole Director of the business not to keep the key to the safe on his person whilst in the shop as he would in all likelihood require access to cash to pay suppliers and use of the safe to store shop takings. Even his own explanation that the cigarettes were for shop workers would require the key to be available to him to distribute these items.

Overall, the Duty Evasion and concealment of illicit goods by Mr AVCI gives Trading Standards severely reduced confidence in the 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. The refusals register shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This register 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.

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. 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.

11. 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.

12. Where the trader becomes aware that any alcohol may be not duty paid, they shall inform the Council of this immediately.

13. Only alcohol which is available for retail sale shall be stored at the licensed premises.

14. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for 'Tobacco Stock' shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.

15. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the undercounter shelf marked for 'Tobacco Stock' in order to make a sale.

16. Only tobacco which is available for retail sale can be stored at the licensed premises.

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.

21. Where a locked safe, cupboard or stock storage area is maintained at the licenced premises. Immediate access to these locked areas shall be provided on request to any Police or an Authorised Council officer who wishes to carry out an inspection during licensable hours. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed at the discretion of the Authorised officer.

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

#### Attached Documents

Annex 1: Code B Notice

Annex 2: Receipt for Safe

Annex 3: Receipt for Cigarettes Removed from Safe

Annex 4: Photographs of Seized Cigarettes

Annex 5: Letter to Kemal AVCI

Annex 6: Reply Received from Kemal AVCI

**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 ✓

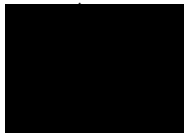
yes

- 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 16<sup>th</sup> June 2022

.....

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.