

[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

**42 Topsfield Parade,
Tottenham Lane**

Post town London

**Post code (if known)
N8 8PT**

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

TOPS NEWSAGENTS

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

LN/000008708

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
4th Floor, Alexandra House
10 Station Road
Wood Green
N22 7TR

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 ✓

<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 to the objectives to prevent crime and disorder and the protection of children from harm.

The Premises under review is licenced in the name of Tops Newsagents but is in fact T/A Maxxi Food & Wine with the latter trading name displayed on their fascia. The licenced premises is a convenience store/mini-market.

The Review primarily relates to two inspections carried out by Trading Standards on 11th January 2023 and 24th January 2023.

Specific Details of Actions:

On 11th January 2023 at 10:40AM Trading Standards Officers visited the licenced premises with tobacco search dogs as part of the ongoing national project "Operation Cece", with the aim of checking the Borough's shops for illegal tobacco. On entry, officers introduced themselves and showed their Warrant cards to shop employee Rohat ULGER, who was working behind the counter. The officers stated they wished to carry out an inspection of the premises.

The Premises Licence holder (PLH) and Designated Premises Supervisor (DPS) Aylin YENGIN was not present during the inspection. A Code B Notice was issued and is attached as **Annex 1**. No illegal tobacco was found by the search dogs during the inspection.

When a Trading Standards Officer went behind the counter he found nitrous oxide cartridges (NOS) stored in multipacks. See **Annex 2 (Photograph 3)**. Further stocks of larger 640g NOS canisters were also found in boxes in the rear store room of the premises. See **Annex 2 (Photographs 1 and 2)**. Officers asked the employee why the NOS was on the premises in such large quantities. ULGER informed officers that they were sold to local cafes. Mr ULGER was asked if he knew that NOS was often misused as a psychoactive substance, could potentially be bought as a drug by customers and that the smaller cartridges in particular could be bought and misused by young people. He replied that he had no knowledge of the misuse of these products.

Also, behind the counter on display on the shelf edges officers discovered Sildenafil Citrate (Erectile dysfunction tablets) which were visible to customers on the other side of the counter. **(See Annex 2: Photograph 4)** (These tablets and gels containing sildenafil citrate are colloquially often referred to by the public by the leading brand name "Viagra". They are controlled medicines and should be available only on prescription or for sale over the counter from pharmacies, usually after a consultation with a registered pharmacist who will assess suitability. They should not be available freely at a local shop. The shop worker was therefore, ordered to remove the items from sale and inform the owner that they should not be on the premises. (A close up of the tablets can be seen as **Annex 2: Photograph 5**. The officers then left the shop.

Trading Standards were concerned about the presence of the NOS and the erectile dysfunction medicines on the licenced premises so they wrote to the Premises Licence holder/DPS and

asked for her comment. A letter to Aylin YENGIN is attached as **Annex 3**.

A reply from Aylin YENGIN was received by email and is attached as **Annex 4**.

Following the response received from the DPS Trading Standards decided to revisit the shop to carry out a further more comprehensive inspection and to check the premises again to ensure the erectile dysfunction tablets had actually been removed from sale.

On 24th January 2023, Trading Standards returned to the licenced premises. On this occasion again the PLH and DPS were not present. Officers introduced themselves to the shop worker Hakam DABAK. Behind the counter officers noticed that boxed cartridges of NOS were still stored where they could be easily accessed by persons serving behind the counter. (**See Annex 5: Photograph 3**)

The large stocks of NOS cartridges were no longer in the rear storeroom, however a smaller number of cannisters were found in the kitchen area. (**See Annex 5: Photograph 4**)

The display of Erectile disfunction tablets had been altered but a tablet and a sachet of Kamagra gel was on open display where they could be seen by customers (**See Annex 5: Photograph 1**). Further stocks of tablets and gels were again found behind the counter. (**See Annex 5 Photograph 2**). Altogether 11 Kamagra Gel sachets and 102 Sildenafil Citrate tablets were seized.

There was a large display of electronic cigarettes (VAPES) on the counter which were examined. Although the majority of the stock was compliant, non-compliant E cigarettes were found at the rear of the counter display with larger stocks found behind the counter. (**See Annex 6: Photograph 5 and 6**). The issues with the VAPES are as follows:-

- All the VAPES seized had tank sizes in excess of 2ml. The legal safe size would be 600-650 puffs. All the Vapes seized were in excess of this with some as large as 3500 puffs.
- Some of the Vapes had incorrect health warnings.
- The majority of the seized VAPES did not have UK addresses as they were not intended for the UK market.
- The VAPES were not of the types registered and approved by the Medicines Healthcare Regulation Authority (MHRA) which is a legal requirement.

33 Elux disposable vapes (3500 Puffs) and 10 Geek Bar (1500 Puff) disposable vapes were seized from the counter display along with and 40 Elux 3500 puff disposable vapes found behind the counter.

A Code B Notice was Issued (See Annex 6) and the E cigarettes and a receipt given. See Receipt (**See Annex 7**).

(**Annex 5: Photograph 7**) shows the seized Vapes and medicines in evidence bags.

During the visit it was also noted there was a display of "Poppers" on the counter. Although, these are not marketed for human consumption on their label and are not illegal to sell for their labelled purpose, they are also known to be used by purchasers for their psychoactive properties. (**See Annex 5: Photograph 8**).

Trading Standards wrote to the DPS on 25th January 2024 with questions under Caution following the seizure. This letter is attached as **Annex 8**.

A reply was received attached by email on 3rd February 2023. **(See Annex 9)**

Trading Standards have been made aware of concerns about NOS cartridges discarded in the street from local residents and Council Member. On 18th January 2023 Trading Standards were provided with two photograph of discarded NOS cannisters. These photographs are attached as **Annex 10**.

Although it is conceded there is no direct evidential link to the licenced premises it should be noted that the canisters are of the same brand "Fast Gas" as found on the premises on 11th January 2023 and 24th January 2023. **(See photographs in Annex 2 and Annex 5)**

On 3rd February 2023 Trading Standards were made aware of a "TikTok" web page which appears to promote the business <https://www.tiktok.com/@maxxifoodwine> The page was "captured" by Trading Standards from the web and is included as **Annex 11**. The page shows three videos, two seemingly showing NOS cannisters and one relating to E cigarettes. The two videos associated with the NOS on the page were downloaded using a video capture tool and these are attached as **(Annex 12 and Annex 13)**. An examination of the "TikTok" page shows the following:-

- The page quotes the name and postcode of the licenced premises and other associated businesses.
- The videos depicted appear to have been filmed at the licenced premises.
- The videos embedded in the page appear to promote NOS alongside E cigarettes.
- The music associated with the NOS videos includes the titles "This is how we do it" – Mantell Jordan and "Cool Kids" (Our Sped Up version) - Echosmith. The video associated with the E cigarettes features "Bam Bam (Full Beat)" by Nata HG.

In the view of Trading Standards when the "TikTok" page is looked at as a whole it is not unreasonable to conclude that the video and music on this this page is intended to promote the NOS for its psychoactive properties rather than for its legitimate purpose in baking. Its depiction alongside E cigarettes reinforces a recreational purpose. Concerningly the web platform "TikTok" is known to be associated with a younger demographic.

It can be a criminal offence under the Tobacco and Related Products Regulations 2016 to Sell Electronic cigarettes which are not notified to the Medicines Healthcare Regulatory Authority (MHRA), do not carry the correct UK health warnings, do not have a UK address, and have a tank size of over 2ml (Equivalent to 600-650 puffs).

It can be an offence under the Human Medicines Regulations 2012 to sell controlled medicines over the counter and a banned practice under The Consumer Protection from unfair Trading Regulations 2008 to give the impression that a product is legal to sell when it is not.

It can be a criminal offence under the Psychoactive Substances Act 2016 to supply or offer to supply psychoactive substance if the person who supplies it knows, suspects or ought to know or suspect, that the substance is a psychoactive substance and the person knows or is reckless as to whether the substance is likely to be consumed by the person to whom it is supplied or by

some other person for its psychoactive effects.

Ownership and Persons Associated With the business.

Alyin YENGIN the PLH and DPS has stated in her letter that she is the owner of the business.

ALTUN ASYA Limited is registered at the Licensed Premises address and Alyin YENGIN (PLH and DPS) stated the business is run under this company.

According to Companies House Kemal ALTUN is the person with significant control and is the Director of ALTUN ASYA Limited. (see Companies House documents Annex 14, Annex 15 and 16)

According to the DPS Uygur ALTUN is AKA Kemal ALTUN and is Alyin YENGIN's partner)

Trading Standards have made this application as they are concerned that the licensed premises is not being run in a responsible manner and that the licensing objectives are not being promoted.

The reasons for this belief are as follows:-

- The DPS states in her letter that she removed the erectile dysfunction tablets from sale when she found out they were illegal following the Haringey Trading Standards visit on 11th January 2023. During the second visit by Trading Standards on 24th January 2023 tablets were still behind the counter and there was still a customer facing display of the tablets which was different to the initial display found on 11th January 2023 which indicates a rearrangement of stocks and a likely willingness to continue to supply these tablets.
- Trading Standards believe that the DPS was aware that erectile dysfunction tablets were illegal to sell over the counter prior to the first Trading Standards visit on 11th January as similar products were seized by Enfield Council from a shop under her control before that date.
- In her letter of 12th January 2023 the DPS states she trains and informs her employees on the risks associated with the NOS. Mr ULGER the employee who was present on 11th January 2023 did not appear to have any knowledge on that date that these products could be misused as a psychoactive substance.
- The electronic cigarettes seized present a significant safety risk as they have over-size tanks. If these products were to leak on the skin the larger quantities of nicotine could present a risk to health if absorbed into the skin.
- Trading Standards believe that the PLH and DPS were aware of the requirements for electronic cigarettes prior to the date of seizure as similar products were seized from a shop under the control of the PLH and DPS by Enfield Council prior to this date. It is therefore believed the DPS was reckless in stocking these products

- It is the view that the presence of NOS in large quantities behind the counter and in the store room does not reasonably correlate with the legitimate local demand for these products for baking purposes. It is believed that commercial operators would be more likely to source these products from specialist wholesalers.
- The presence of other products known as “poppers” openly displayed on the counter indicate to Trading Standards and potentially could indicate to customers that the business has a tolerant attitude towards the sale of these and other psychoactive substances.
- The photographic evidence of NOS cannisters discarded in the street matches (circumstantially) with the brand of cannisters sold on the licenced premises. However it is accepted there is no direct evidence that these cannisters originated from the licenced premises.
- The “TikTok” page associated with the business in the view of Trading Standards is clearly marketing NOS alongside electronic cigarettes in a manner, which on the face of it, appears to be using imagery and music which would promote nitrous oxide and E cigarettes side by side in a manner and form which could be appealing to young people. The page also shows indications that it was filmed on the licenced premises.

Trading Standards have brought this Review as they are concerned that the licenced premises is willing to sell illegal goods such as prescription medicines and non-compliant E-cigarettes.

The sale of erectile dysfunction tablets without controls or medical approval could cause health and safety risks to consumers.

E-cigarettes with large tank sizes could present a safety risk to consumers if they leak due to the larger amounts of nicotine containing liquid present.

Trading Standards are not convinced that the NOS is being sold in a responsible manner from the premises.

It should be noted 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 the removal of the Designated Premises Supervisor as it is believed she has not acted responsibly to promote the Licensing objectives.

Trading Standards recommend a period of Suspension of the licence for 3 months to allow for proper controls and training to be put in place at the premises.

Trading Standards recommend the conditions below are added to the Licence.

Additional conditions are also proposed by Trading Standards

1.0 The business shall adopt a "Challenge 25" policy.

2.0 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.

3.0 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.

4.0 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.

5.0 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.

6.0 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.

7.0 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.

8.0 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.

9.0 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.

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

11. Only 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.

12. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

13. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.

14. No Nitrous Oxide (Laughing gas) shall be stored on the premises or sold from the premises.

15. No medicines which require prescription or a pharmacist's approval for sale shall be stored on the premises.

16. Sales of all products from the Licenced premises should be made over the counter of the shop. Shop staff should not leave the premises to deliver items to customers on the street outside the premises or to customers in vehicles in the vicinity of the licenced premises. (With the exception of providing assistance to customers with mobility issues such as wheelchair and mobility scooter users who may not be able to access the 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.

20. Any breakdown or malfunction of the CCTV system which is likely to prevent the recording of CCTV images shall be reported to the Licensing Authority immediately

21. 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: Code B Notice

Annex 2: Photographs Taken During Trading Standards Visit on 11th January 2023

Annex 3: Letter to DPS 12th January 2023

Annex 4: Reply form DPS 14th January 2023

Annex 5: Photographs taken from visit of 24th January 2023

Annex 6: Code B Notice 24/1/2023

Annex 7: Receipt 24/1/2023

Annex 8: Letter to DPS 25 /1/23

Annex 9: Reply received From DPS 03/2/2023

Annex 10: Photographs taken by public and Member of the Council

Annex 11: Web capture TikTok Page

Annex 12: Video from TikTok page

Annex 13: Video From TikTok page

Annex 14: Companies House Document

Annex 15: Companies House Document

Annex 16: Companies House Document

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 16th February 2023

.....

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.