

4. REPORT

Background

A premises licence was originally granted to Escus Supermarket which received grandfathered rights to be brought in under the Licensing Act 2003. The licence was transferred to Mr Huseyin Gunes on 30th March 2007, and he rebranded the premises as Gunes Supermarket.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Saturday	0800 to 2300
Sunday	1000 to 2230
Good Friday	0800 to 2230
Christmas Day	1200 to 1500 & 1900 to 2230

The designated premises supervisor is: Huseyin Gunes

4.2.1 Details of the Application for Review and Supporting Documentation. Appendix 1

The application for the review has been made on the following grounds:

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

No representation made

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

No comments made.

7.0 POLICY CONSIDERATIONS

- 7.1 The following provisions of the Licensing Act 2003 apply to this application:
Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.25 – 11.31. These provisions are attached at Appendix 2.
- 8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; page 46 and 47 Crime and Disorder, these provisions are attached at Appendix 3.
- 8.2 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

**APPENDIX 1- REVIEW APPLICATION AND
SUPPORTING DOCUMENTATION**

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunnes

SUMMARY OF ACTIONS

DATE	DESCRIPTION	OFFICER	EVIDENCE
30 TH July 2008	Trading Standards officers visited Gunnes supermarket and seized 4 bottles of counterfeit Glen's Vodka and 12 Counterfeit Durex condoms	Georgria Forde	<ul style="list-style-type: none">• Code B notice• A receipt for the goods seized
25 th September 2008	A letter was written to Mr Huseyin Gunnes about the visit carried out on the 30 th July 2008 and advising him to buy his stock from reputable Cash and Carry and not from sellers going from shop to shop.	Georgria Forde	<ul style="list-style-type: none">• Letter sent to Mr Huseyin Gunnes• A disclaimer of property for the seized goods signed by Huseyin Gunnes

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunes

23 November 2011	Food Alert – Illicit “Drop Vodka” – The Food Standards authority issued a “Food alert regarding dangerous vodka	Technical Support team	Food Alert – Illicit “Drop Vodka
14 th November 2011	Trading Standards officers visited the premises and seized 2 bottles drop of Vodka. The HMRC seized 78 lts of still wine, 2.4 lts of Vodka, 52.1 lts of vodka 28.8 lts of Whisky and 9640 cigarettes	Michael Squire	Code B notice issued on the 14 th November 2011
	Photograph of the Drop Vodka that was seized at the premises		Photograph of the Drop Vodka
29 th November 2011	Certificate of Analysis from Public Analyst – The “Drop vodka was sent to the Public Analyst for analysis	Ajit Kansara	Certificate of Analysis from Public Analyst
17 th January 2012	Witness Statement for the officer	Philipp Andrew	Witness statement from

LONDON BOROUGH OF HARINGEY

V

Huseyin Gunes

	who sized non duty paid alcohol	Bush (NMRC)	HRMC
19 th January 2012	First letter of invitation letter for a PACE interview to Mr Huseyin Gunes	Tendy Lindsay	PACE interview letter
23 rd January 2012	Second letter of invitation for a PACE interview to Mr Huseyin Gunes.	Tendy Lindsay	PACE interview letter
31 January 2012	After a telephone conversation a PACE with Turkish interpreter was arranged, but once Mr Huseyin Gunes did not turn up		

[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 Karen Tillet

(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 Gunes Supermarket, 176 Park Lane, London,	
Post town London	Post code (if known) N17 OJN

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

Number of premises licence or club premises certificate (if known) LN00002067 and LN000003367

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 Trading Standards Technopark, Ashley Road, Tottenham, London, N17 9LN
Telephone number (if any) 020 8489 5885
E-mail address (optional) karen.tillett@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 checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>

Please state the ground(s) for review (please read guidance note 2)

This review is sought on the ground that Mr Huseyin Gunes has broken two of the 4 licensing objectives i.e. the prevention of crime and disorder and public safety

- Mr Huseyin is a persistent offender. He was advised by Trading Standards officers on the 30th June 2008 not to stock or sell counterfeit alcohol. He was also informed not to buy his stock from the white van seller but from reputable source.
- On 14th of November 2011 the HRMC and Trading Standards officers, visited the premises they once again non duty paid and counterfeit alcohol.

- Witness Statement from Her Majestic Revenue and Customs officers **Exhibit: MB/05**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 19th January 2012 **Exhibit: MB/06**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 31st January 2012 **Exhibit: MB/07**
- Code B notice, letter to Huseyin and voluntary surrender document - dated 30th July 2008 **Exhibit: MB/08**

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

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

No

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

[Handwritten Signature]

Date

27-7-2012

Capacity

Trading Standards Manager

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

**Karen Tillett
Trading Standards
Technopark, Ashley Road,
London,**

**Post town
Tottenham**

**Post Code
N17 9LN**

Telephone number (if any) 020 8356 5885

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

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.

License Review Summary
Section 51 of the Licensing Act 2003

The presenting officer: Karen Tillet Trading Standards manager

Premises: Gunes Supermarket, 176 Park Lane, London, N17 OJN

Name of premises licence holder or club holding club premises certificate: Huseyin Gunes

Number of premises licence or club premises certificate: LN000002067 and LN000003367

Grounds for License Review:

- Crime and disorder – Sale of unlawful alcohol (Counterfeit alcohol) and non duty paid alcohol and cigarettes
- Public Safety – Sale of unsafe alcohol (dangerous alcohol)

Background information:

On 30th July 2008, Trading Standards officers visited 176 Park Lane, London N17 OJN and out an inspection of the premises. During the inspection the officers sized the following counterfeit items from the premises:-

- 4 bottles of Glen's Vodka
- 15 packets (3 packs) of Durex Condoms

Mr Huseyin Gunes the owner of the business signed over the items to Trading Standards officer for destruction. Mr Huseyin was advice by the officers that it was an offence to stock and or sell counterfeit goods on his premises. He was also advised that he should purchase all his goods from a known resource. He also advised to obtain paperwork to backup his purchases.

On the 14th November 2011, Trading Standards officers visited Gunes Supermarket, 176 Park Lane, Hornsey, London, N17 OJN, with Her Majesty's Revenue and Customs. The officers carried out their inspections and seized the following:

- 78 litres of 12% strength still wine,
- 2.4 litres of 40% strength sprits (Vodka),
- 52.1 litres of 37.5% strength sprits (Vodka),
- 28.8 litres of 40% strength sprits (Whisky) and
- 9640 cigarettes

Mr Huseyin Gunes was unable produce any invoices or receipts to prove that duty was paid on the wines or of non duty paid bottles of alcohol and cigarettes from the above premises. The total revenue due on the sized goods was £2,808.34.

The Food Standards Agency (FSA) issued an alert which required Local Authority enforcement officers to withdraw 'Drop Vodka' from sale and arrange for its destruction from all retail premises.

In response to this alert the Trading Standards officers visited Gunes Supermarket on the 14th November 2011 and identified 2 bottles of 'Drop Vodka, which was on display for sale. Mr Huseyin handed over the bottles of Drop Vodka' and a signed surrender form to have the bottles destroyed to Trading Standards officer.

The officer dealing with this case invited the holder of Premises Licence, Mr Huseyin Gunes, to attend a Police and Criminal Evidence interview on the 19th January 2012. Mr Gunes failed to attend or notify that he would be attend the PACE interview. Another PACE interview, with a Turkish interpreter was arranged for the 31st January 2012. Once again Mr Gunes did not turn up for the PACE interview.

Supporting documents for the review:

- Scanned copy of the Voluntary Surrender Notices - dated 14th November 2012 **Exhibit: MB/01**
- Images of voluntary surrendered 'Drop Vodka' x 2 **Exhibit: MB/02**
- Certificate of analysis for the "Drop Vodka" from Public analyst **Exhibit: MB/03**
- Scanned copy of FSA Food Alert 'For Action' **Exhibit: MB/04**
- Witness Statement from Her Majestic Revenue and Customs officers **Exhibit: MB/05**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 19th January 2012 **Exhibit: MB/06**
- Letter sent to Mr Huseyin inviting him to a PACE interview for the 31st January 2012 **Exhibit: MB/07**
- Code B notice, letter to Huseyin and voluntary surrender document - dated 30th July 2008 **Exhibit: MB/08**

Recommendation:

It is clear from the history and evidences that Mr Huseyin is a persistent offender. He was advised by Trading Standards officers on number occasions have advised Mr Huseyin not to stock or sell counterfeit alcohol or goods. Mr Huseyin has total disregard to the law by not attending interviews arranged by Trading Standards officers. Mr Huseyin has infringed the conditions consistent with the Operating Schedule i.e. the Prevention of Crime and Disorder and Public Safety

It is therefore recommended that the alcohol licence be suspended for three months.

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

On 30th July 2008, Trading Standards officers visited Gunes Supermarket at 176 Park Lane, London N17 0JN sized the following counterfeit items from the premises:-

- 4 bottles of Glen's Vodka
- 15 packets (3 packs) of Durex Condoms

Mr Huseyin signed over the counterfeit goods to Trading Standards officers for destruction. Mr Huseyin was advised that it was an offence to stock and or sell counterfeit goods on his premises. He was also advised that he should only purchase all his goods from a known and reliable person. He also advised to have paperwork to back his purchases.

On the 14th November 2011, Trading Standards with Her Majesty's Revenue and Customs officers visited Gunes Supermarket, 176 Park Lane, Hornsey, London, N17 0JN, with Her Majesty's Revenue and Customs. HMRC and Trading Standards officers seized the following:

- 78 litres of 12% strength still wine,
- 2.4 litres of 40% strength spirits (Vodka),
- 52.1 litres of 37.5% strength spirits (Vodka),
- 28.8 litres of 40% strength spirits (Whisky) and
- 9640 cigarettes

Mr Huseyin Gunes was unable to produce any invoices or receipts to prove that duty was paid on the wines or duty paid on bottles of alcohol and cigarettes from the premises.

The HMRC valued the revenue due on the goods seized goods as £2,808.34

The Food Standards Agency (FSA) issued a food alert which required Local Authority enforcement officers to withdraw 'Drop Vodka' from sale from all retail premises and arrange for their destruction. In response to this alert the Trading Standards officers visited retail the premises found bottles of drop alcohol which were seized.

On the 14th November 2011 to the premises, Trading Standards officers identified 2 bottles of counterfeit Drop Vodka, which were on display for sale. Mr Huseyin handed over the bottles of Drop Vodka and a signed surrender form to have the bottles destroyed to Trading Standards officer.

Mr Huseyin was written twice, and invited to attend interview under the Police and Criminal Evidence code and practice. Mr Huseyin failed to turn up for the PACE interview on two occasions.

Please refer to supporting evidence:

- Scanned copy of the Voluntary Surrender Notices - dated 14th November 2012 **Exhibit: MB/01**
- Images of voluntarily surrendered 'Drop Vodka' x 2 **Exhibit: MB/02**
- Certificate of analysis for the "Drop Vodka" from Public analyst **Exhibit: MB/03**
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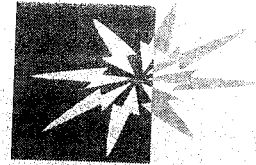
Please state the ground(s) for review (please read guidance note 2)

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- On 14th of November 2011 the HRMC and Trading Standards officers, visited the premises they once again non duty paid and counterfeit alcohol.

Trading Standards

Technopark, Ashley Road, Tottenham, London N17 9LN
Tel: 020 8489 5134 Fax: 0208 489 5554
www.haringey.gov.uk



Commercial Services Group Manager Keith Betts

Haringey Council

Name: HOSKOW SUGGS Date: 14/11/11

Address: SUNES SUPERMARKET

176 PARK WAY Post Code: W17 0SN

Trading as: SUNES SUPERMARKET

FOOD SAFETY ACT / TRADE MARKS Act(s)

The following items have been received/returned

In accordance with the provisions of the above named Act(s), the documents/goods listed below which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me:

Having been satisfied that the following property offends the requirement of the above named Act(s), I hereby assign the property listed below to the London Borough of Haringey for disposal and disclaim all rights to it. I also renounce now and for all time in the future, all claims, rights and ownership of those articles listed. In furtherance of this disclaimer, I also indemnify Haringey Council and all members of its staff, from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and client that may arise in connection therewith:

Signed [Signature] (delete section if not applicable)

I am the owner of the goods named below and submit them for testing by the London Borough of Haringey. I indemnify Haringey Council and all members of its staff, from all claims and demands that may be made in respect thereof including any damage to or the destruction of these goods during testing, and all proceedings, actions and costs as between solicitor and client that may arise in connection therewith:

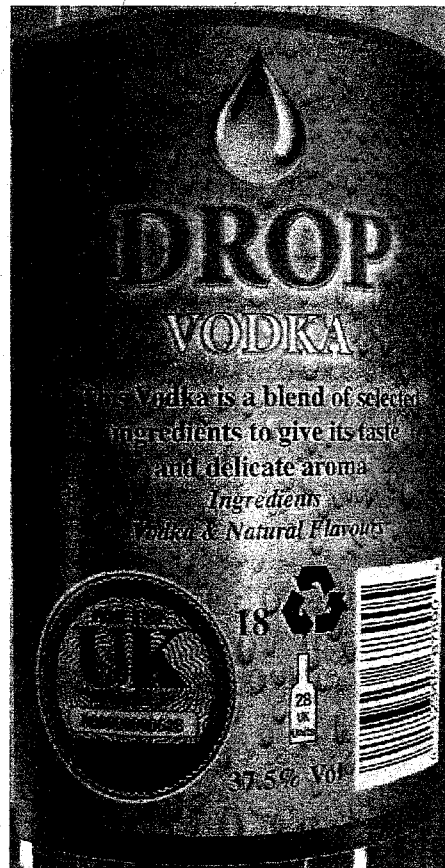
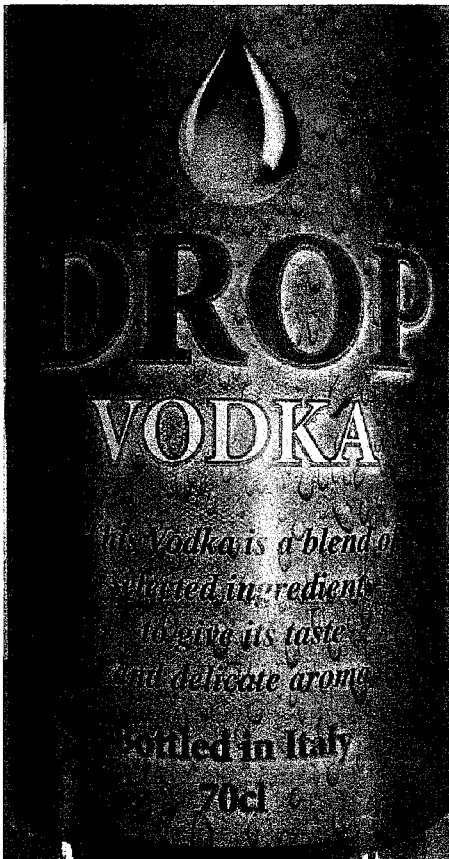
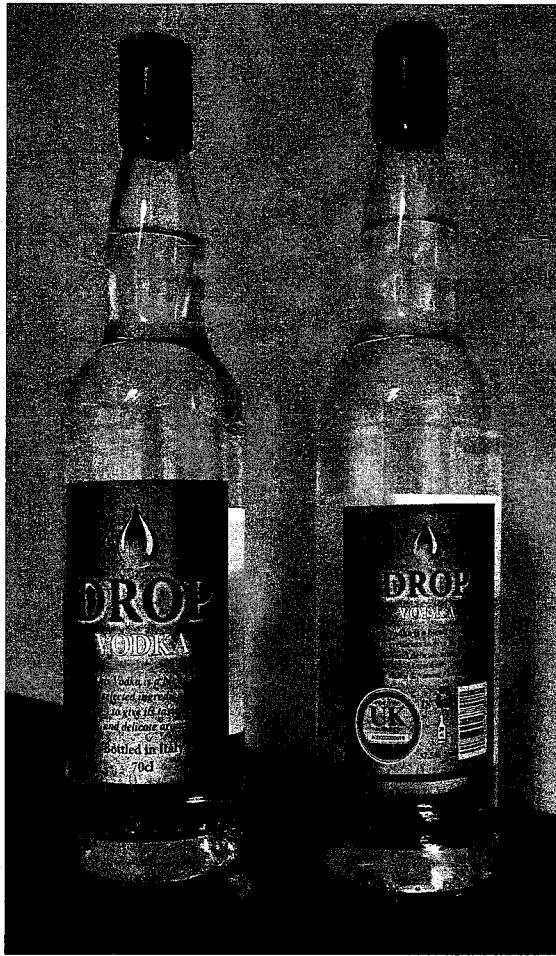
Signed..... (delete section if not applicable)

A015051 DRAP WASHES 70cl 1 Bottle
A015052 " " " 1 Bottle

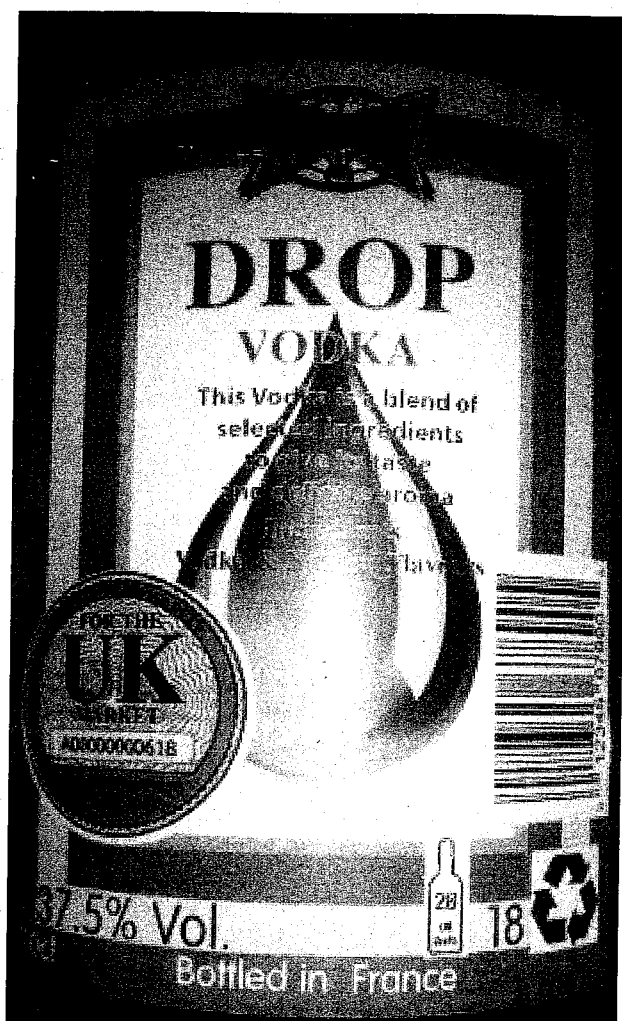
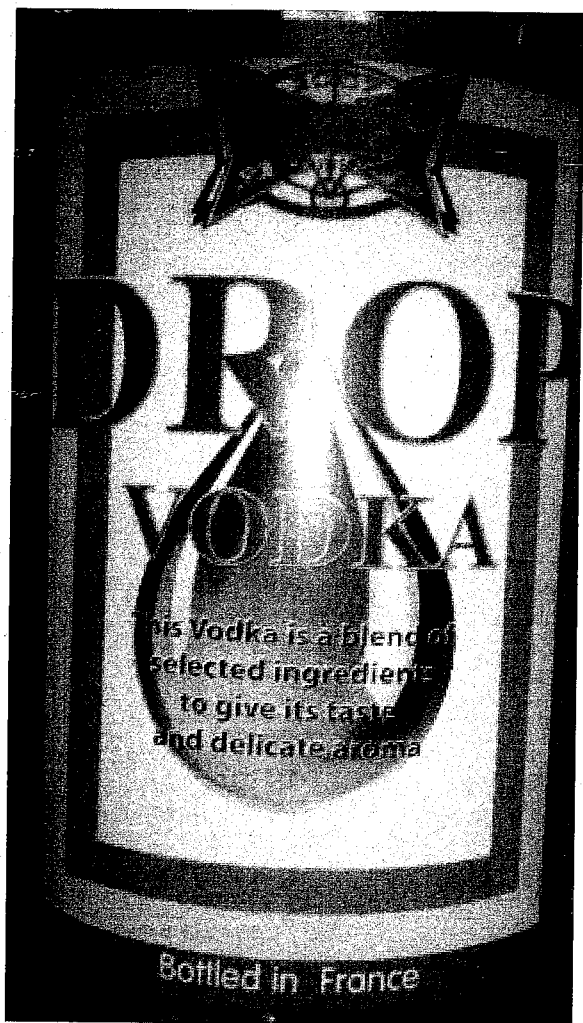
[Large Signature]

Authorised Officer:
(Signed) [Signature]
(Print Name) [Name]
(Designation) [Title]

Notice Received By:
(Signed) [Signature]
(Print Name) [Name]
(Status) [Title]



Labels stating "Bottled in France"



Certificate of Analysis or Examination carried out under the Food Safety (Sampling and Qualifications) Regulations 1990

To: Ajit Kansara

London Borough of Haringey
Commercial Environmental Health
Enforcement
Service, Units 271-272, Lee Valley
Technopark
Ashley Road, Tottenham
Order no: 4500032115
London
N17 9LN

Report No : AR-12-LF-000029-01

Sample No : 401-2011-06003264

Page : 1 of 2

I, the undersigned Public Analyst for London Borough of Haringey

certify that at 19:00 on the 2 December 2011

the sample marked:

Date sample Taken	Reference Number, Description, etc	Weight or Measure
29/11/2011	M3/ WK/206775 Bottle of Drop Vodka Sampling Date : 29/11/2011 Sampling at : Savacaius Food & Wine Business address: 84 High St, Hornsy, N8 7NU Sampling officer : Ajit Kansara Seal No: A0016629	

was received by me from you

I certify that the sample was analysed by me or under my direction and the results are as follows:

First analysis

Alcohol content	27.4	% vol
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Repeat analysis

Alcohol content	27.4	% vol
-----------------	------	-------

First analysis

1-Propanol	<4	mg/100 ml alcohol
Acetaldehyde	<4	mg/100 ml alcohol
Ethyl acetate	<4	mg/100 ml alcohol
iso-Butanol	<4	mg/100 ml alcohol
iso-Pentanol	<4	mg/100 ml alcohol
Iso-propanol	0.85	g/100 ml
Methanol	4.4	mg/100 ml alcohol

My opinion and observations are:

The level of alcohol is lower, to the extent of 10.1% ABV, than the minimum of 37.5% ABV required for a spirit drink described as vodka (REGULATION (EC) No 110/2008). The level of alcohol found would be equivalent to a mixture of approximately 3 parts vodka (37.5% ABV) and one part water.

Iso-propanol is normally present in spirit drinks only at trace levels but is used to denature alcohol for industrial purposes. The level found here indicates addition or contamination in my opinion. The toxicity of iso-propanol is comparable to other more common congeners found in spirit drinks. Only a low level of methanol was found. The iso-propanol content is equal to approximately 3 percent of the total alcohol content resulting in no more than a modest rise in the overall toxicity.

However, a spirit drink contaminated with this level of isopropanol is not considered fit for human consumption, in my opinion.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

**Certificate of Analysis or Examination carried out under the Food Safety
(Sampling and Qualifications) Regulations 1990**

To: Ajit Kansara

London Borough of Haringey
Commercial Environmental Health
Enforcement
Service, Units 271-272, Lee Valley
Technopark
Ashley Road, Tottenham
Order no: 4500032115
London
N17 9LN

Report No : AR-12-LF-000029-01

Sample No : 401-2011-06003264

Page : 2 of 2

Certified by me this 5 day of January 2012 at Acton

Signature

Status Public Analyst

Name in BLOCK LETTERS JEREMY WOOTTEN

Official address 28-32 Brunel Road
Westway Estate
Acton, London, W3 7XR
T +44 20 8222 6070
F +44 20 8222 6080

FOOD ALERT 'FOR ACTION'

**TO BE PASSED WITHOUT DELAY TO THE PRINCIPAL OFFICER FOR
FOOD SAFETY**

Ref: 03/2011

Date: 23 November 2011

**To: Heads of Environmental Health Services via Principal Officer (Food Safety)
and Directors of Trading Standards**

Please copy to all Local Authority Officers with a possible interest.

Illicit 'Drop Vodka'

Heads of Environmental Health Services and Directors of Trading Standards will wish to be aware that illicit Drop Vodka 70cl has been discovered on sale in the UK.

A number of contraventions have been identified with this product:-

- The product does not contain enough alcohol to be called vodka. The Spirit & Drinks Regulations 2008 state that vodka should be no less than 37.5% ABV. Samples of Drop Vodka taken by Local Authorities have detected levels of 28.6% ABV, which is well below the advertised ABV stated on the bottle.
- There are a number of labelling issues particularly the lack of manufacturer's details for traceability purposes.
- There is a food safety concern in that products sampled by Local Authorities have identified the presence of Propan-2-ol and other substances which can be potentially damaging to health.

To date, the illicit bottles of vodka have been found on sale in England and Wales, specifically in the towns of Scunthorpe, Norwich, Wakefield, Leeds, Salford, Wolverhampton, Nottingham, Milton Keynes, Potters Bar, Aldershot, Colchester and Cardiff.

The levels of Propan-2-ol detected in the Drop Vodka product render the product a health risk. This makes the product unsafe for consumption under Article 14 of Regulation (EC) No. 178/2002.

No Food Business Operator has been identified as the owner of the Drop Vodka brand, therefore distribution information is not available. Local Authorities have typically found products on sale in small independent retailers, corner shops, petrol stations etc. If further information on distribution becomes available, Local Authorities will be advised accordingly.

Identification of the illicit product:

To date, photographs of two different Drop Vodka labels have been received. One proclaims to be bottled in Italy, the other in France. Photographs are attached to this alert.

**Drop Vodka, 70cl
Bottled in Italy or France**

Main distinctive marks:

- The Duty stamp does not fluoresce under UV light.
- The duty reference on the illicit bottles A000000000618 belongs to Glen Catrine Bonded Warehouse Ltd. Drop Vodka is not a Glen Catrine product.
- The barcode 0123456789 is not a valid bar code.
- No spirit manufacturers lot number on bottle.
- No manufacturers name and address on the label.
- Front and rear labels are self-adhesive.
- Punt mark on bottles show bottle made by 'Ol glassware'.
- The general print quality of the labels is poor.

Action to be taken by local authorities

The product detailed above does not comply with the requirements specified in Article 14 of Regulation (EC) No. 178/2002 due to the lack of adequate labelling to facilitate the products' traceability and the presence of various substances which are not intended for human consumption.

Local Authorities are requested to identify and make contact with relevant retailers in their area to make them aware of this issue. If products are found during the course of their routine inspections, enforcement officers should ensure that they are withdrawn from sale and destroyed, if necessary using powers under the Food Safety Act 1990.

Local authorities should report any finding of Drop Vodka by sending a completed Intelligence Report Form to the FSA's dedicated food fraud mailbox, foodfraud@foodstandards.gsi.gov.uk. Intelligence Report Forms can be downloaded from the Agency's website at: <http://www.food.gov.uk/enforcement/laresource/foodfraud/lafoodfraud/foodfrauddatabase>

Messages relating to Drop Vodka have already been circulated via TS Interlink however Local Authorities may wish to consider the use of local publicity, where appropriate.

ENQUIRIES ABOUT THE CONTENT OF THIS FOOD ALERT FOR ACTION SHOULD BE MADE TO TEL: 020 7276 8448; FAX: 020 7276 8446

Food Standards Agency, Aviation House, 125 Kingsway, London WC2B 6NH

PLEASE NOTIFY US IMMEDIATELY OF CHANGES TO YOUR CONTACTS

END

Labels stating "Bottled in Italy"

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Philip Andrew Bush

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: H M Revenue & Customs

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 17/Jan/2012

I am an Officer of H M Revenue & Customs based in Jubilee House, Stratford, London, E15 1AT. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Paul Boeuf, Trading Standards Officer, London Borough of Haringey, to supply details of an inspection made by HM Revenue & Customs Officers, on 14th November 2011 at "Gunes Supermarket" of 176 Park Lane, London, N17 0JN for the purpose of supporting an action being taken by Trading Standards in London Borough of Haringey..

I have examined the report concerning the visit and can confirm that on 14th November 2011 Officers seized a total of 78 lts of 12% strength still wine, 2.4 lts of 40% strength spirits (Vodka), 52.1 lts of 37.5 % strength spirits (Vodka), 28.8 lts of 40% strength spirits (Whisky) and 9,640 cigarettes.

Officers were satisfied that due to the proprietors' inability to produce invoices or receipts to prove duty payment on the wine, no UK Duty Paid Stamps on the cigarettes and the Duty Paid Stamp on the spirits containing irregularities, that the United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £2,808.34

No notice of claim against forfeiture was received within the statutory time limit. Therefore the goods were condemned as forfeited in accordance with schedule 3 to the Customs & Excise Management Act 1979.

Date: 17/2012

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Trading Standards

Technopark, Ashley Road, Tottenham, London N17 9LN

Tel: 020 8489 5134 Fax: 0208 489 5554

www.haringey.gov.uk

Commercial Services Group Manager Keith Betts



Haringey Council

Gunes Supermarket
176 Park Lane
London N17 0JN

Your ref:

Date: 9th January 2012

Our ref: wk207839

Direct dial: 0208 489-5160

Email: Tendy.Lindsay@haringey.gov.uk

Dear Mr Huseyin Gunes

Food Safety Act 1990 (as amended)

Food Hygiene (England) Regulations 2006

Premises: Gunes Supermarket, 176Park Lane, London N17 0JN

This Authority recently conducted a programme of visits to licensed premises with HMRC officers to check the level of compliance. As part of this exercise a visit was made to your store Gunes Supermarket situated at 176 Park Lane, London, N17 0JN on the 14 November 2011. HMRC and Trading Standards officers seized alcohol and cigarettes from your premises. The alcohol seized by Trading Standards was drop vodka. This vodka does not comply with the above named legislation, as such, it is possible you may have committed offences under the above legislation.

In order to complete our enquiries this Service would like to formally interview you as the owner of the business in accordance with the Police and Criminal Evidence Act 1984. This interview would be tape recorded. You are advised that you may wish to seek legal advice before this interview or have a Solicitor present.

This meeting has been arranged for **Thursday 19th January 2011 at 14.30hrs. It will be held at Haringey Council Offices at Technopark Block 2 Ashley Road, Tottenham, London, N17 9LN.**

Please go to the reception with this letter and ask them to let me know that you have arrived. I will then come and meet you.

If you require an interpreter, please notify me as soon as possible telling me which language and dialect, and I will make arrangements for one to be present at the interview.

Should you not be able to attend please contact me as soon as possible to arrange a more suitable time.

I look forward to seeing you.

Yours sincerely


Ms T. Lindsay
Senior Trading Standards Officer



Food Safety Act 1990

1990 CHAPTER 16

PART II

MAIN PROVISIONS

Consumer protection

15 Falsely describing or presenting food.

- (1) Any person who gives with any food sold by him, or displays with any food offered or exposed by him for sale or in his possession for the purpose of sale, a label, whether or not attached to or printed on the wrapper or container, which—
- (a) falsely describes the food; or
 - (b) is likely to mislead as to the nature or substance or quality of the food,
- shall be guilty of an offence.
- (2) Any person who publishes, or is a party to the publication of, an advertisement (not being such a label given or displayed by him as mentioned in subsection (1) above) which—
- (a) falsely describes any food; or
 - (b) is likely to mislead as to the nature or substance or quality of any food,
- shall be guilty of an offence.
- (3) Any person who sells, or offers or exposes for sale, or has in his possession for the purpose of sale, any food the presentation of which is likely to mislead as to the nature or substance or quality of the food shall be guilty of an offence.
- (4) In proceedings for an offence under subsection (1) or (2) above, the fact that a label or advertisement in respect of which the offence is alleged to have been committed contained an accurate statement of the composition of the food shall not preclude the court from finding that the offence was committed.
- (5) In this section references to sale shall be construed as references to sale for human consumption.

Changes to legislation:

There are outstanding changes not yet made by the legislation.gov.uk editorial team to Food Safety Act 1990. Any changes that have already been made by the team appear in the content and are referenced with annotations.

Changes and effects yet to be applied to the whole Act, associated Parts and Chapters:

- Act modified by S.I. 2010/1214 art. 4 Sch.
- Act modified by S.I. 2010/1216 art. 4 Sch.
- Act modified by S.I. 2010/1217 art. 4 Sch.
- Blanket amendment text amended by S.I. 2011/1043 art. 3 6

Commencement Orders yet to be applied to the Food Safety Act 1990:

Commencement Orders bringing legislation that affects this Act into force:

- S.I. 2003/708 art. 2 commences (2001 c. 16)
- S.I. 2005/3175 art. 2 3 commences (2004 c. 33)
- S.I. 2007/3136 art. 2 commences (2007 c. 28)
- S.S.I. 2007/472 arts. 2 3 Sch. 1 2 commences (2005 asp 16)
- S.S.I. 2009/319 art. 2 Sch. 1 commences (2008 asp 5)

[Home](#) [About Us](#) [Browse Legislation](#) [New Legislation](#) [Changes to Legislation](#)

Title: Year: Number: Type:

The Food Hygiene (England) Regulations 2006

2006 No. 14 PART 3 Regulation 17

[Table of Contents](#)

[Content](#)

[Explanatory Memorandum](#) ?

[More Resources](#) ?

[Previous: Provision](#)

[Next: Provision](#)

Status: This is the original version (as it was originally made). UK Statutory Instruments are not carried in their revised form.

Offences and penalties

17.—(1) Subject to paragraph (4), any person who contravenes or fails to comply with any of the specified Community provisions shall be guilty of an offence.

(2) Subject to paragraph (3), a person guilty of an offence under these Regulations shall be liable —

- (a) on summary conviction to a fine not exceeding the statutory maximum; or
- (b) on conviction on indictment to imprisonment for a term not exceeding two years, to a fine or to both.

(3) A person guilty of an offence under regulation 15 shall be liable on summary conviction to a fine not exceeding the standard scale or to imprisonment for a term not exceeding three months or to both.

(4) A person shall be considered not to have contravened or failed to comply with Article 4(2) of Regulation 852/2004, paragraph 4 of Chapter IV of Annex II to that Regulation (bulk foodstuffs in liquid, granulate or powder form to be carried in receptacles and/or containers/tankers reserved for the transport of foodstuffs) provided the requirements of Schedule 3 are complied with.

[Previous: Provision](#)

[Next: Provision](#)

PREMISES LICENCE

Receipt: AG762843

Premises Licence Number: LN00002067,
LN000003367

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Technopark, Ashley Road,
Tottenham, London N17 9LN**

Signature:.....

Date: 24th November 2005,
30th May 2012

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**GUNES OFF LICENCE SUPERMARKET
176 PARK LANE
LONDON
N17 0JN**

Telephone: 020 8365 9029

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Supply of Alcohol

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Saturday 0800 to 2300

Sunday 1000 to 2230

Good Friday 0800 to 2230

Christmas Day 1200 to 1500 & 1900 to 2230

The opening hours of the premises:

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

Supply of alcohol for consumption **OFF** the premises only.

LICENSING ACT 2003

Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Mr Huseyin Gunes
Flat 28
Manston
Adams Road
London
N17 6HU

Registered number of holder, for example company number, charity number (where applicable):

N/A

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Mr Huseyin Gunes
Flat 28
Manston
Adams Road
London
N17 6HU

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

Personal Licence	LN00004686
Issued by	London Borough of Haringey
Expires	16 th November 2017

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Additional Mandatory Conditions in relation to Supply of Alcohol

- (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

PUBLIC SAFETY

THE PREVENTION OF PUBLIC NUISANCE

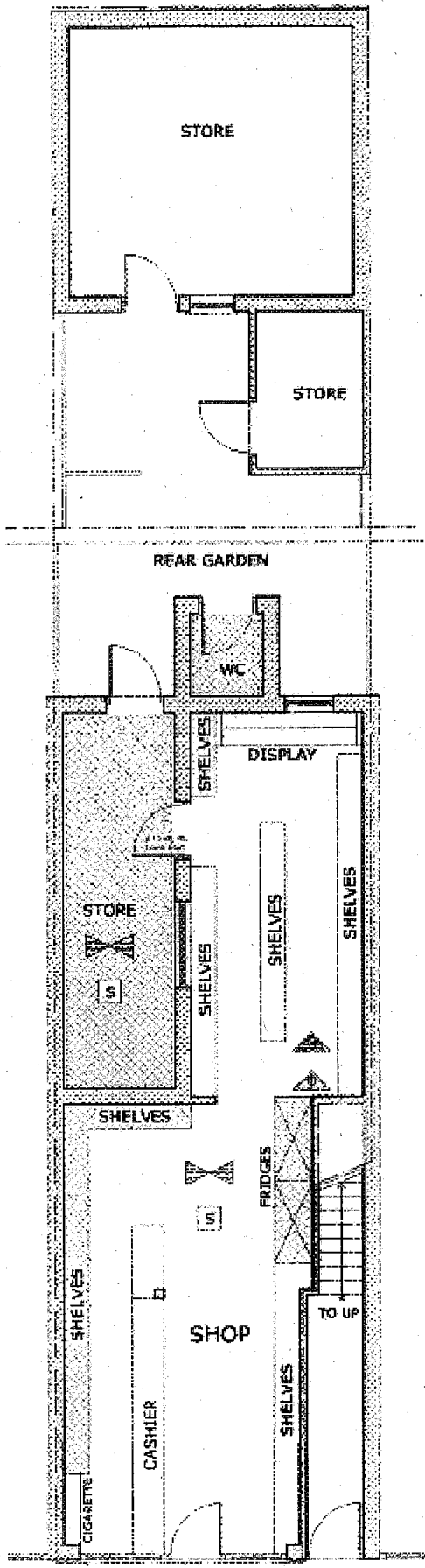
THE PROTECTION OF CHILDREN

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office









Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 - Plans



EXISTING GROUND FLOOR

LEGEND

-  LIQUOR SALE
-  WC, PASSAGEWAY, ETC
-  LIQUOR STORAGE
-  AMBIT OF LICENSED PREMISES
-  SAFETY LIGHTING
-  SMOKE DETECTOR
-  CARBON DIOXIDE FIRE EXTINGUISHER
-  9 LT. WATER FIRE EXTINGUISHER

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ECESU SUPERMARKET

176 PARK LANE

LONDON N17

EXISTING

-GROUND FLOOR PLAN-

SCALE: 1/100

REF. NO : 301.05/01

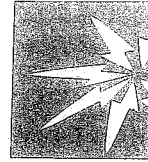
DATE: JULY. 05

DRG BY: A.AY

ANVA LTD.

P.O. BOX.1827
ILFORD. IG2 7WJ

TEL: 020 8599 5036 FAX:020 8586 4401
MOBILE:077 10942923 / 079 31393989



**NOTICE OF POWERS AND RIGHTS
ISSUED IN ACCORDANCE WITH PARAGRAPH 5.7 OF CODE B UNDER THE POLICE
AND CRIMINAL EVIDENCE ACT 1984**

Premises : Ginos Supermarket
Address : 176 Park Lane, Tottenham, London
N17 0TN
Name of Person Receiving Notice : Museyih Ginos

INSPECTION USING STATUTORY POWERS

Under the Acts of parliament listed below, an authorised officer may, at all reasonable times and on production of his/her credentials, if requested, enter any premises and inspect any goods, and, if so authorised, inspect any weighing or measuring equipment.

The inspection visit is being carried out using the statutory powers contained within the Acts indicated below. The powers may vary between each Act.

- | | |
|--|---|
| <input type="checkbox"/> Trade Descriptions Act 1968 - Section 28 | <input checked="" type="checkbox"/> Trade Marks Act 1994 - Section 93 |
| <input type="checkbox"/> Weights & Measures Act 1985 - Section 79 | <input type="checkbox"/> Hallmarking Act 1973 - Section 9 |
| <input type="checkbox"/> Consumer Protection Act 1987 - Section 29 | <input type="checkbox"/> Video Recordings Act 1984 - Section 16A |
| <input type="checkbox"/> Consumer Credit Act 1974 - Section 162 | <input type="checkbox"/> Fair Trading Act 1973 - Section 29 |
| <input type="checkbox"/> Prices Act 1974 - Schedule 1, Section 9 | <input type="checkbox"/> Food Safety Act 1990 - Section 32 |

The officer is also authorised under the other statutes listed on his/her warrant card.

If, during the inspection, the Officer has reason to suspect that an offence may have been committed, then (s)he may wish to exercise additional statutory powers. Some of these additional powers have been summarised, as far as practicable, on the reverse of this Notice, together with a summary of your rights.

OFFICER IN CHARGE OF INSPECTION: Mr C Forde
OTHER OFFICERS OR PERSONS PRESENT: Simon Cooper
DATE: 30/7/08 TIME: 2:25 am/pm

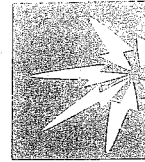
CONSENT TO USE EQUIPMENT

With your permission, I wish to make use of equipment held on the premises, namely a till scanner or other similar equipment, for the purposes of checking prices. You are not obliged to give consent and you must understand that any information produced may be used in any court proceedings.

I HEREBY CONSENT TO THE OFFICERS NAMES ABOVE USING THE EQUIPMENT HELD ON THESE PREMISES. I HAVE READ AND UNDERSTOOD THE WARNING ABOVE.

SIGNATURE :





Commercial Services Group Manager Keith Betts Haringey

Quynh's Supermarket
176 Park Lane
Tottenham
London N17 0JW

Your Ref :
Our Ref :
Contact : Mrs C. Forde
Ext. : 0208 489 5159
Date : 30/7/08

Trade Mark

Act 1994

Act

In accordance with the provisions of Section.....of the above-mentioned Act(s), the under-mentioned documents/goods which may be required as evidence in proceedings for an offence under the Act(s) have been seized and detained by me:

- 4 Bottles of Glen's Vodka - Tag A008667
- 9 x 3 pack of Durex Featherlite (Lot No A0708BA) Tag A008189
- 4 x 3 pack Durex Ribbed (Lot No 20905271) Tag A008198
- 1 x 1 pack Durex Featherlite (Lot No A0708BA) Tag A008187
- 1 x 3 pack Durex Ribbed (Lot No 20905271) Tag A008160

Authorised Officer:

(Signed)

[Signature]
Georgie Forde
Snr Enforcement
Officer

Notice Received By:

(Signed)

[Signature]

(Print Name)

(Print Name)

MUSEO

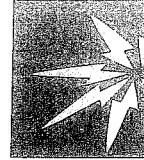
(Designation)

(Status)

OWNER



Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN
Tel: 020 8489 5134 Fax: 020 8489 5554
www.haringey.gov.uk



Commercial Services Group Manager Keith Betts

Haringey Council

Your Ref :
Our Ref : GF/88640
Contact : Mrs G Forde
Direct line : 0208 489 5159
E-mail : georgia.forde@haringey.gov.uk
Date : 25 September 2008

Gunes Supermarket
176 Park Lane
Tottenham
London
N17 0JN

F.A.O: Mr Huseyin Gunes
Proprietor

Dear Mr Gunes

Gunes Supermarket, 176 Park Lane, Tottenham, London, N17 0JN.
Counterfeit Glen's Vodka and Durex Condoms
TRADE MARKS ACT 1994

A medical alert has been issued by the Medicines and Healthcare products Regulatory Agency concerning counterfeit Durex Condoms that have been placed on the UK market.

The MHRA have said "There is no assurance that counterfeit condoms have been manufactured to appropriate standards. Possible consequences could include inadequate protection against sexually transmitted infections or pregnancy."

In addition to this, there has been a quantity of counterfeit Glen's Vodka found in Haringey.

It's an offence under the Trade Marks Act 1994 to possess for sale or to sell counterfeit goods.

On 30 July 2008 I came to your shop to look at your stock of Durex condoms and found fifteen packets (3 packs) of counterfeit condoms and four 70cl counterfeit bottles of Glen's Vodka.

Director Niall Bolger
Assistant Director (Enforcement) Robin Payne



2005-2006
Council of London



ASSOCIATION OF LONDON COUNCILS

You signed over the counterfeit items to Trading Standards to be destroyed, to which I left a seizure notice. Please find enclosed a disclaimer of property form for you to sign and return to me in the stamped address envelope.

From talking to shopkeepers and to Trading Standards in other parts of London it seems that these counterfeit goods have been supplied by sellers in white vans and sellers walking shop to shop.

These sellers have not been giving shopkeepers any invoices or indeed any paperwork with the seller's correct names and addresses. When illegal goods are sold to the public the shopkeepers concerned can be prosecuted. In many cases the people who supplied the shops can be prosecuted as well, but only if their identity is known. If the suppliers cannot be traced, the shopkeepers usually have to take full responsibility.

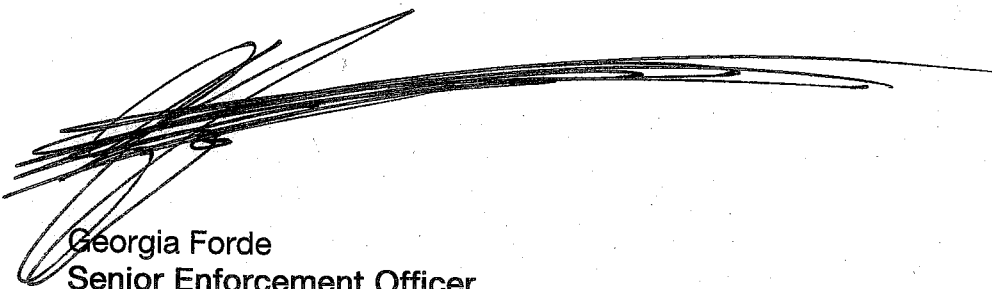
In this present case there will be no further action taken against you for having these counterfeit goods but I would like to stress that if counterfeit items are found in your shop in the future then you could be liable to prosecution.

You must be very careful where you buy your stock. It is very unlikely that reputable cash and carry outlets would sell counterfeit goods. On the other hand, can you be sure that sellers going from shop to shop are selling genuine items even if they give itemised invoices with a genuine address?

You should be particularly careful when buying items which need to be safe. This would include condoms, electrical items, toys, batteries, alcohol, cigarettes and cigarette lighters.

If you wish to discuss this further please contact me.

Yours sincerely,



Georgia Forde
Senior Enforcement Officer

Encl.

c.c. 207 Haselbury Road, Edmonton, London N9 9TT.

Director Niall Bolger
Assistant Director (Enforcement) Robin Payne

Original **KEEP ON FILE**

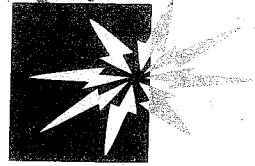


Haringey Council

Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN

Tel: 020 8489 5134 Fax: 020 8489 5554

www.haringey.gov.uk



Trading Standards

Commercial Services Group Manager Keith Betts

Haringey Council

22 OCT 2008

Your Ref :
Our Ref : GF/88640
Contact : Mrs G Forde
Ext. : 0208 489 5159
Date : 25 September 2008

Trading Standards
Technopark, Ashley Road,
Tottenham, London N17 9LN

DISCLAIMER OF PROPERTY

I, HUSEYIN GUNES

trading as: GUNES SUPERMARKET

at: 176 PARK LANE, TOTTENHAM, LONDON N17 0JN

having been satisfied that the following property offends the requirement of the Trade Marks Act 1994

hereby assign the property listed below to the Trading Standards Service for disposal and disclaim all rights to it.

I also renounce now and for all time in the future, all claims, rights and ownership of those articles listed.

In furtherance of this disclaimer, I also indemnify Haringey Council and all members of its staff, from all claims and demands that may be made in respect thereof, and all proceedings, actions and costs as between solicitor and client that may arise in connection therewith.

DETAILS OF PROPERTY (DESCRIPTION AND NUMBER OF ITEMS)

4 x 70cl bottles of Glen's Vodka - tag number A008667. *[Handwritten signature]*

15 packets (3 packs) Durex Condoms - tag numbers A008189, A008178, A008187 & A008160. *[Handwritten signature]*

Name: *Huseyin Gunes*

Signature: *[Handwritten signature]*

Date: *12.10.2008*

Witness: *GEORGIA FORDE* of the London Borough of Haringey

Director: Niall Bolger

Mrs G. Forde



22/10/08



APPENDIX 2- SECTION 182 GUIDANCE

- 11.22 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.23 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

REVIEWS ARISING IN CONNECTION WITH CRIME

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

- for unlawful gambling; and
- for the sale of smuggled tobacco and alcohol.

11.30 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. We would also encourage liaison with the local Community Safety Partnership.

11.31 As noted below (Chapter 13, paragraph 13.59), it is unlawful to discriminate or to refuse service on grounds of race, disability, gender reassignment, pregnancy and maternity, religion and belief, sex and sexual orientation or by displaying discriminatory signs on the premises. Representations made about such activity from responsible authorities or other persons would be relevant to the promotion of the crime prevention objective and justifiably give rise to a review.

REVIEW OF A PREMISES LICENCE FOLLOWING CLOSURE ORDER

11.32 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:

- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review - the determination must be made before the expiry of the 28th day after the day on which the notice is received;
- the hearing must be held within 10 working days, the first of which is the day after the day the notice from the magistrates' court is received;
- notice of the hearing must be given no later than 5 working days before the first hearing day (there must be five clear working days between the giving of the notice and the start of the hearing).

REVIEW OF A PREMISES LICENCE FOLLOWING PERSISTENT SALES OF ALCOHOL TO CHILDREN

11.33 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

APPENDIX 3- THE PROVENTION OF CRIME AND DISORDER POLICY STATEMENT

Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

1. The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol (supplied for consumption on the premises) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- X • Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

2. Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises: