

[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 5-6 Queens Parade Green Lanes London	
Post town London	Post code (if known) N8 ORD

Name of premises licence holder or club holding club premises certificate (if known) <i>M & Z International Food Limited</i>

Number of premises licence or club premises certificate (if known) LN/00002261 LN/000003348
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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
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.

It primarily relates to an inspection visit instigated following Intelligence received which indicated that a shop in Green Lanes was dealing in illegal tobacco. Although the intelligence did not specifically identify the premises at 5-6 Queens Parade there were other indicators in the intelligence which gave officers reasonable cause to suspect that the intelligence related geographically to the Licenced Premises now subject to this Review. An inspection was therefore, carried out by Trading Standards on 16th June 2022.

Specific Details of Actions:

On 16th June 2022 at 12:05pm an inspection was carried out of the licenced Premises T/A M & Z International Foods by Trading Standards. During the inspection a male was serving behind the counter who gave his name as Peyman ZARE.

Officers introduced themselves and stated they wished to carry out an inspection of the tobacco and alcohol on the premises. When an officer checked behind the counter they discovered a carrier bag containing 160 Marlboro Touch and 260 Richmond cigarettes which were suspected to be illegal products. The bag was positioned in an area where it could have been easily accessible by the person serving. See photographs of the cigarettes (Annex 1)

A Code B Notice was Issued (See Annex 2) and the cigarettes were seized. See Receipt (Annex 3)

In total of 420 cigarettes were seized with a Duty value of approximately £147.

The cigarettes seized were not Duty Paid, 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.

The business is operated through a Limited Company M & Z International Food Limited who are the Premises Licence holders.

A letter was initially sent to Mohsen KHOSHNOUD the Director of M & Z International Limited and copied to his Licensing Agent who had contacted the Service on his behalf after the incident.

The letter dated 1st July 2022 asking questions in relation to the seizure and requesting CCTV for a time prior to the seizure is attached (See Annex 4)

A written response was promised by the Licensing Agent of the business but not actually received. Nor was the CCTV provided.

A follow up request was sent on 28th October 2022 and copied to the nominated licensing Agent of the business. (See Annex 5)

A reply was eventually received on 10th November 2022. This reply is attached (see Annex 6). In addition to this reply the Licensing Agent stated in a covering Email that the CCTV footage requested had been downloaded onto a USB stick but could no longer be found.

Mr KHOSHNOUD maintains during the interview by correspondence that the cigarettes were a gift and were simply left on the premises and were not for sale

Mr KHOSHNOUD also confirms in his response that Ali ERDOGAN who is registered as the Designated Premises Supervisor is the previous owner of the business and is no longer involved in the business.

Service Records show that Mr Mohsen KHOSHNOUD previously received a Simple caution from Trading Standards relating to an inspection on 22nd March 2021 where herbal Shisha tobacco was found on the premises for sale which was not Duty Paid and did not carry the correct health warnings. Mr KHOSHNOUD claimed during the investigation that he had been asked for the product by customers and had seen it on sale in another shop and had been assured by them that it was legal to sell. (See Annex 7)

On this occasion Mr KHOSHNOUD had co-operated fully with the investigation and was given a Simple Caution due to the relatively small quantity found and because he was relatively new in the business at the time.

Trading Standards are concerned that as this is the second incident at the premises involving products which are subject to Duty and require health warnings that the Licensing Objectives are not being taken seriously.

Trading Standards do not accept Mr KHOSHNOUD's submission that the items were a gift due to their proximity to the sales area.

It should be noted that there are two Licence conditions currently on the Licence which in the view of Trading Standards have been breached by this incident, namely:

“Only products available for retail sale can be stored at the licensed premises.”

This condition was breached by the presence of the cigarettes on the premises even if the Committee decide to accept Mr KHOSHNOUD's explanation that the cigarettes were a gift.

“A CCTV system shall be installed and kept in working order. CCTV 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 where they enter the premises and cover the area of the sales counter. These 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.”

This condition has been breached in the view of Trading Standards by the non-provision of the CCTV footage following a request. This footage may have cast light on whether the tobacco products were being sold in the shop.

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.

The business is not currently a member 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 and Trading Standards are concerned that The Licence holders are not taking their responsibilities Seriously and have displayed a reckless attitude towards the Licensing Objectives.

Trading Standards recommend a period of Suspension of the Licence as this is the second incident of non-compliance at the Licenced Premises.

Trading Standards recommend the business be Directed to join the Councils Responsible Trader Scheme,

Trading Standards recommend the removal of the DPS Ali ERDOGAN who is not involved in the business, and further should Mr KHOSHNOUD become the DPS then he should undertake refresher training on the Licensing objectives.

Additional Conditions are also Proposed by Trading Standards

1. The business shall adopt a "Challenge 25" policy.
2. 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.
3. 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.
4. 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.
5. 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.
6. 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.

7. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
8. 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.
9. The business shall apply to join the Councils Responsible Trader Scheme.

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

Attached Documents

Annex 1: Photographs of seized cigarettes

Annex 2: Code B Notice

Annex 3: Receipt for seized Goods

Annex 4: Letter to Director of M & Z International Food Limited

Annex 5: 2nd Letter to Director of M & Z International Food Limited

Annex 6: Reply to interview questions from Director of M & Z International Food Limited

Annex 7: Simple caution Re Previous Seizure from Licenced Premises

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 18th January 2023

.....

Capacity Trading Standards Specialist Officer

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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.