

[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

**Cambridge Off Licence
36 Great Cambridge Road
Tottenham
London
N17 7BU**

Post town London

**Post code (if known)
N17 7BU**

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

Mr. Ozer Duman

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

LN/000024326

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not 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)

from

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Murthy Balakrishnan L.B. Haringey Trading Standards Service 4 th Floor, Alexandra House 10 Station Road Wood Green N22 7TR
Telephone number (if any) 02
E-mail address (optional)

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 checked="" 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 objectives to prevent crime and disorder and the protection of children from harm.

The Premises under review is licenced in the name of Cambridge Off Licence 36 Great Cambridge Road, London N17 7BU. The licenced premises is a convenience store.

The review primarily relates to four inspections carried out by Trading Standards on 3rd of January 2024, 19th of March 2024, 22nd of April 2022 and 12th of October 2022

Specific Details of Actions:

The sale of illicit tobacco is a National Priority and as such London Local Authorities are participating in a project called Operation Ce Ce, which seeks to disrupt the sale of illicit tobacco within the UK. The project is currently being led by the London Trading Standards (LTS) a community interest company that shares information and coordinates campaigns with all 33 London Authorities.

On the 3rd of January 2024, a test purchase was carried out at this premises, by a third-party company - Red Snapper on behalf of London Trading Standards. An undercover person entered the business and asked for cheap cigarettes. A Turkish man behind the counter sold him a packet of 20 Marlboro cigarettes, which were taken from a bag behind the counter. This operation and subsequent sale were an intel gathering exercises.

On the 19th of the March 2024, based on the intelligence obtained on the 3rd of January 2024, Trading Standards officers, accompanied by tobacco detection dogs and their handler carry out an inspection of the premises. At the premises serving behind the counter was Ozer Dunman the designated premises supervisor.

On entry officers explained they wished to conduct an inspection of the premises with the assistance of tobacco dogs to ensure the tobacco on sale was legal to sell. Mr Ozer Dunman was asked if he had any foreign tobacco in the shop, he stated he did not. A Code B Notice was issued to Mr Ozer Duman see **(Annex 3)** which explained Trading Standards powers and his rights. Initially the tobacco dog and handler examined the shelves, there they discovered the following: -

1. 180 Parliament Night Blue cigarettes
2. 60 Marlborough Touch Blue cigarettes
3. 120 Business Royals cigarettes
4. 200 Marlborough Red cigarettes

Then the dog and handler searched the stock room, and, in a microwave, they found following cigarettes: -

1. 7 pouches Hand Rolling Tobacco
2. 400 Parliament Night Blue cigarettes
3. 200 Marlborough Touch Blue cigarettes
4. 200 Business Royals cigarettes

The total quantities seized were 1180 cigarettes and 7 pouch of hand rolling tobacco. The Duty Value of these products provided by HMRC was £520. See **Annex 4** for the receipt of the seized goods. See **Annex 5** for photographs of the seized tobacco.

The foreign tobacco products seized were not in UK Standardised packaging and many bore incorrect or foreign language health warnings and therefore were not legal to sell in the UK. Some of the cigarettes were brands which are not registered for sale within the UK.

This business has a history of non-compliance. On the 27th of April 2022 Haringey Trading Standards Officers carried out a proactive visit the business with the aim of checking for illegal tobacco and non-compliant E-cigarettes (Vapes). On entry, officers introduced themselves and showed their warrant cards to the owner Mr Ozer Dunman, who was working behind the counter. The officer found 100 foreign cigarettes concealed in a Chivas Regal Whisky Presentation box, which was situated on a shelf in the shop, adjacent to the sales counter. On this occasion, the Service did not take any further action but warned by a letter, that storing cigarettes of this type on premises for sale can result in prosecution or a Licence Review. Mr. Ozer Duman was strongly advised to remove these types of cigarettes from the Licenced premises. see **Annex 1 (Warning Letter)**

On the 12^h of October 2022, Haringey Trading Standards Officers carried out a further visit the business. This was a follow up inspection to see if this trader was compliant after the inspection carried out on the 27th of April 2022. The officer discovered and seized a quantity of disposable electronic cigarettes (VAPES) which were illegal in that they had tanks in excess of the permitted size of 2ml (650 puffs), did not carry a UK name and address of the producer and had incorrect health warnings. In addition, 40 foreign cigarettes were discovered. A letter was again sent to Mr. Ozer Duman, see **Annex 2 (Second Warning Letter)**.

A letter was sent to Ozer Duman the Designated Premises Supervisor and Premises Licence Holder on 16th April 2024 asking questions under caution in relation to the Investigation (This letter is attached as **Annex 6**). Trading Standards to this day have not received a reply from Ozer Duman.

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 is 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 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.

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.

Ownership and Persons Associated with the business.

Mr Ozer Duman is the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) of the premises.

Mr Ozer Duman was a company director of Cambridge Off Licence Limited which was registered at the licensed premises address. However, the company was dissolved on the 1st of February 2022 (see Companies House documents Annex 8). Mr Ozer Duman remains the PLH and DPS and is also the liable party for business rates (See annex 9 – confirmation of business rate payer).

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. This licensed premises is willing to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws. Furthermore:

- The sale by this retailer 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 age 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.

It should be noted the business was a member of the Councils Responsible Trader Scheme which they joined on the 17th of July 2017. Part of the requirements of the Scheme is a commitment not to sell illegal tobacco and to provide adequate documented training for staff involved in age restricted sales.

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 he 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 additional conditions below are also added to the Licence.

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. The Premises License 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.
7. The Premises License 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.

- 8. 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.
- 9. When the trader becomes aware that any alcohol or tobacco may not be duty paid, they shall inform the Council of this immediately.
- 10. 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.
- 11.
- 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. 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.
- 15. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days (about 1 month) and be able to capture clear video of people's 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.
- 16. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.
- 17. 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.

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

Attached Documents

- Annex 1 First warning letter to the DPS
- Annex 2: Second warning letter to the DPS
- Annex 3: Code B Notice
- Annex 4: Receipt for seized goods
- Annex 5: Photographs of seized Tobacco
- Annex 6: Invitation to PACE questions to answer

Annex 7: Current Premises Licence
Annex 8: Companies House Document

Please tick ✓/No

Have you made an application for review relating to the

premises before	
-----------------	--

If yes, please state the date of that application	
---	--

Day Month Year

□	□	□	□	□	□	□	□
---	---	---	---	---	---	---	---

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

Murthy Balakrishnan

.....
Date 24th of June 2024

.....
Capacity Senior Trading Standards Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Murthy Balakrishnan Senior Trading Standards Officer Environment and Resident Experience Alexander House Level 4 10 Station Road London	
Post town London	Post Code N22 7TR
Telephone number (if any) 07870 157822	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) murthy.balakrishnan@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.

