

[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 38 BOUNDS GREEN ROAD LONDON N11 2EU	
Post town London	Post code (if known) N11 2EU

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

Number of premises licence or club premises certificate (if known) LN/000017249

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)

(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 licenced premises concerned in this Review is a convenience store/mini-market. The current Premises Licence was transferred to the current licence holder Hurcem MERKAN on 13th December 2023.

The Review primarily relates to three incidents at the premises investigated by Trading Standards which occurred between 24th May 2023 and 10th October 2023

Ali SEI is the current Designated Premises Supervisor for the Licenced Premises. Prior to the transfer of the Licence on 13th December 2023. Ali SEI was both the Designated Premises Supervisor and the Premises Licence Holder during the period in which the incidents referred to in this Review took place.

Specific Details of Actions:

Incident One

On 24th May 2023 trading Standards carried out a visit accompanied by the Metropolitan Police Service, including Police Licensing officers.

Ali SEI was not present during this visit. A man who identified himself as Irfan ERDOGAN was present and appeared to be in charge on the day. He informed us that Ali SEI was the owner of the business.

An inspection was carried out and Trading Standards discovered a total of 227 disposable vapes, which did not comply with the Tobacco and Related Products Regulations 2016 in that the tanks exceeded the 2ml maximum size allowed for these products.

. 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.

In addition, 5 sachets of Kamagra oral jelly were discovered behind the counter which are known to be controlled erectile dysfunction medication of a type which normally require a prescription or approval of a pharmacist to sell. This particular brand of medicine was of a brand not licenced for

sale in the UK. Firat Supermarket is not a Registered Pharmacy.

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.

The infringing items were seized by Trading Standards.

Photographs of the seized items are attached as **Annex 1**

A receipt was given for the seized items attached as **Annex 2**.

Following this visit an interview letter was sent to Ali SEI the DPH and DPS dated 6th July 2023 asking questions in relation to the seized products. (Attached as **Annex 3**.) No reply was received.

A second follow up letter was sent regarding the Vapes and Kamagra Jelly dated 13th September 2023. Again, no reply was received from Ali SEI. See **Annex 4**.

Incident 2

On 9th August 2023 Trading Standards conducted an underage test purchasing exercise. As part of that exercise at 3.27pm an underage person entered the Licenced Premises and was able to purchase an Elf Bar 600 disposable vape. The sale was made by Mohsin AHMED.

Incident 3

On 17th October 2023 as part of Operation CeCe which is an initiative to tackle illegal tobacco being sold in the Borough, Trading Standards again visited the licenced premises accompanied by tobacco search dogs.

On entry to the premises at 10-35am. There were two males on the premises. One unidentified male in his 40s and a second in his early twenties who later gave his name as Moshin. The officers introduced themselves showing their identification and explained they wished to conduct an inspection of the shop. At this point the older man pushed his way out of the shop past the dog handler and one of the Trading Standards officers. He was carrying a light-coloured short length jacket. The officers followed him out of the shop as they were suspicious the jacket may have contained illegal goods which he was trying to remove from the premises.

The man went into a service road which led to a car park at the side of the premises. He was making a telephone call as he was walking away. The officers approached the man and after some conversation they persuaded the man to hand over the jacket for examination.

After handing over the jacket the man refused to give his name and walked away. He did not return to the shop. The jacket was examined and was found to contain. 640 Non-Duty paid cigarettes and one open packet of Kamagra Jelly which were in the pocket and extending into the lining. The officers returned to the shop.

A photograph of the jacket containing the cigarettes and Kamagra Gel is attached as **Annex 5**. A

receipt was given to the younger man who gave his name as Moshin. Moshin explained he was only on a trial shift at the shop and knew nothing about any illegal goods. He refused to sign the receipt or give his full name. The officers then left the shop.

The receipt for the seized items is attached as **Annex 6**.

Persons Associated with the Business.

Trading Standards are concerned that the most recent licence transfer on 13th December 2023 may have been motivated by a desire to re-set the record of the business and associate the issues identified with this Review with a previous management.

Irfan ERDOGAN was present and in charge of the premises on 24th May 2023 and he has links to the Premises' current Business Rates payer Haydar ERDOGAN as they share the same correspondence address. Irfan ERDOGAN used this address in an application to transfer the Licence to him, which was submitted on 20th October 2023, three days after the third incident referred to in this Review. This application was later withdrawn on 19th November 2023.

Irfan ERDOGAN is the current registered Food Business Operator of the premises and has been since 28th October 2016.

Haydar ERDOGAN became the registered Business rates payer of the Licenced Premises on 15th September 2016 and remains so at the time of writing.

Haydar ERDOGAN the Business Rates Payer is specifically mentioned in one of the Licence conditions in that he is prohibited from entering the Licenced Premises.

Ali SEI the former Premises Licence holder and current Designated Premises Supervisor, remained the Designated Premises Supervisor after the Licence transfer on December 13th, 2023.

Mr Hurcem MERKAN is the current Premises Licence Holder. Companies House Records show MERKAN is an active Director of Gordon Express Limited which has a Registered address at the Licenced Premises and records show he was appointed on 4th May 2023. He is the Person with Significant control owning more than 75% of the shares.

Companies House Records also show that Ali SEI was a Director of Gordon Express Limited until he resigned on 4th May 2023.

Trading Standards believe Gordon Express Limited is involved in running the business as it is Registered at the Licenced Premises, and the nature of the business is registered as

“47110 - Retail sale in non-specialised stores with food, beverages or tobacco predominating”.

If as Companies House Records suggest Hurcem MERKAN took over the directing mind of the business on 4th May 2023 he would logically, therefore have been involved in the business for all three incidents referred to in this Review alongside the DPS, Ali SEI. Relevant Companies House Records attached as **ANNEX 7 (i)(ii)(iii)**.

Trading Standards have brought this Review as they are concerned that those in control at the licenced premises are willing to sell illegal goods such as prescription medicines, non-compliant E-cigarettes and non-Duty paid cigarettes.

Following the seizure of prescription medicines on 24th May 2023, rather than stop selling them the business appears to have chosen to resort to more covert means and continued selling illegal goods, resulting in a further seizure on 17th October 2023.

The underage Sale of Electronic Cigarettes in August 2023 gives Trading Standards further concern that the business is not being run in a responsible manner.

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.

The Sale of Vapes to underage persons is a Public Health issue.

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 Current Designated Premises Supervisor Ali SEI has clearly demonstrated that there has been a major breakdown in due diligence and has clearly not acted responsibly or promoted the Licensing objectives. Trading Standards, therefore, recommend he is removed from his role as DPS.

Trading Standards recommends that the Licence be revoked if the Committee is satisfied that the current Premises Licence Holder was involved in the business during all three incidents as Companies House records suggest.

Trading Standards are concerned that the Licence holders are not taking their responsibilities seriously and have displayed a reckless attitude towards the Licensing Objectives and are actively rotating the persons responsible for the Licence in order to frustrate the Review process.

If the Committee are not minded to revoke the Licence, then 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

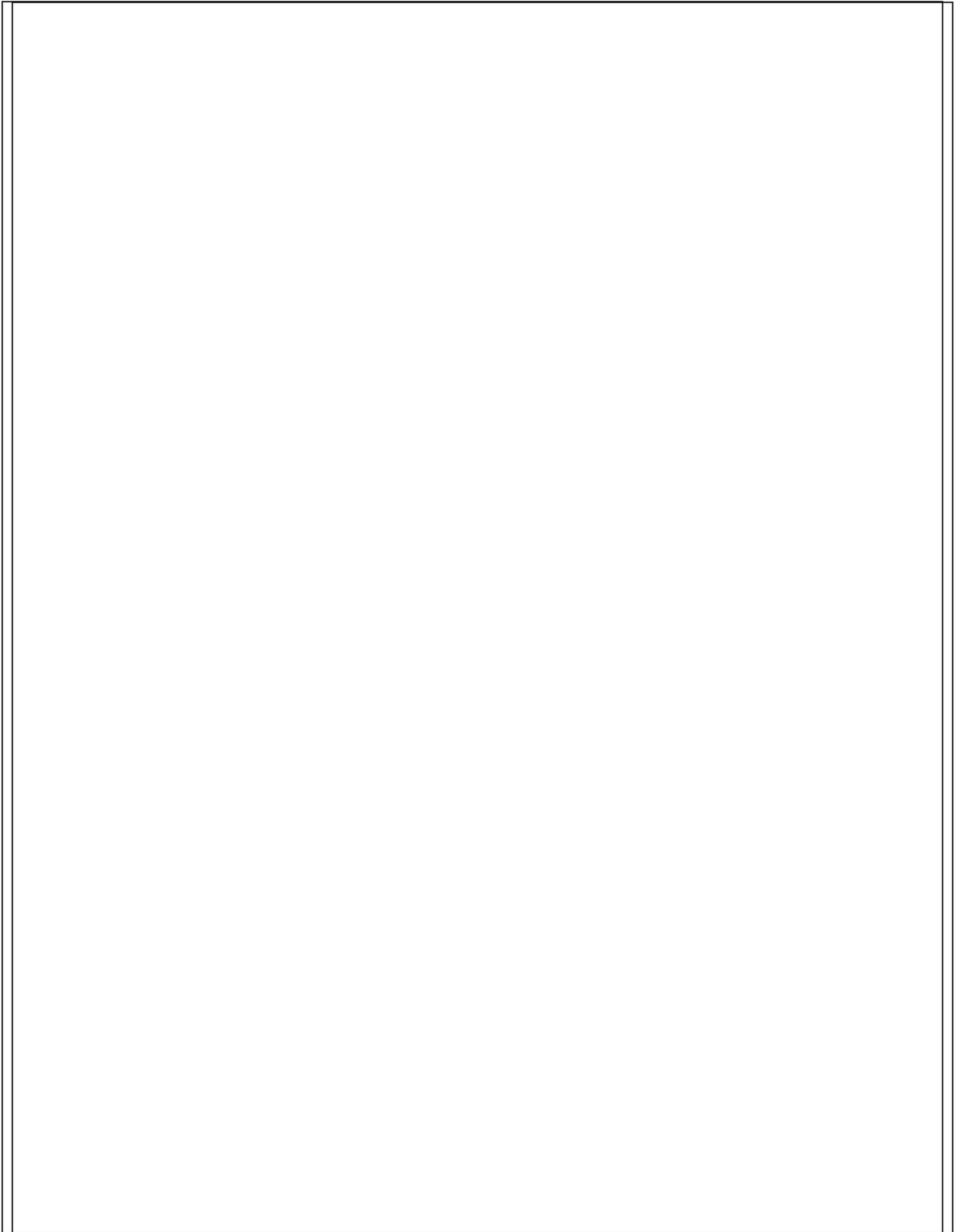
- 1.0 All staff responsible for selling age restricted products on the premises shall be trained to prevent under ages sale.
- 2.0 Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council 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.

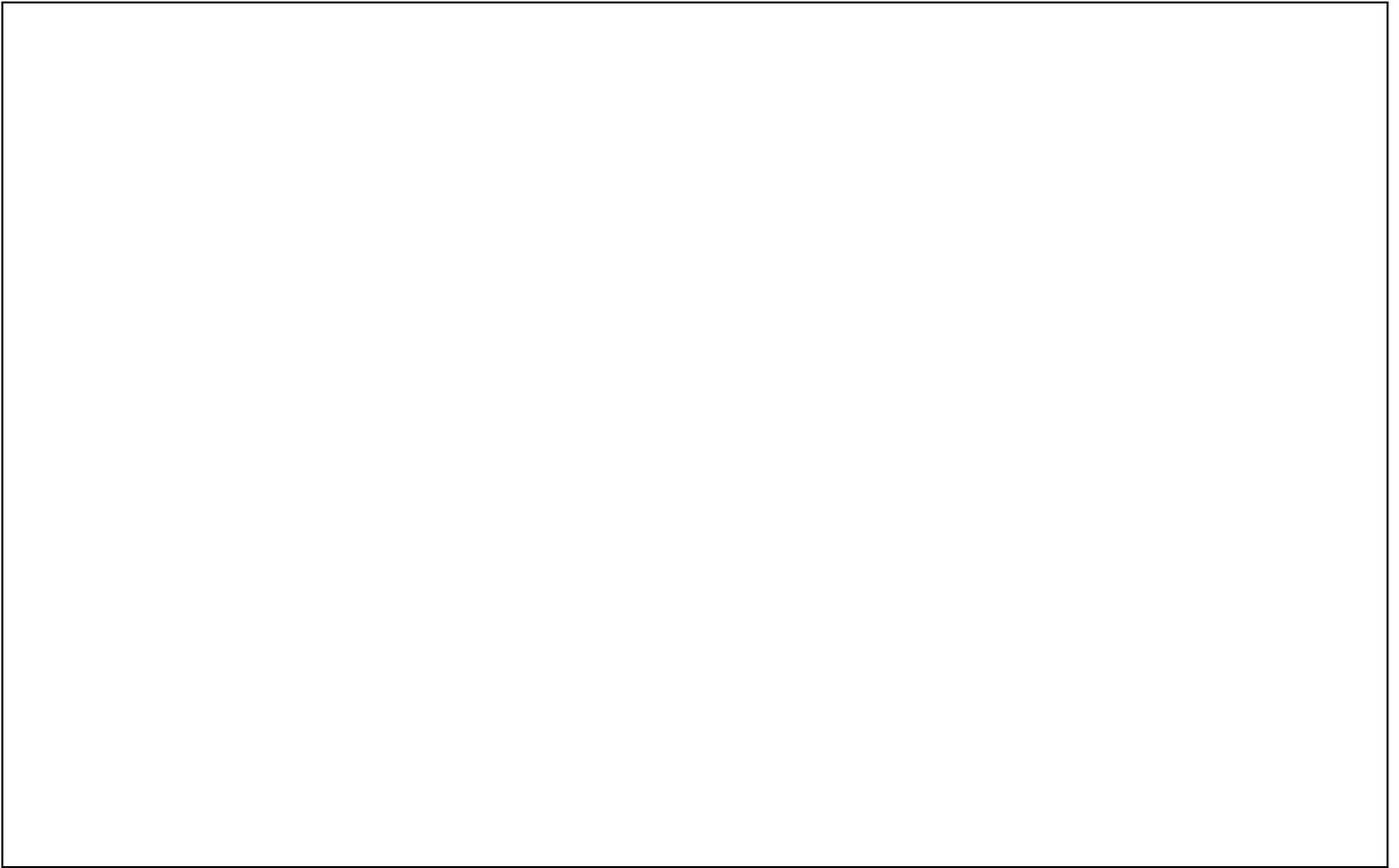
- 6.0 Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request. An ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
- 7.0 Where the Licensee becomes aware that any alcohol or tobacco may be not duty paid, they shall inform the Council of this immediately.
- 8.0 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.
- 9.0 Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter to make a sale.
10. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.
11. No medicines which require prescription or a pharmacist's approval for sale shall be stored on the premises.
12. The DPS shall regularly check stocks of electronic cigarettes to ensure they are legally compliant and keep written records of these checks which must be kept at the premises and produced to Authorised Council officers and Police on request.
13. 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.
14. 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.
15. The business shall apply to join the Councils Responsible Trader Scheme.

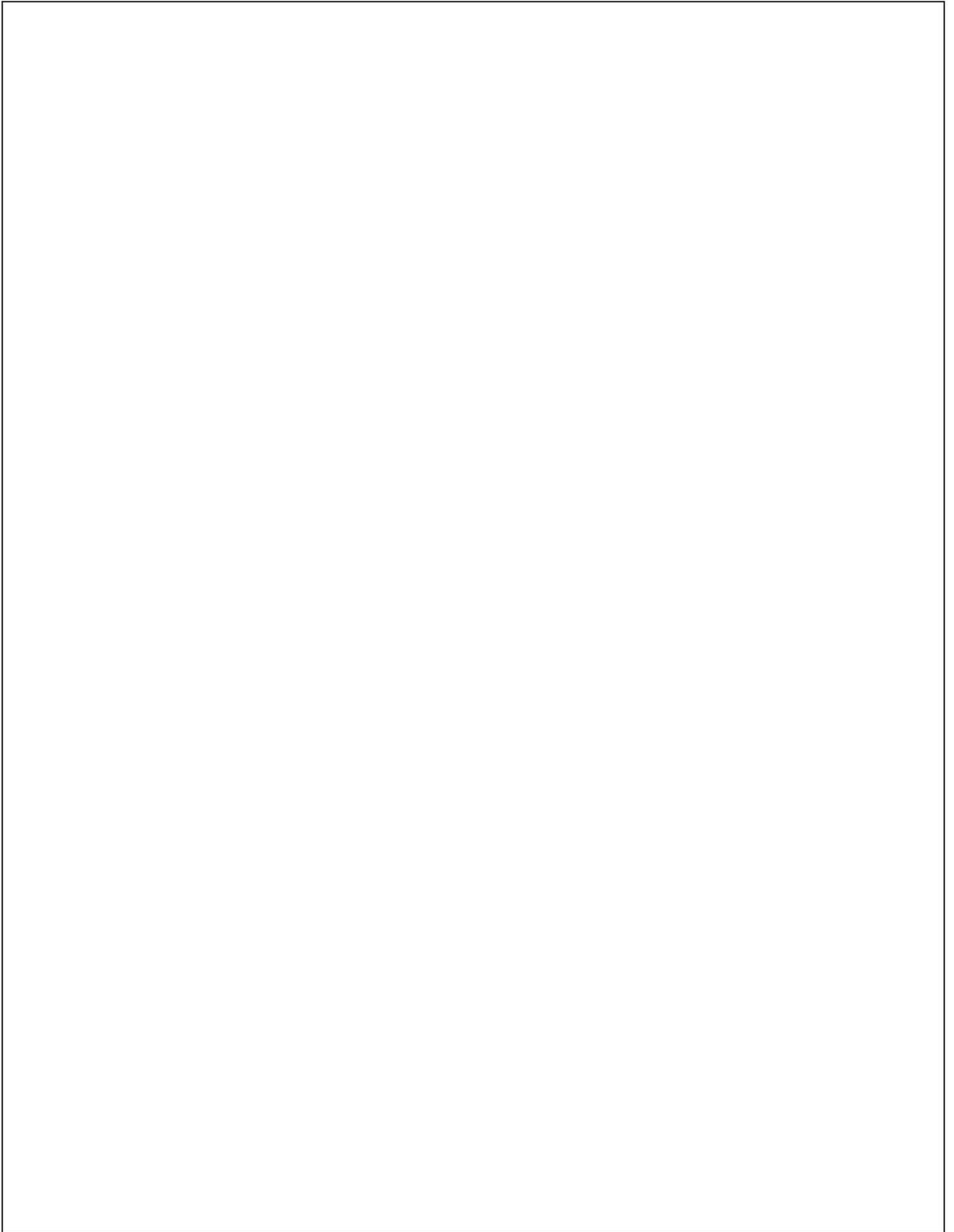
Please provide as much information as possible to support the application (please read guidance note 3)

Attached Documents

- Annex 1: Photographs of Seized Goods
- Annex 2: Receipt for Seized Goods
- Annex 3: Letter to Ali SEI
- Annex 4: Letter to Ali SEI
- Annex 5: Photographs of Cigarettes and Kamagra Gel
- Annex 6: Receipt for Seizure
- Annex 7: Companies House Records (Gordon Express Limited)







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

;

yes

Please tick ✓

- 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 31st January 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
Alexandra House
Wood Green
London

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 felicia.ekemezuma@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.