

PROCEDURAL MATTERS

This is a council meeting, not a court of law. The standard of proof that the decision makers should apply in these matters is the balance of probability.

Nevertheless, the drive for open justice from the judiciary, Government and Parliament means that it is reasonable for the Sub-Committee to hold their deliberations in public. The application of Section 100(a) of the Local Government Act 1972 should be the exception and not the rule, and I object to any application of s100(a) in this matter.

MY INTERESTS

I am the landlord of the flats at 42a Topsfield Parade, above the Maxxi Food & Wine shop at 42 Topsfield Parade.

Having a convenience store directly below the flats is an extremely welcome asset and appreciated by tenants when run responsibly.

MY SUBMISSIONS

The owners, operators and employees of the Maxxi store are irresponsible.

Temporary suspensions of an alcohol license will have no impact on drug dealers.

The following action should be taken:

1. All licenses afforded to the owners, operators and employees of the Maxxi store should be revoked permanently.
2. Owners, operators and employees should face police arrest and Crown Prosecution under indictment where available for the following breaches:
 - Psychoactive Substances Act 2016, particularly section 5, as per Recommendation 1 in the letter the Advisory Council on the Misuse of Drugs sent to the Home Secretary on 6 March 2023 (see <https://www.gov.uk/government/publications/nitrous-oxide-updated-harms-assessment/cover-letter-acmd-nitrous-oxide-review-accessible>)
 - Tobacco and Related Products Regulations 2016
 - Human Medicines Regulations 2012
 - The Consumer Protection from Unfair Trading Regulations 2008
 - Conspiracy related to all the above offences.
3. The Medicines and Healthcare Products Regulatory Agency should be involved in investigation and prosecution, and Trading Standards and Local Police have been negligent in not involving that agency previously. At minimum, the Sub-Licensing Committee should make official referrals via email to TheBureau@mhra.gov.uk and TPDenforcement@mhra.gov.uk.

TESTS

Crime and Disorder

Psychoactive Substances Act

It is untrue that the promotion, sale and supply of nitrous oxide is legal. I have pasted s5 of the Psychoactive Substances Act.

- Nitrous Oxide is a psychoactive substance.
- s5 is a test of **criminal negligence**. Intent and actual knowledge of consumption for psychoactive effects is **not** required.
- The measures to establish the indictable criminal offence are that **a reasonable person** either
 1. **merely offers** to supply nitrous oxide
 2. or actually does supply nitrous oxide

and either they

- a) **ought to know** that their supply nitrous oxide would be used for psychoactive effects
- b) **merely suspect** that their supply of nitrous oxide would be used for psychoactive effects
- c) **do not care (ie are “reckless”)** as to whether their supply of nitrous oxide would be used for psychoactive effects.

Furthermore, the burden is on the owners, operators and employees of Maxxi to prove that their offers, promotions and sales of NO₂ are not for consumption for psychoactive effects.

You can see the law at <https://www.legislation.gov.uk/ukpga/2016/2/section/5>.

I believe that the owners, operators and employees of the Maxxi store do have intent and actual knowledge that their offers, promotion and supply of nitrous oxide is for consumption for psychoactive effects.

However I will address the following aspects of their negligence:

Maxxi's Owners, Operators & Employees ought to know, suspect and do not care per s5 Psychoactive Substances Act

1. Masses of empty NO₂ cannisters and balloons have appeared outside the premises, particularly outside the rear of the property in front of the staircase up to the flats at 42a Topsfield Parade. I have seen them and cleared them away myself – albeit I didn't know what they were at the time. Maxxi make regular use of that area to take deliveries, dispose of waste and to park their car. Only a moron in a hurry could overlook the relationship between the NO₂ products and balloons that Maxxi promote and supply and the litter and paraphernalia found on their premises. Moreover it has been reported by other witnesses, including the tenants of 42a Topsfield Parade.

The presence of such litter demonstrates Maxxi's owner, operator and employees failure to comply with their duty of care and hazardous waste responsibilities. Both the small and large compressed cannisters can explode. The balloons are a danger to wildlife, as well as young children who associate balloons with birthday parties

and celebrations. See: <https://www.haringey.gov.uk/business/advice-and-support/environment-and-sustainability>

2. People in groups and as individuals – generally young males – can be seen inhaling balloons through Maxxi’s shop window and their rear camera.

Please view Exhibit 1 a photo of one hippy crackhead parked directly outside Maxxi store on 4th February 22:29.

He is visible through the shop window, has an inflated balloon and a large cannister of NO₂ matching the brand seized by Trading standards. He is not whipping cream or making cakes. He is parked on double white zig zag lines of the zebra crossing. He is on the driver’s side and there are no other passengers, suggesting he will get into the car after he has finished consuming his large cannister of NO₂.

3. I saw the maxxifoodwine TikTok channel listing the post codes of four of their shops prior to the removal of the videos of the large MAXXI branded NO₂ cannisters and the postcodes. See Exhibit 3 - 5.

TikTok is a social media site primarily targeted at young people and children, not other businesses such as LinkedIn, nor cake designers on platforms such as Pinterest. Moreover the videos are accompanied by pop music soundtracks such this: <https://youtu.be/kpzfz7tj8mU?t=40>. It’s widely understood that “All the cool kids are doing it,” is a long-standing stereotypical peer pressure phrase to encourage children to take drugs, often used in jest, but no less persuasive to children and the impressionable.

The TikTok profile at Exhibit 3 identifies the postcodes of 4 Maxxi shops.

Note in the comments of Exhibit 3, Josh Newell states “I’ll take 20”. The creator’s reply assures him of supply. When RafaQuint1919 request delivery, it is refused – indicating that all sales take place on the premises.

Please note the Crown Prosecution Service’s reference to offers made on websites, which Maxxi’s TikTok activity would fall under: <https://www.cps.gov.uk/legal-guidance/psychoactive-substances>

4. Media reports and government statements about the problems and dangers associated with NO₂ have been widespread. The Home Office has described the use and Anti Social Behaviour associated with NO₂ as a “scourge”. See Exhibit 6 where on a recent ITV News report at 1 minute 47 seconds, you will see Consultant Neurologist Dr David Nicholl take out one of the brand of cannisters Maxxi have been promoting on their TikTok channel. He says, "If you take this, it's gonna kill ya.". See <https://www.itv.com/watch/news/the-shocking-reality-of-a-laughing-gas-addiction/81n96rj>

Maxxi’s sale of NO₂ to primarily young males means they should know there is an extremely high risk of use for psychoactive purposes. Furthermore they do not look like the local people working at Dunns, Punk Cakes or Gails.

5. I note the implication of Uygur Altun (aka Kemal Altun) in the running of the Maxxi stores, the convictions and enforcement activity he has been implicated in since

2009 related to similar bootlegging offences, including:

- 2009: criminally selling vodka with dangerous levels of methanol which can make people go blind
- 2012: criminally selling unlawful wine and spirits and unlawful cigarettes and tobacco
- 2015: criminally selling Kamagra erectile dysfunction tablets, illegal cigarettes and kilos of hormone replacement therapy
- 2022: criminally selling sildenafil erectile dysfunction tablets, illegal cigarettes and tobacco, illegal vape vats as well as selling nitrous oxide cannisters allegedly for recreational use.

Such a 14 year history of facing such enforcement accompanied by numerous recent inspections, seizures and action at the Enfield store should mean that a responsible and reasonable convenience store owner, operator and their employees would know how to avoid even the inconvenience of the accusation of the sale of unlawful products – generally by not arranging their wholesale or black market purchase in the first place. If they cared, they would avoid their purchase, supply and sale of NO2. This shows a recklessness towards supply as well as prosecution. As they have not faced appropriate prosecution they continue to ignore and/or take advantage of the weak powers and fragmented organisation of Trading Standards. They are embracing the low fines and short licensing suspensions as just a small cost of business across at least four shops.

Public Order Act 1986

Instances of section 4, 4A and 5 Public Order Act 1986 have been reported to me by my tenants, including:

2nd February 2023

I received a report from one tenant of a hippy crackhead:

- **trespassing** on the stairwell of 42a Topsfield Parade at 4.30pm (directly behind the Maxxi shop) consuming gas,
- **intimidating** that tenant
- **obstructing** the tenant from entering their own residence.

5th February 2023

Please listen to the audio recording submitted as Exhibit 8.

A different tenant – a young female – reported a group of boys:

- making a lot of **noise** late at 10pm at night,
- **verbally abusing** her
- **threatening** her.

Please note that these incidents occurred just weeks after the numerous investigations, notices, seizures at the Maxi Enfield store in 2022 and the 3 month license suspension enforcement by Enfield Council.

Local business, including those at Melange, Kalimera and Beam – have all complained to me about the presence of large groups of young males having late night “parties” consuming nitrous oxide on the streets around Elder Avenue. My tenants have also complained about similar noisy gatherings in the alleyway of Topsfield Parade.

Driving whilst unfit through drugs

Residents and local businesses have also reported to me that they see people spending a long time consuming nitrous oxide in their cars on Elder Avenue.

I refer you back to Exhibit 1. Driving whilst unfit through drugs is an offence, and driving after nitrous oxide falls under this offence.

Allegations on Google Reviews

- Customers report forgery, aggressive, violent and vulgar behaviour on the Maxxi shop's [Google reviews](#).

Affray & General Disorder

- Tenants report frequent aggressive behaviour and conversations from the shop's staff and customers.

Public Safety

Drug Danger

The Maxxi shop proprietors, license-holders and employees are promoting, offering, selling and/or supplying:

- pharmaceutical products without being pharmacists
- huge cannisters of compressed nitrous oxide which has been found to cause paralysis, nerve damage and brain embolisms. (See Exhibit 6.)
- quantities of nicotine over 5 times the legal limit.

Fire Escape Danger

The Maxxi customers that consume nitrous oxide at the rear of the premises are blocking the rear fire escape exit from the shop as well as the stairwell exit for the tenants from the flats above. These customers have shown a belligerent unwillingness to move from the area at the request of residents.

Explosive Danger

NO₂ cannisters pose an explosion risk when not disposed of correctly.

Highway Danger

Cars are parking:

- on the zebra crossing zig zag lines outside the shop. See Exhibit 1
- on the double yellow lines blocking emergency vehicle access to the alley way

Prevention of Public Nuisance

My tenants and local businesses have reported the following nuisances to me:

- noise at all hours, including late night and through to early morning
- trespass
- large gatherings of people blocking the pathways
- litter caused by balloons and both small and large cannisters of NO2
- aggressive behaviour and conversations from the shop's staff and customers.

Protection Of Children From Harm

Use of Children-Focused Social Media

The use of TikTok and Snapchat – social media channels with a primarily young audience – is extremely disturbing, especially associated with a soundtrack with lyrics “I wish that I could be like the cool kids”.

Children Picking Up Hippy Crack Paraphernalia & Litter

I have seen for myself, and had to help a mother understand, that there was a danger of her child picking up the paraphernalia and litter at the rear of the Maxxi shop. The silver cannisters are attractive, but children associate the discarded and deflated balloons with birthday parties, and are at risk of picking them up.

At a time of COVID-19 infection, this is particularly concerning.

It has compromised the safety of the many toddlers that accompany young mothers at the Beam cafe next door.

Additional concerns

At best, the Enfield Sub-Licencing Committee that decided on such light sanctions for Maxi owners, operators and employees in January look like fools. Haringey should not make the same mistake. Temporary suspensions of an alcohol license will have no impact on drug dealers.

Haringey should show the leadership called upon by the Advisory Council on the Misuse of Drugs. Tower Hamlets has made banned the public consumption of NO2. See <https://www.eastlondonadvertiser.co.uk/news/local-council/east-london-council-ban-laughing-gas-in-public-7990428>.

I have become aware of numerous and continuous similar offences that the owners and operators of the Maxxi stores have been involved in over the last 14 years. That is a long time to learn lessons. These are not mistakes. If you don't remove their licenses permanently and proceed to prosecution, they will simply continue to infringe. They know about branding – using “Maxxi” in both their name and the products the NO2 products they promote on TikTok. This very much looks like gangster-level bootlegging across at least four locations of North London. It is a crime and resulting in further criminal acts and anti-social behaviour. If Haringey does not take sufficient action, offending will simply continue, or very likely simply shift to occur in the other premises operated by the Maxxi family business. Haringey should show solidarity with their other North London council colleagues.

Moreover, Maxxi's conduct and this process continues to cause a great deal of tension between Maxxi and the surrounding neighbours – both businesses and residents. Failure

to close down the shop will encourage this tension, so it escalates, which poses risks of both physical and mental harm.

Summer is coming. The crime and anti-social behaviour associated with Maxxi's trade will increase during the warmer months.

If this doesn't get sorted immediately and permanently, it's going to establish Topsfield Parade as an area where NO2 consumption and Anti-Social Behaviour is considered acceptable, it will increase criminality and anti-social behaviour, and cause the police to spend a lot of time and resources in patrols and enforcement in that area.