

Report for: Licensing Sub Committee- 14th Januray 2016
Item number:
Title: Expedited Review – To determine the application for the Summary Review- DG Gunaydin – 596 High Road Tottenham London N17 .
Report authorised by : Daliah Barrett-Licensing Team Leader
Lead Officer: Daliah Barrett – Licensing Team Leader -Regulatory Services. 0208489 8232. Daliah.barrett@haringey.gov.uk
Ward(s) affected: 'TH'
Report for Key/
Non Key Decision: Not applicable

1. Describe the issue under consideration

1.1 This report relates to an application for an expediated review brought by the Police against the above named premises for storage and selling of large quantities of non duty paid alcohol and tobacco on licensed premises, as well as counterfeit tobacco.

1.2 The purpose of this report is for the Sub-Committee to consider what steps it wishes to take in determining the outcome of the application. The premises licence is currently suspended following the interim steps imposed by the LSC on 17th December 2015. The Decision Notice is attached at Appendix 3.

1.3 The application is made on 16th December 2015 by Superintendent Dellar on behalf of the Chief Officer Of Police for the Metropolitan Police area for a summary review of the premises licence For DG Gunaydin – 596 High Road Tottenham London N17 .

2 The Grounds for Review

On December 9th 2015 there was a licensing inspection visit to the premises which resulted in the discovery of serious crime being conducted at the premises which met the criteria for under Section 53A of the Licensing Act 2003 (premises associated with serious crime or disorder) to instigate a Summary Review.

3 Serious Crime

A copy of the certificate and summary review application is attached to this report as Appendices 1 and 2 along with supporting witness statements from the Tactical Enforcement Officers. A copy of the current licence can be found at Appendix 2A.

a) Mr Marinov was granted a licence in 2010 he is the PLH and DPS named on the licence. This means that he has undergone training to become a Personal Licence holder that included awareness being given around counterfeit goods And non duty paid goods. The course also covers the various offences that would prohibit an individuall from being granted a Personal licence, these include, accepting smuggled goods, evasion of duty paid taxes to name a few.

b) Mr Marinov was present on site at the visit on 9th December officers from the Council and Police visited the premises following a complaint received through Crimestoppers alleging sales of illicit goods at the store. Officers uncovered a variety of goods that should not have been made available for sale at the premises ranging from illicit tobacco, Non duty paid cigarettes and tobacco, non duty paid alcohol, prescription only medication that should only be available through a pharmacy and skin lightening creams that are not permitted to be sold in the UK. A quantity of money was also found in various places around the store.

c) Mr Marinov and his wife and nephew were arrested and taken to Leytonstone Police station for questioning, but later released. The Police have kept the seized money and been granted permission by the Court to withhold the money for a further 3 months pending the investigation.

d) A further visit to the store a week later with HMRC found further (smaller quantity) of non duty paid cigarettes in plastic boxes behind crisp packets. The alcohol in the basement of the shop was also seized by HMRC. Due to the scale of the goods seized HMRC are now leading on this matter and will be taking forward a prosecution against the licence holder. Haringey will be dealing with trademark issues around the counterfeit goods seized.

e) Mr Marinov does not speak English very well but we have used interpreters to convey the information to him when the review papers were served on him on 16th December 2015 and taken the time to go through the paperwork with his nephew in his presence to explain the process, he was also encouraged to seek his own legal advice on the situation. A follow up visit was carried out on 18th December 2015 when the licence was suspended and time taken go through what had happened and what steps he was now required to observe. A further visit was undertaken on 29th December 2015 to deliver the details of the hearing with a Turkish translator present and Mr Marinov's nephew also. The process was explained again and what the procedure would be at the hearing. Mr Marinov asked for assistance in explaining a letter he received from the Police in Relation to the money seized. We were able to read and explain to him that the letter was notifying him of the money being withheld for a further 3 months by a court order.

I also explained that he could contest this by filling in the form provided in the documents and showing proof of where this money had come from.

I also explained that there was the potential for court action from HMRC due to the non duty paid items he was stocking and selling from the store. Mr Marinov said he was not aware he could not sell non duty paid goods. He also advised that he had been away from the premises for 40 days and that was why the money had been stored on the premises. This admission raises concerns about who was therefore authorising the sale of alcohol during the DPSs' absence.

Procedure:

- 4 On receipt of such an application the licensing authority, has to determine if it is appropriate to impose Interim Steps pending the full review of the licence. Whenever reasonably practical a meeting of the licensing sub-committee will be convened to determine the imposition of Interim steps in the case of expedited reviews. The option of members of the committee communicating by telephone will be employed where a meeting is not reasonably practical and has been used in this instance.

The interim steps that the licensing authority can consider taking are:

- The modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail from the scope of the licence;
- The removal of the designated premises supervisor from the licence; and
- The suspension of the licence.

In reaching this decision, members must have regard to the following:

- The application form for a summary Licence Review;
- The certificate issued by the police that accompanied the application;
- Any representations by the police; and
- Any representations made by the holder of the premises licence.

The Licensing Sub-Committee decided to take the interim step of suspending the Premises licence with immediate effect for the reasons given in the Decision Notice attached at Appendix 3.

The licensing authority must arrange a hearing to determine the application for a full review of the premises licence within 28 days commencing the day following the day on which the application was received.

5. In accordance with the requirements of section 53A of the Act and regulation 39A, Licensing Act (Premises licences and club premises certificates) Regulations 2005, a public notice was displayed by the Licensing Authority at or near the premises and at the Civic Centre, and a copy placed on the Council's website for a period of no less than seven consecutive days commencing 16th December 2015.
6. During the 10 working days public consultation period, responsible authorities or other persons may make representations in connection with the application for review under any of the four licensing objectives namely:-
 - Prevention of crime and disorder
 - Prevention of public nuisance
 - Public safety
 - Protection of children from harm
7. Before determining the application for full review of the premises licence, the Licensing Authority must hold a hearing to consider the application and any representations received. Providing that the representations are relevant to the promotion of the licensing objectives and in the case of those made by other persons are not frivolous or vexatious. Representations have been made by Tactical Enforcement Officers who took part in the Tailgate Operation that uncovered the issues at the premises. Representations have also been received from Trading Standards and Public Health as responsible Authorities under the legislation and they appear in the appendices as follows

Documents:

Appendix 4) Supporting documents from Tactical Enforcement Officers (officers called as witnesses by the Police).

Appendix 5) Representations have been received from Trading Standards -RA

Appendix 6) Representations from Public Health -RA

8. In reaching its decision, members must have regard to the following:
 - The application form for a summary Licence Review;
 - The certificate issued by the police that accompanied the application;

- Any representations received; and
- Any representations made by the holder of the premises licence.

10 The steps the licensing authority may now take for this review are –

- To modify the conditions attached to the premises licence. (A condition is modified if it is altered or omitted or any new condition is added)
- To exclude a licensable activity from the premises licence.
- To remove the Designated Premises Supervisor.
- To suspend the premises licence for a period not exceeding three months.
- To revoke the premises licence.

The Metropolitan Police are asking for the licence to be revoked.

11 Should the Sub-Committee decide to take either steps a) or b) above, the modification or exclusion can either be on a permanent basis or for a specified period (not exceeding three months).

Members are advised that the interim steps taken on 17th December 2015 will cease to have effect on determination of the application for summary review (subject to the right of appeal provided by section 53C (11) of the Licensing Act 2003), except where those steps, or any part of them, form part of the decision made by the Sub-Committee at the hearing.

12. Conclusions

Without prejudice, the Officer would like to draw to Members attention issues that they may wish to consider.

The decision is to be made with regard to the Licensing Act 2003, Secretary of State's Amended Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from the Policy or Guidance the departure must be directed solely at the attainment of the prevention of public nuisance objective and such departure must be supported by clear and cogent reasons.

13. Other considerations

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 matter for the courts. 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.

Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 go beyond any findings by the courts, which should be treated as a matter of undisputed evidence before them.

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 interest of the wider community and not those of the individual licence holder.

13.1 Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that is reasonably can to prevent crime and disorder in its area".

14 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

15 Use of Appendices

- Appendix 1- Certificate of Summary
- Appendix 2 – Copy of Application for review
- Appendix 2a- Copy of current licence
- Appendix 3- Copy of Decision Notice
- Appendix 4- Supporting documentation from Tactical Enforcement
- Appendix 5- Supporting representation from Trading Standards
- Appendix 6- Supporting representation from Public Health.



Appendix 1- Certificate of Summary



PROTECTIVE MARKING



METROPOLITAN
POLICE

TOTAL POLICING

Form 693A

Certificate under Section 53A(1)(b) of the Licensing Act 2003

Metropolitan Police Service | New Scotland | Yard 8-10 Broadway | London | SW1H 0BG

**I hereby certify that in my opinion the premises described below are associated with:
serious crime**

Premises (include business name and address and any other relevant identifying details):

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

BG GUNAYDIN, 596 HIGH ROAD

Post town: TOTTENHAM, LONDON

Post code: N17 9TA
(if known)

Premises licence number (if known):

LN/000011295

Name of premises supervisor (if known):

Mr Georgi MARINOV

PROTECTIVE MARKING

I am a Superintendent* in the Metropolitan Police Service.

*Insert rank of officer giving the certificate, which must be superintendent or above.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case because:

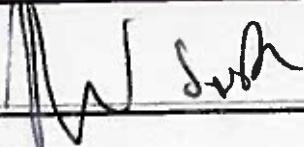
(Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned)

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act 2003 are inappropriate and will be ineffectual in addressing the breach of conditions I have been made aware of. My rationale for requesting this expedited review is based on a request for Police assistance on the 9th December 2015 by officers from Haringey Council. They were acting on their own intelligence and required Police assistance to prevent any disorder at the locations. Having attended the above location, BG GUNAYDIN at 596 High Road N17 officers were aparty to the discovery of a substantial quantity of what is strongly believed to be couterfeit Cigarettes and alcohol. The items were found concealed about the premises and not clearly offered for sale indicating guilty knowledge of their illegallity.

Further searches of the premises have also located quantitles of prescription medication priced for sale under the counter and a substantial quantity of cash under a false floor at the location and it is believed to be £23,760. Again a strange thing to do if the cash had been legitimately earned. The current license holder has been in place since the 3rd July 2013 and the quantitles recovered by the council suggest a long term avoidance of paying appropriate duties on these imports and the substitution of some of the stock for those of a less quality. Also a substantial financial benefit from the the illegal sale of prescription drugs all of which have been facilitated by the use of the license.

Signature

Signature:



Date:

15th December 2015

Appendix 2 – Copy of Application for review





Form for Applying for a Summary Licence Review
Application for the review of a premises licence under section 53A of the Licensing Act 2003
 (premises associated with serious crime, serious disorder or both)

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 the 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.

Insert name and address of relevant licensing authority and its reference number:

Name: Haringey Council Licensing,

Address:

Units 271-272 Lea Valley Technopark, Ashley Road,

Post town: Tottenham, London

Post code: N17 9JN

Ref. No.:

I Matthew Arkle

on behalf of the chief officer of police for the Metropolitan Police area apply for the review of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details

Postal address of premises or club premises, or if none, ordnance survey map reference or description:

BG GUNAYDIN Mini Market, 596 High Road

Post town: Tottenham, London

Post code: N17 9TA
(if known)

2. Premises licence details

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

Mr Georgi MARINOV

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

LN/000011295

3. Certificate under section 53A(1)(b) of the Licensing Act 2003 (Please read guidance note 1)

I confirm that a certificate has been given by a senior member of the police force for the police area above that in his opinion the above premises are associated with serious crime or serious disorder or both, and the certificate accompanies this application.

Please tick the box to confirm:



PROTECTIVE MARKING

4. Details of association of the above premises with serious crime, serious disorder or both (Please read guidance note 2)

I am requesting an expedited review of the premises license for the above location due to what is believed to be a flagrant disregard of the licensing objectives for the areas of

1. Prevention of crime and disorder.
2. Public safety by the DPS and his staff.

The discovery by Council officers and with Police support unit assistance has uncovered the sale of counterfeit alcohol, tobacco and tobacco related products. It is also believed that the proceeds of such sales have been stored below the counter under a constructed false floor to avoid awkward explanations as to its presence. It is appreciated that the matter is still being investigated but at this time there is little evidence that the actions are a mistake or are not the result of a deliberate act or omission by the DPS and his staff. The illicit materials were secreted behind current stock and in empty crisp boxes and in the cellar beneath a concealed hatch.

Also there was a quantity of prescription medication being held in a cabinet below the counter of which there were prices placed on them indicating that they were for sale. All of the concealed items suggest guilty knowledge or else they would be legitimately displayed for sale.

The gravity of the proposed offences is such that upon conviction, even for a first time adult offender, a custodial sentence greater than 3 years would be attracted. The gravity of the offences are such that no remedial actions would be appropriate or actionable. The ability to sell intoxicating liquor has been used as a front to enable the sale of these counterfeit goods, thereby avoiding the appropriate claiming of duties for such, for and on behalf of her majesty's government.

Also, such counterfeit goods are made with substandard materials and even in some cases potentially life threatening chemicals in conditions which are unsanitary and without proper regulation. Therefore the review should also be mindful of this when considering what appropriate action is deemed necessary.

The DPS, Mr Georgi MARINOV and two of his staff are currently being spoken to by Police officers in relation to the possession of counterfeit goods and the other matter of control of a large amount of cash which cannot be accounted for by him currently at his refusal. It is believed that in total £23,760 has been recovered from a constructed false floor indicating that this deception has been going on for some time in the 2 years and 5 months approximately since becoming DPS. The cost to HM revenue and Customs has yet to be formulated however, the DPS has been in charge since July 2013 and potentially sums of in excess of £50,000 lost revenue would not be excessive to comprehend. No exact figures have been made available as yet by the officers seizing.

CRIS 2825547/13.

Further to this matter the DPS, within his first 6 months in this role in December 2013, he is arrested by police for a matter of violence towards another male at the licensed premises. He admitted to this and received an official police caution. This in fact demonstrates a personal lack of adherence to the principals of preventing crime and disorder.

Signature of applicant

Signature:		Date:	15th December 2015
Capacity:	Police Licencing Officer		

Contact details for matters concerning this application

Surname:	Arkie	First Names:	Matthew
Address:	Metropolitan Police, Quicksilver Patrol Base, Unit 1 Quicksilver Place, Western Road,		
Post town:	London	Post code:	N22 6UH
Tel. No.:	0203 276 0150	Email:	matthew.arkie@met.pnn.police.uk

PROTECTIVE MARKING

Notes for guidance

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.
Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. in summary, it means:
 - conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
 - conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.Serious disorder is not defined in legislation, and so bears its ordinary English meaning.
2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

Retention Period: 7 years
MP 148/12

PUBLIC NOTICE



Notice of Application for the expedited review of a Premises Licence.

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.53A of the Licensing Act 2003 in respect of the following premises:

**BG GUNAYDIN MINI MARKET
596 HIGH ROAD
TOTTENHAM
LONDON N17 9TA**

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

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING CONDITIONS AND THE OBJECTIVE OF:

- **THE PREVENTION OF CRIME AND DISORDER**
- **PUBLIC SAFETY**

The premises was inspected on 9th December 2015 where a large quantity of non duty paid tobacco and alcohol were found on sale to the public. A quantity of counterfeit cigarettes which are harmful to health were also found on offer to the public.

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

Licensing Team Leader – Licensing, Level 6 Alexandra House, 10 Station Road, London N22 7TR

By: 14th January 2016

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Level 6 Alexandra House, 10 Station Road, London N22 7TR between the hours of 10.00am and 4.00pm.

IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Appendix 2a- Copy of current licence

PREMISES LICENCE

Receipt: AG1054923

Premises Licence Number: LN/000011295

This Premises Licence has been issued by:

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

Signature:.....

Date: 3rd July 2013

Part 1 – PREMISES DETAILS

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

**BG GUNAYDIN MINI MARKET
596 HIGH ROAD
TOTTENHAM
LONDON
N17 9TA**

Where the Licence is time limited, the dates:

Not applicable

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 Sunday 0800 to 2300

The opening hours of the premises:

Monday to Sunday 0000 to 0000

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:

Georgi Marinov

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

Not applicable

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

Georgi Marinov

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 Number:

LN/000011254

Issued by:

London Borough of Haringey

Expires:

23rd June 2023

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 Licensee shall ensure that at all times when the premises are for any licensable activity, there will be sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee will ensure all staff undertakes training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

THE PREVENTION OF CRIME AND DISORDER

Any incidents of a criminal nature that occur on the premises will be reported to the Police.

Comprehensive CCTV coverage will be installed and maintained at the premises.

The CCTV system shall conform to the following points:

1. Cameras will be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances will capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification
3. Cameras viewing till areas will capture frames not less than 50% of screen.
4. Cameras overlooking floor areas will be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images-colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have a monitor to review images and recorded quality.
10. Be regularly maintained to ensure continuous quality of image capture and retention.
11. Signage displayed informing customers CCTV is in operation
12. A digital CCTV system will be installed in the premises.
13. Digital images will be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment will have a suitable export method, e.g. CD/DVD writer so the Police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the licensee will obtain from the manufacturer the replay software to ensure that the video on the CD can be replayed by the Police on a standard computer. Copies must be available within a reasonable time to Police on request.

PUBLIC SAFETY

Appropriate fire safety procedure will be in place including fire extinguishers (Foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting. All appliances will be inspected annually.

All emergency exits shall be kept free from obstruction at all times.

THE PREVENTION OF PUBLIC NUISANCE

The Licensee and staff will ask customers to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

Annex 2 – Conditions consistent with the Operating Schedule

Deliveries and collections

Deliveries and collections associated with the premises will be arranged between the hours 08:00 to 18:30, Mon-Sat, so as to minimise the disturbance caused to the neighbours

Plant and machinery

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise

Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Security lights will be positioned to minimise light intrusion to nearby residential premises

THE PROTECTION OF CHILDREN

The Licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof

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

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

The 'Challenge 25' logo and posters will be displayed at the premises.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

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

Annex 4 - Plans

Gunaydin
596 High Road
London N17 9TA

Gross Internal Area
 43 sq.mtr. / 463 sq.ft.



Note:
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Supplementary Notes:

Key Symbols

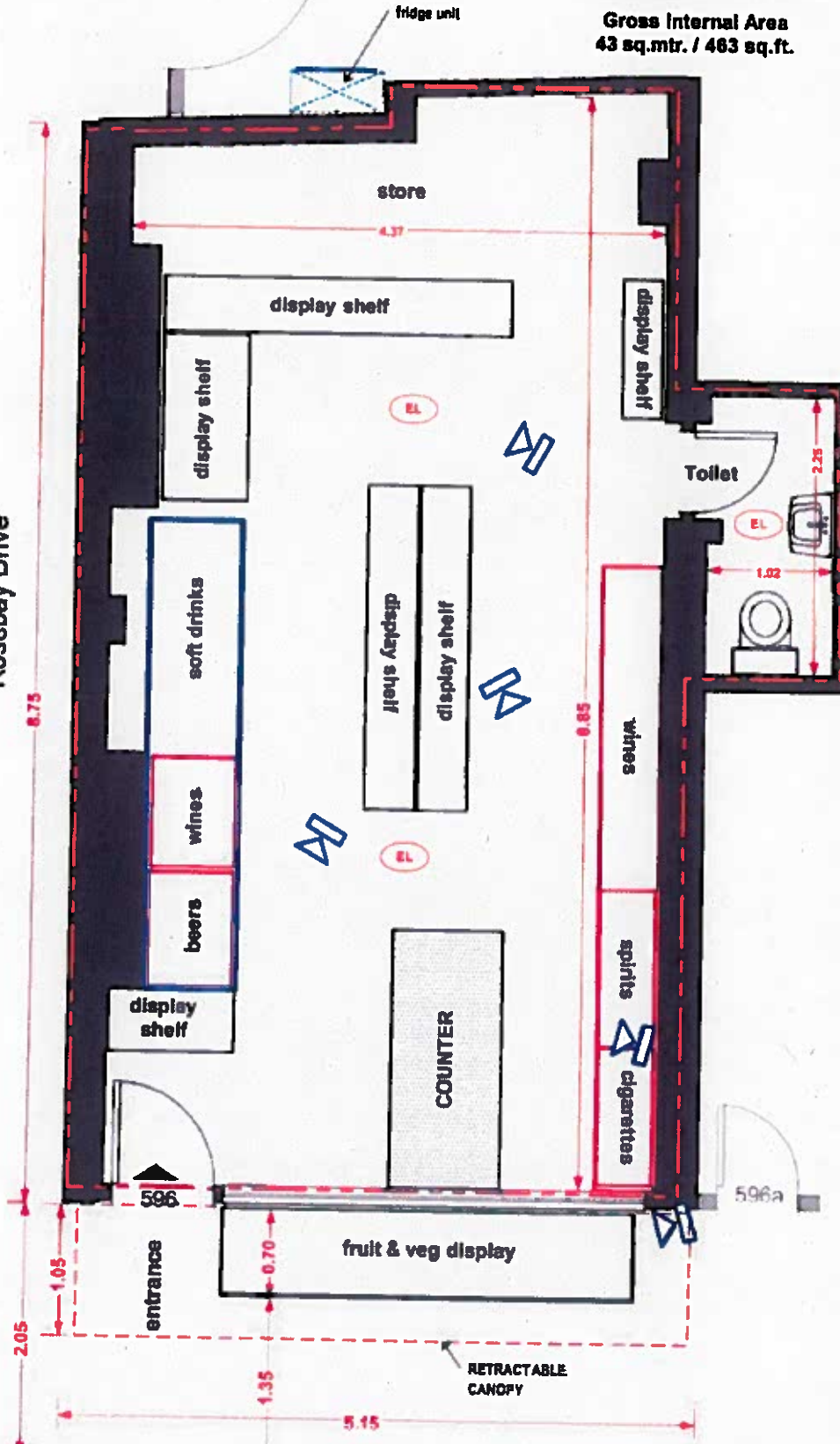
- alcohol & tobacco
- fridges
- fruit & veg
- ↔ CCTV
- EL emergency lighting

property line

*** NOTE**
 This plan, whilst being to scale, is for guidance only. All contractors must verify the dimensions on site.

Client:
 Gunaydin
 596 High Road,
 London N17 9TA
Drawing: Title / No
 Shopfitting plan
 ADA-MVB-008/p01
Scale:
 Metric 1 : 50 @ A4
Date: 4- May -2013

Rosebay Drive



Scale: Metric 1: 50 @ A4
 * for PDF. Plans scale off rule below



High Road



Appendix 3- Copy of Decision Notice

Ref: Licensing

Date: 18th December 2015

Mr Georgi Morinov
BG GUNAYDIN
596 HIGH ROAD
TOTTENHAM
LONDON N17 9TA.

**NOTIFICATION OF INTERIM STEPS IMPOSED FOLLOWING SUBMISSION OF
EXPEDITED REVIEW – BG GUNAYDIN 596 HIGH ROAD LONDON N17**

Dear Sir,

We write to notify you of the outcome in relation to the Expedited served on you by the Metropolitan Police, on the grounds of failure to uphold and promote the Licensing objectives of:

- The Prevention of Crime and Disorder
- Public Safety.

The premises was inspected on 9th December 2015 were a large quantity of non duty paid tobacco and alcohol were found on sale to the public. A quantity of counterfeit cigarettes which are harmful to health were also found on offer to the public.

An application from the police for an expedited review under S.53 has to be made by an officer of the rank of Superintendent or above. Once an application is received there are 48 hours (2 working days) to decide if it is appropriate to take any interim steps pending the full review hearing.

The interim steps that must be considered are:

- Modification of the conditions of the premises licence;
- The exclusion of the sale of alcohol by retail (or other licensable Activities from the scope of the licence;
- The removal of the DPS from the licence; and
- The suspension of the licence.

If interim steps are taken they remain in place until the full review is held, which must be within 28 days of receipt of the application.

The decision about interim steps cannot be delegated to an officer. It does not have to be taken at a formal committee hearing, members of the committee may communicate by telephone, with a written record being produced as soon as possible.

Resolved:

That the premises licence at BG GUNAYDIN 596B HIGH ROAD TOTTENHAM LONDON N17 be suspended as an interim step pending the formal review at a forthcoming meeting of the Licensing Sub-Committee.

The expedited review was brought under the licensing objective of the prevention of crime and disorder due to the significant amount of non duty paid and counterfeit goods found on sale at the premises. The quantities uncovered points to this premises operating in such a way to show that it took steps to avoid payment of tax on alcohol and tobacco products as part of its day to day operation. This was evident in the various amounts of cash that was uncovered in hidden areas around the premises.

The serious crime was linked directly to the licensable activity of the sale of alcohol and no conditions were considered adequate to address this problem at the premises due to the scale of goods seized at the premises.

The decision is to suspend the licence, with immediate effect, which is considered by the Licensing Sub Committee to be appropriate for the promotion of the licensing objectives for the following reasons:

- (i) That there was significant quantities of non duty paid alcohol found for sale at the premises and in a concealed basement.
- (ii) There a significant amount of tobacco again with no duty paid found on the premises.
- (iii) That some of the tobacco found was counterfeit and potentially poses a harm to health as we are unclear of the content and its effect.
- (iv) There was a lack of adequate and appropriate management of the premises. The Licence holder and DPS seemed oblivious to his responsibilities.

The licence holder was informed of the process and informed of his ability to make representation and advised to seek legal advice/representation when the notice was served. The licence holder will be advised that he has 48 hours from the service of the decision to submit any concerns he may have with the decision within 48 hours. If this is the case a hearing will be convened to hear the concerns of the licence holder.

If you are aggrieved by this decision you may submit in writing to the Licensing Authority your reasons for your grievance at this decision. This can be submitted in writing to the postal address shown below or the email address also shown below.

Yours sincerely,

Daliah Barrett-Williams
Licensing Team Leader

Licensing Team
Level 6, Alexandra House
10 Station Road
London, N22 7TR

T 020 8489 8232
E licensing@haringey.gov.uk

www.haringey.gov.uk

Appendix 4- Supporting documentation from Tactical Enforcement

STATEMENT OF WITNESS
*(Criminal Procedure Rules 2005 r271(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)*

Statement of: Sarah Benning

Age of Witness: Over 18

This Statement, consisting of 3 pages 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.



Signed

Date 22nd December 2015

1. I am Sarah Benning and I am employed by the London Borough of Haringey as a Tactical Enforcement Team Leader. Part of my duties includes the inspection of any premises within the London Borough of Haringey to ensure that the premises hold the correct authorisation, namely a premises licence issued under the Licensing Act 2003, by the Council, as the relevant Licensing Authority and to enforce offences under the Licensing Act 2003 and the Trade Marks Act 1994.
2. On Wednesday 9th December 2015, at 16:03 hours, I visited BG Gunaydin Mini Market, 596 High Road, Tottenham, N17 9TA, as part of a multi agency licensing inspection with the Police. This premise was visited as a result of intelligence from the local Police and Crime stoppers that counterfeit tobacco products were being sold over the counter to customers.
3. I entered the business and observed a male working behind the counter and a female and younger male standing on the shop floor. I identified myself to the male behind the counter by showing him my authorisation. The male did not speak very good English and the younger male informed me that he would translate for me. The male behind the counter gave his details as Georgi K Marinov and informed me he was the owner of the business and showed me a copy of his Personal Licence as identification. I exhibit a photograph of the Personal Licence as SB1.
4. I asked Georgi Marinov if he sold tobacco products, he informed me that he did and pulled open a curtain behind the counter which displayed all the tobacco products. I then asked him if he had a further stock of tobacco products and he informed me that he did and pointed to a cabinet which was at the bottom of a counter that was on the shop floor beside where he was standing. The younger male then opened the cabinet and showed me the stock of tobacco products. Beside the tobacco products I observed some medication which was priced up, I asked Georgi Marinov if I could have a look at the medication and the younger male then handed me a packet. On closer inspection of the packaging I observed that the writing on the medication was in a foreign language and therefore had reason to believe an offence had been committed under the Medicines Act 1968. I then informed Georgi Marinov that I would be seizing all the medication.



Signed

Date 22nd December 2015

5. I then asked Georgi Marinov if he had any more medication behind the counter and he informed me that he didn't. I asked him if I could have a look and he said yes and moved to allow me to get behind the counter. I observed a blue and white plastic bag under the counter and I looked inside and observed several packets of cigarettes that had foreign writing on them. At this point I informed Georgi Marinov I had reason to believe that an offence had been committed under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended) and the Trade Marks Act 1994, I asked him if he had any other tobacco products in the shop.
6. Georgi Marinov showed me a brown cardboard box on the shop floor and inside was several packets of tobacco products. I then asked him if we could around the premises and he informed me that we could.
7. My colleagues Chris Georgiou, officers from the Partnership Policing Team and Officers from Enfield Council Licensing Team looked around the shop floor whilst I continued to look behind the counter.
8. Behind the counter I found several more plastic bags containing tobacco products and several bottles of alcohol which displayed labels with foreign writing on them. At this point I informed Georgi Marinov that I had reason to believe that an offence had been committed under the Licensing Act 2003. I exhibit photographs of the tobacco and bottles of alcohol as SB2.
9. I then asked Georgi Marinov if he could open a drawer that was locked behind the counter and the female came and unlocked and opened the draw. Inside was a red plastic bag I opened the bag and observed a large sum of money approximately totalling £20,000. I then continued to look behind the counter and observed panels in the floor. I lifted the panels and observed three (3) black plastic bags and one (1) blue plastic bag; I opened the plastic bag and inside was a large quantity of pound coins totalling approximately £6,000. This money was handed to PC Wasim Din 576YR. I exhibit pictures of the money as SB3.
10. I then assisted my colleagues who had found alcohol and tobacco hidden on the shop floor. I looked inside a box that was on one of the shelves with crisps inside it and found a plastic bag with tobacco products in.
11. All the goods were seized; this included the medication, alcohol and tobacco products, all the items were taken to the Police Station. On the 10th December 2015, all the goods were moved to the Council secure lock up
12. Georgi Marinov was arrested along with the female and the younger male and taken to Waltham Forest Borough Based Custody Centre.
13. On the 10th December 2015, Georgi Marinov was cautioned and interviewed according to the Police and Criminal Evidence Act (PACE) 1984 regarding the alleged offences under the Licensing Act 2003, Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended), the Trade Marks Act 1994 and the Medicines Act 1968.
14. During the interview Georgi Marinov admitted that he sold the medication, alcohol and tobacco to customers. He was also questioned by the police with regards to the large sum of cash found in the premises.

Signed



Date 22nd December 2015

15. On Monday 14th December 2015, my colleague Chris Georgiou and I attended the Councils secure lock up to count all the goods and remove samples of tobacco to be sent off for testing. The following goods were counted.

180 packets of Golden Virginia
130 packets of Davidoff Gold
20 packets of Davidoff Classic
43 packets of Dunhill Master Blend
32 packets of Dunhill Swish Blend
113 packets of Parliment Aqua Blue
46 packets of Parliment Super Slim
91 packets of Marlboro Gold
54 packets of Marlboro Gold Less Smell
61 packets Kent Black
361 packets Kent Blue
24 packets of Red Label L&M
76 packets of Pect
100 packets of Karella Slims
21 packets of Karella Blue
10 packets of Karella Slims Blue
10 packets of Kent
25 packets of Victory Black
29 packets of Victory Blue
46 packets of Victory Gold
1 packet of Marlboro Touch
41 packets of Marlboro (red packet)
1 packet of Eva Slims
41 tubs of Marlboro Gold
1 tub of Marlboro Red
18 ~~52~~ bottles of Black Sea 0.5L
24 ~~72~~ bottles of Black Sea Gold 0.7L.
15 200ml bottles of Pakur
17 bottles of Macthka
17 bottles of Flirt Vodka
16 200ml bottles of Macthka
13 200ml bottles of Pakur
15 200ml bottles of Flirt Vodka
24 50ml Bushmills Irish Honey

16. All the alcohol and tobacco products have been handed over to HMRC for investigation.
17. I am willing to attend court as a witness if required.

Signed



Date 22nd December 2015

SBI

22 December 2015

Barah Benning



naringey

Personal Licence

Holder's

full Name: **Georgi K. Marinov**

Unique
Number:

LN/C00014

NO VALID VALID VALID

Expiry
Date:

23/06/2023



MOBO Dodge Licence System UK Patent No. 2260976



SP2 1 of 4

22 December 2015

Sarah Penning





SB2 2 of 2
22 December 2015
Sarah Benning

SB2 3 of 4
22 December 2015
Sarah Benning



S132 4 of 4
22 December 2015
Sarah Penning



SB3 1st 2
22 December 2015
Sarah Benning



SB3 282
22 December 2015
Sarah Beaming



STATEMENT OF WITNESS
(Criminal Procedure Rules 2005 r271(1);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: Chris Georgiou

Age of Witness: Over 18

This Statement, consisting of 1 page 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.

Signed:



Date: 23rd December 2015

1. I am Chris Georgiou and I am employed by the London Borough of Haringey as a Tactical Enforcement Team Leader. Part of my duties includes the inspection of businesses and enforcement with regards to the Licensing Act 2003, the Trade Marks Act 1994, the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and the Medicines Act 1968.
2. On Wednesday 9th December 2015, at 16:15 hours, I entered BG Gunaydin Mini Market, 596 High Road, N17 9TA, as part of a multi agency licensing inspection with the Police. This premise was visited as a result of intelligence from the local Police and Crime stoppers that counterfeit tobacco products were being sold over the counter to customers.
3. As I entered the business, my colleague Sarah Benning informed me that a quantity of potentially counterfeit cigarettes and tobacco and unlicensed alcohol and medication had been identified within the business.
4. I proceeded to walk along the aisle of the mini market and observed an open cupboard below boxes of crisp packets containing a large quantity of medication containing foreign labelling. I examined some of the medication and identified injection vials and what appeared to be antibiotics and painkillers. As Police officers began seizing the medication I took several photographs which I exhibit as CG01.
5. Above the cupboard containing medication I observed large quantities of tobacco and cigarettes hidden behind packets of crisp. Some cigarettes and tobacco were stored in black bags hidden behind the crisps packets and others were hidden above the boxes behind crisps packets. All cigarettes and tobacco appeared to have foreign labelling. I took photographs of the tobacco and cigarette hidden behind the crisps packets which I exhibit as CG02.
6. I continued to walk along the mini market aisle and observed boxes on the floor containing rucksack bags containing quantities of cigarettes all with foreign labelling. I took photographs of the cigarettes found in the rucksacks which I exhibit as CG03.
7. At the end of the mini market aisle I entered the toilet area and observed a cellar entrance hidden beneath a small carpet. Within the cellar I observed a large quantity of alcohol, cigarettes and tobacco. The alcohol, which had foreign labelling, was stored in boxes and displayed along a shelving unit. I took photographs of the alcohol observed in the cellar which I exhibit as CG04.
8. Tobacco and cigarettes were all stored within black bags inside large cardboard boxes. All contained foreign labelling. I took photographs of the tobacco and cigarettes observed within the cellar as exhibit CG05.
9. I am willing to attend court as a witness if required.

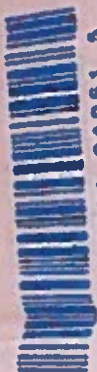
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Date: 23rd December 2015

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Str. McInostl Nr. 89, 9122 Spector
Bucuresti Romania
Tel: +40 (21) 444 9982-5
Fax: +40 (21) 444 9988
Web: <http://www.bestfoods-ml.com>
email: info@bestfoods-ml.com
sales@bestfoods-ml.com

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23 December 2015

Chris Reagon

Chris Reagon

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23 December 2015
Chris Reardon



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Chris Bergin



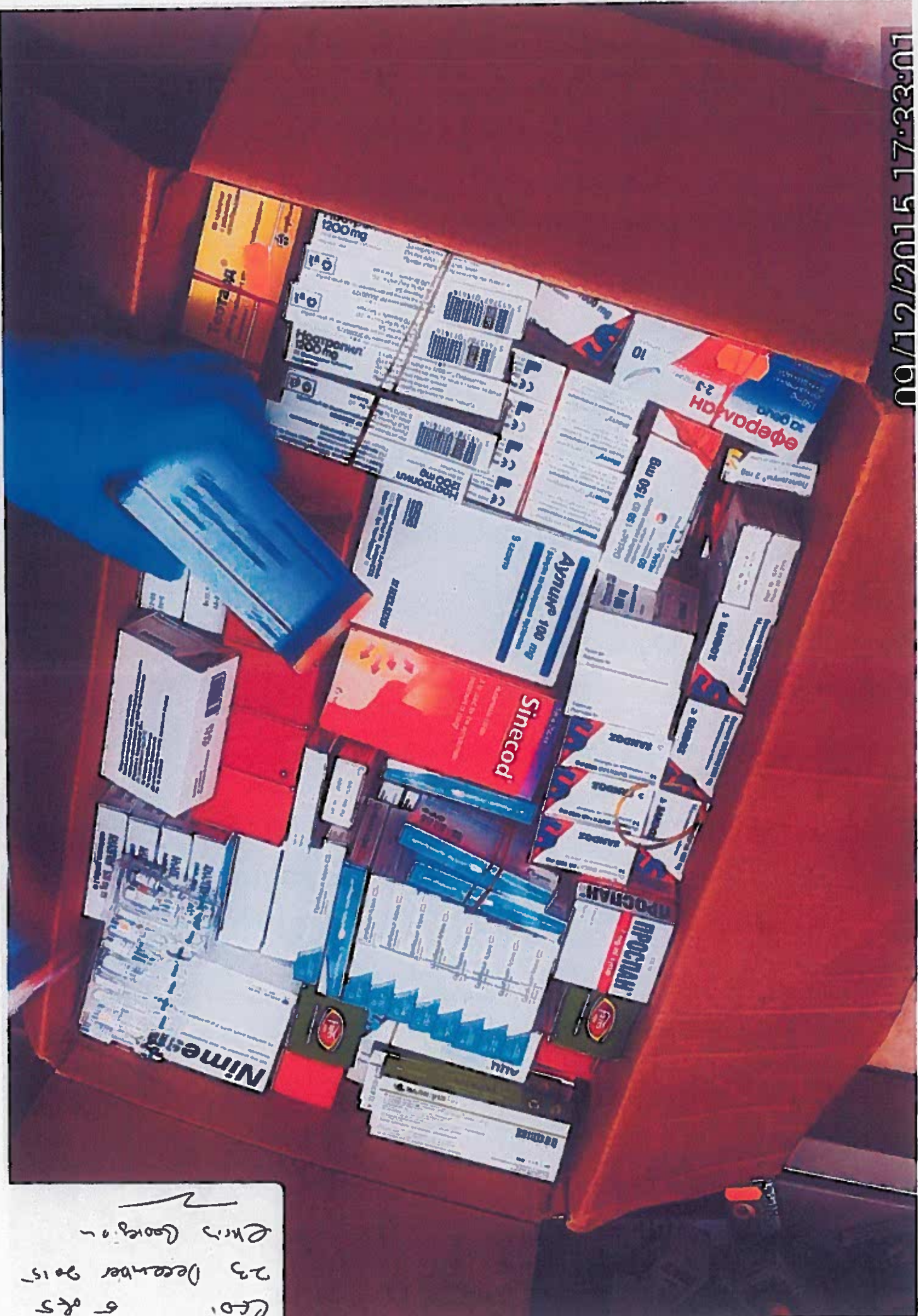
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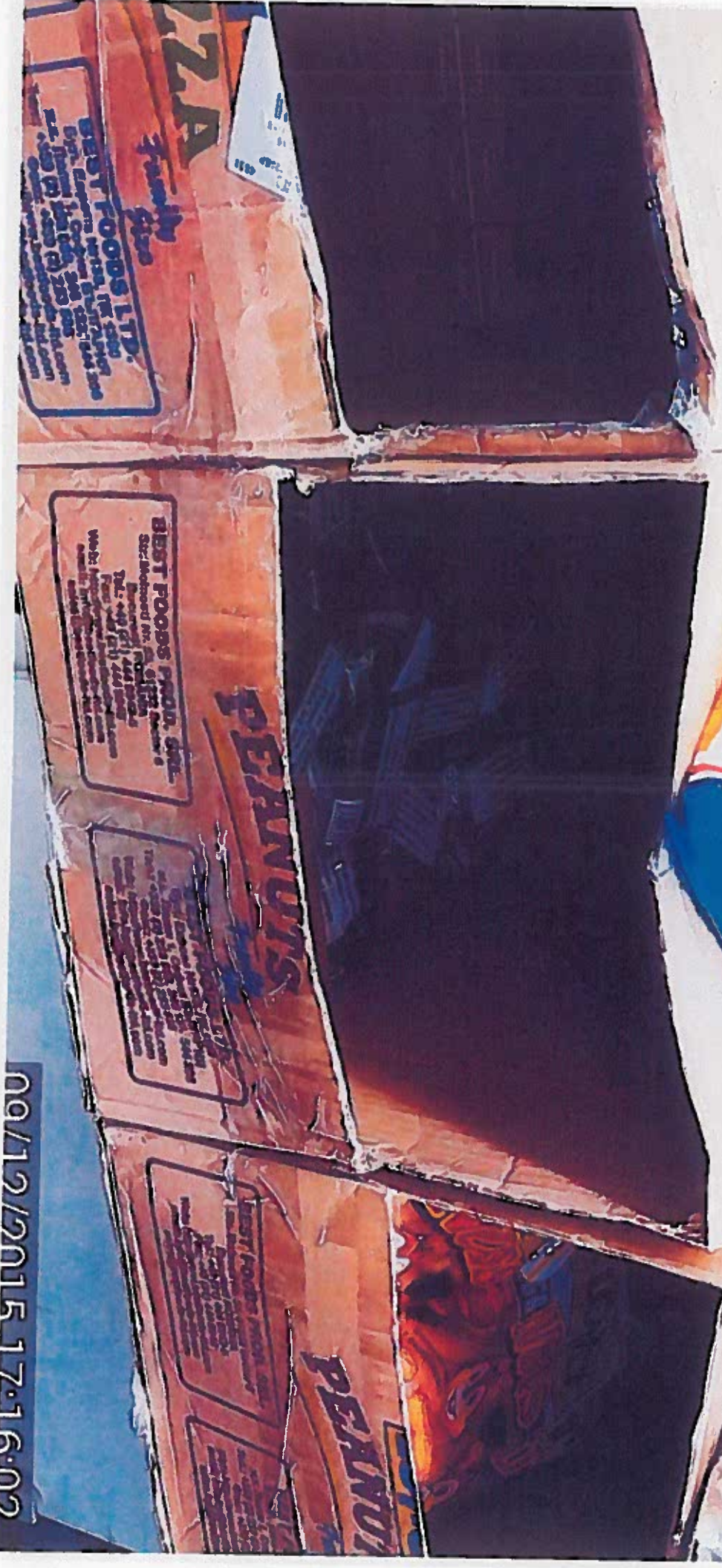
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BEST FOODS PRODUCTS, INC.

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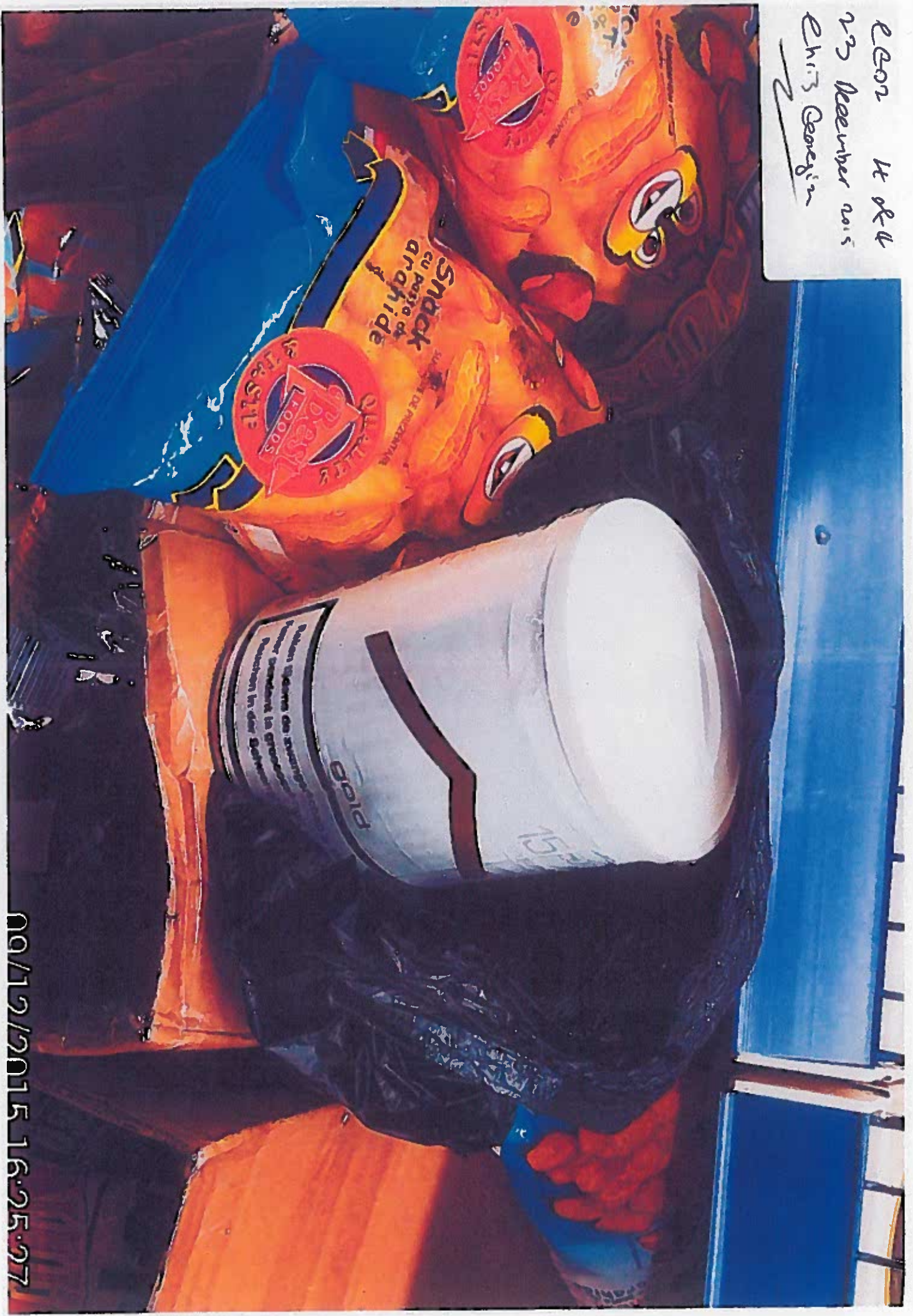
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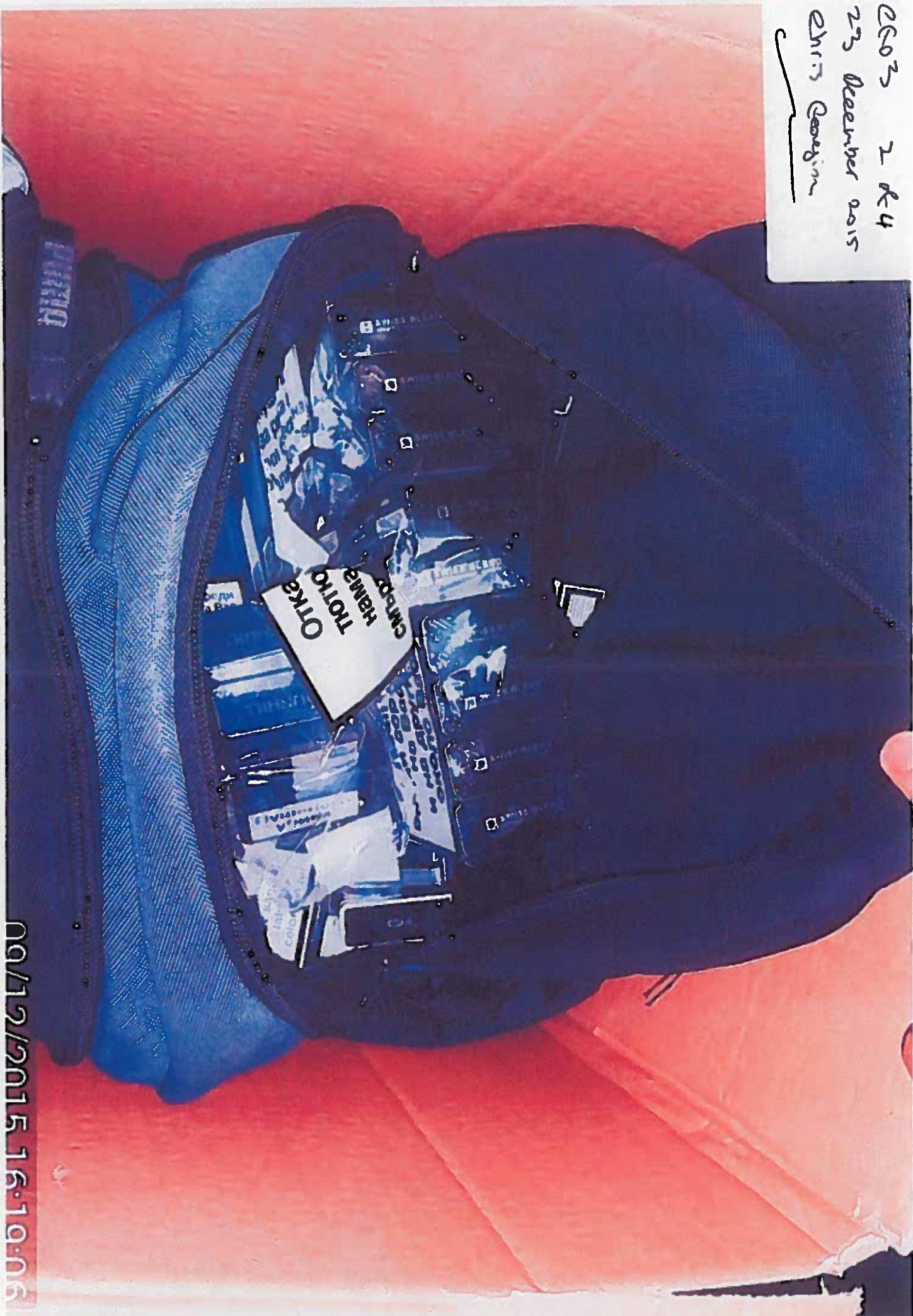
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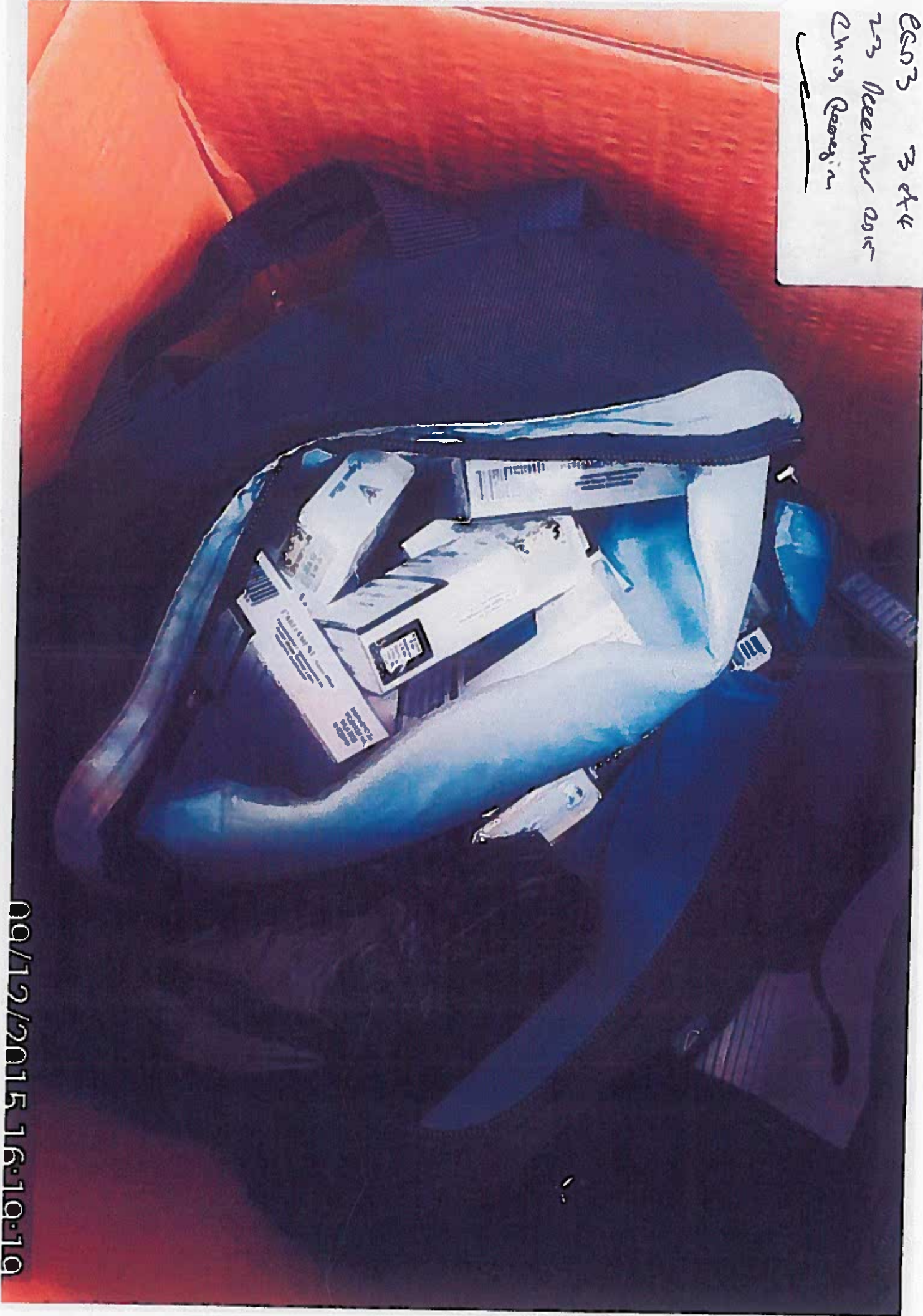
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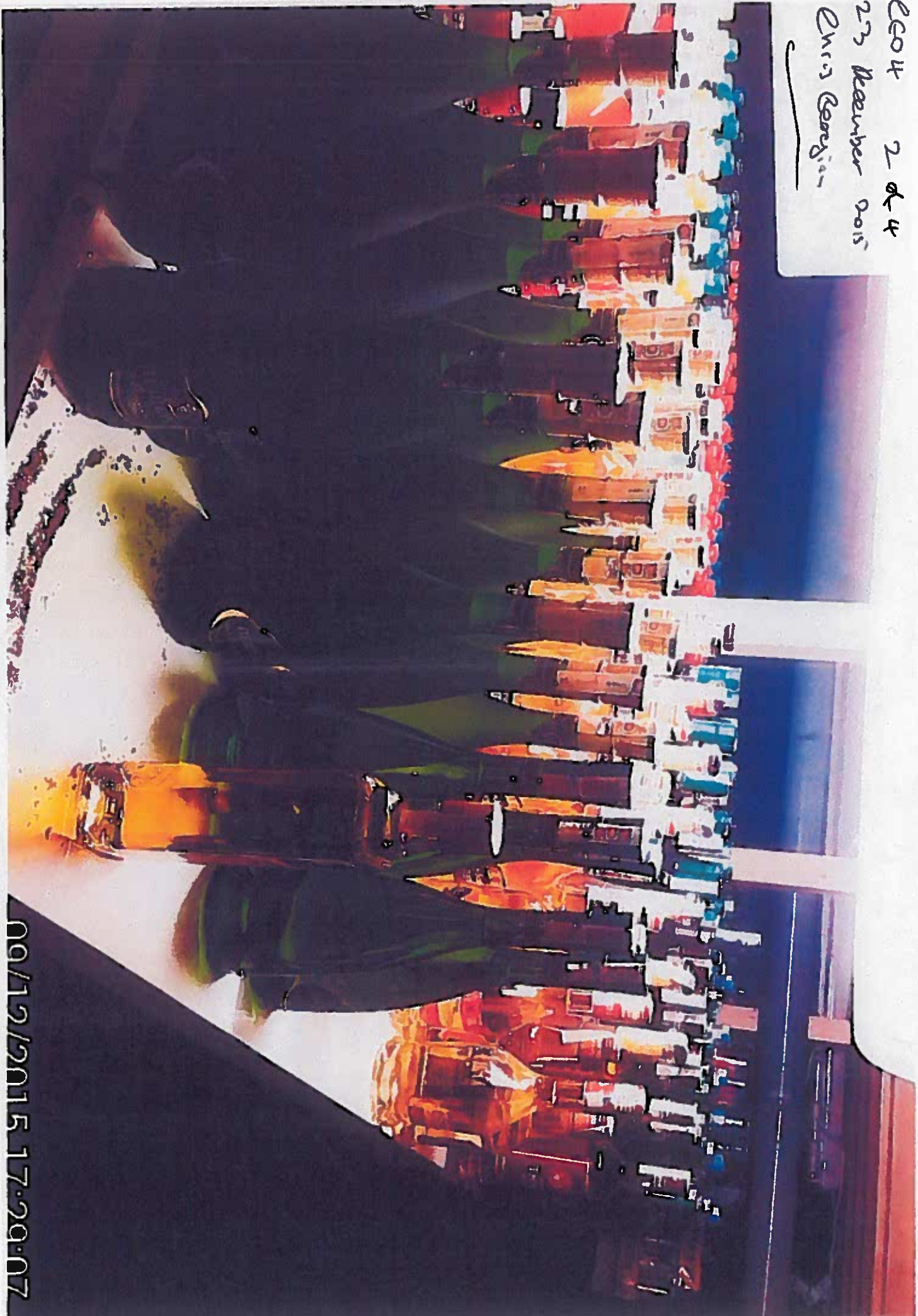
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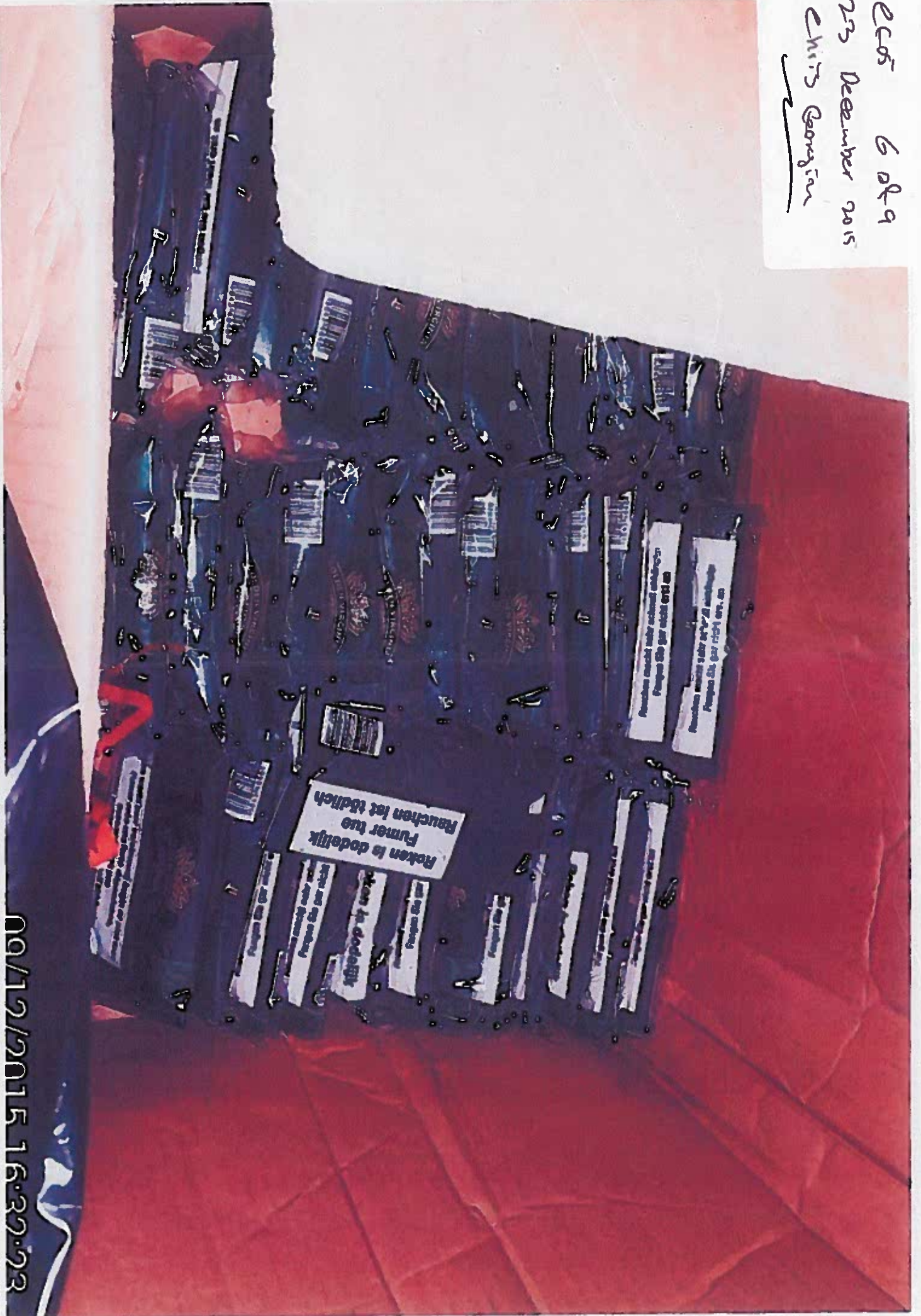
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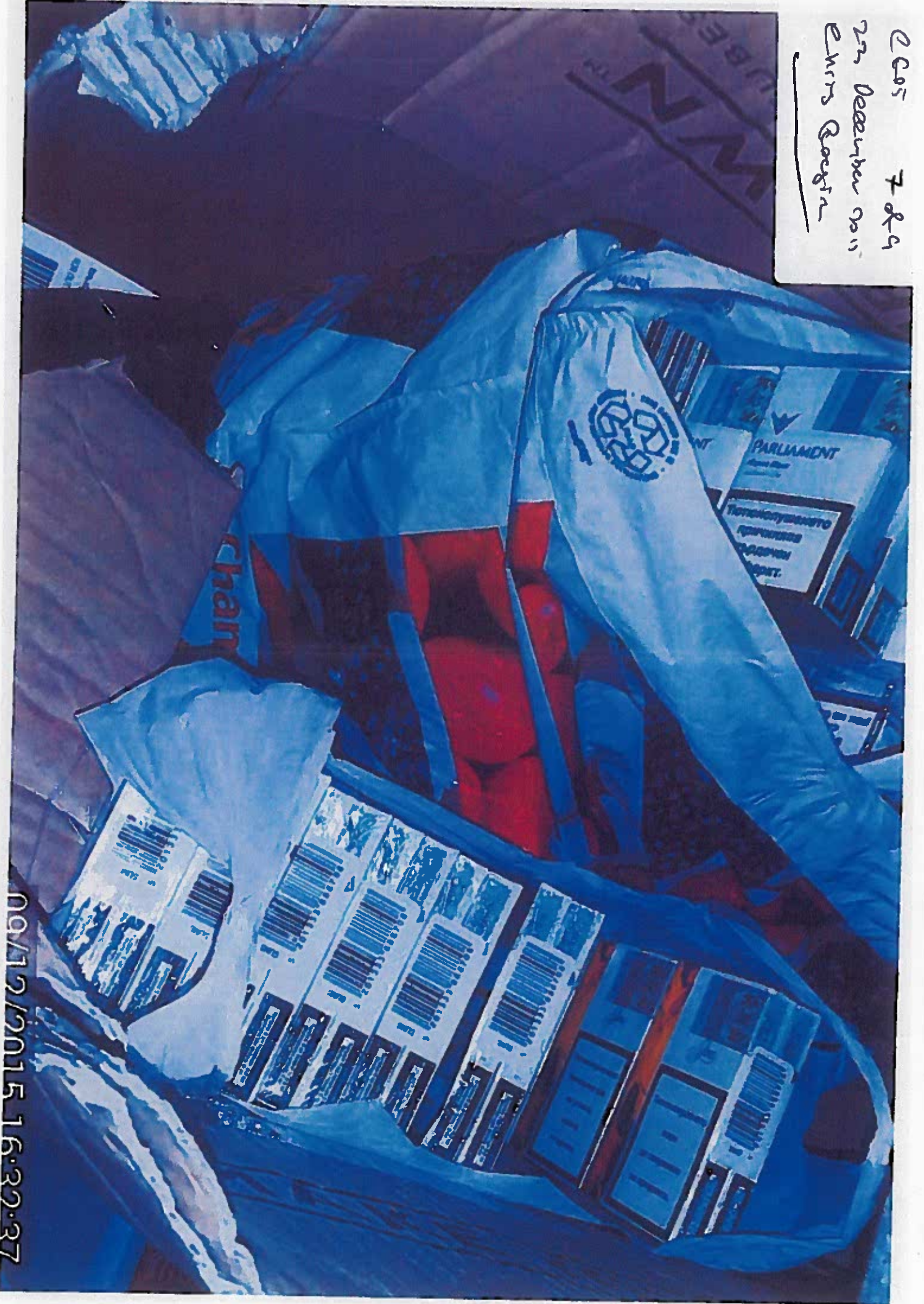
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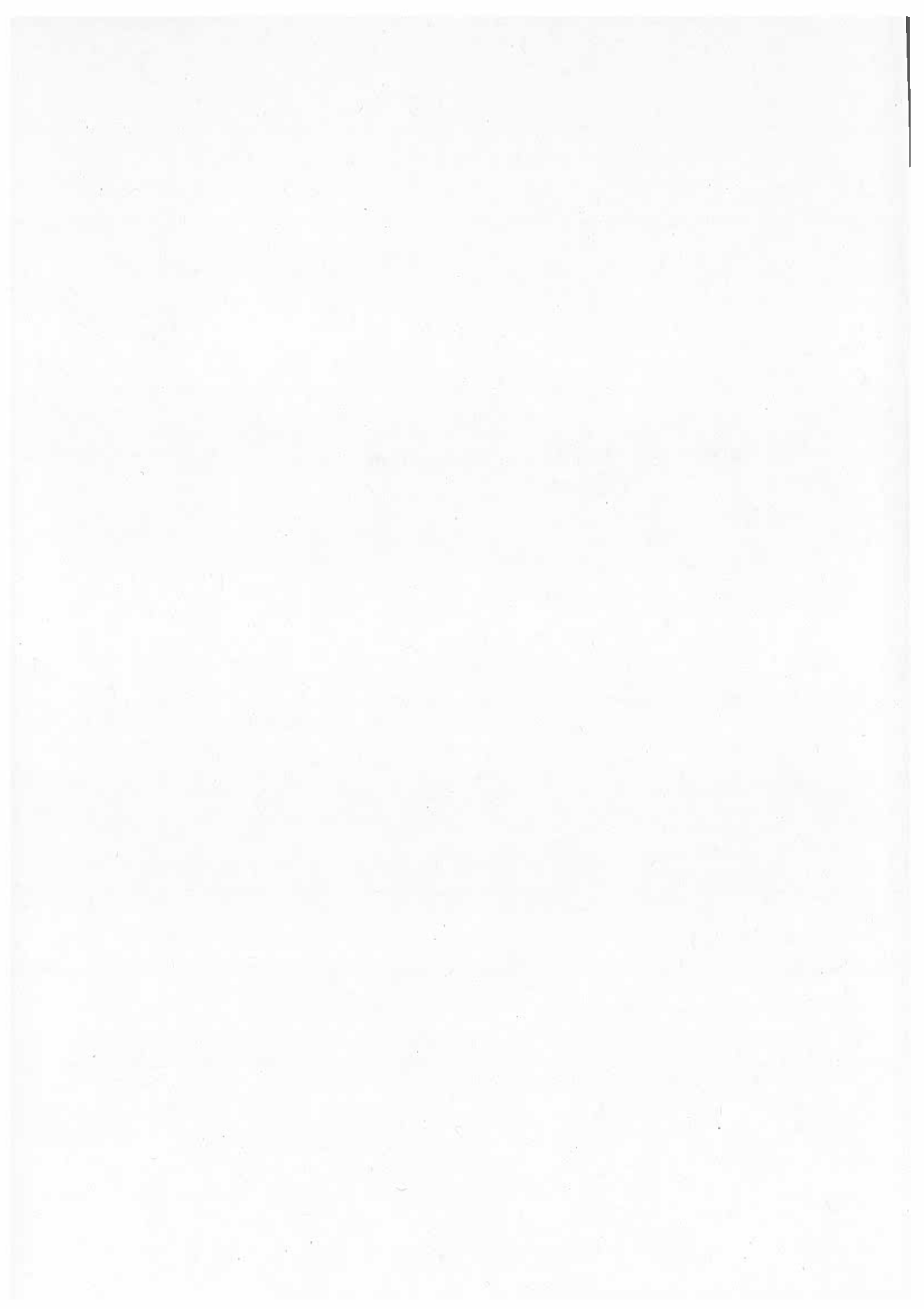
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Appendix 5- Supporting representation from Trading Standards



Licensing Consultation - Internal Memo

To: Licensing Officer

From: Trading Standards Team

Name of Officer preparing representation: Felicia Ekemezuma

cc: Commercial EH & TS Manager Rebecca Whitehouse

Our Reference: WK/000341793

Date: 22nd December 2015

Premises: BG Gunaydin Mini Market, 596 High Road, Tottenham, London, N17 9TA

Type of application: Review

I would like to confirm that I have considered the matter with regard to public safety on behalf of the Trading Standards Team and would like to state that the supply of illicit tobacco and alcohol from the above premises undermines the following Licensing Objective(s):

Prevention of Crime and Disorder

An inspection carried out on the 9th December 2015 uncovered a number of hidden compartments containing illicit tobacco that appear to have been in use for a period of time. The compartments were dug into the floor of the premises indicating the owners knew that their activities were illegal. This was admitted by the Food business operator Mr Georgi Marinov during an interview carried out in accordance with the Police and Criminal Evidence Act 1984..

Public Safety

During the inspection a number of illicit products were found namely cigarettes, alcohol and skin lightening products.

- Illicit tobacco encourages smokers to puff even more than usual, because it is so cheap and have been known to contain arsenic, rat droppings and far more tar and carbon monoxide than legal products.
- The illicit white cigarettes are not controlled in their manufacture and as a result the cigarettes do not meet safety standards. The standard requires that all cigarettes are self extinguishing when not being smoked, however illicit

white cigarettes do not meet this standard and have been attributed to house fires.

- Illicit alcohol has been found to contain chemicals used in cleaning fluids, nail polish remover and automobile screen wash, as well as methanol and isopropanol which are used in antifreeze and some fuels. These other types of alcohol can produce similar effects to legal alcohol in terms of making one feel tipsy, but they are also potentially very dangerous.
- Illicit alcohol and cigarettes play a key role in starting or sustaining smoking and drinking among children and young people due to their reduced cost.
- Illicit alcohol and tobacco feeds the current glaring health inequality because poorer people are its keenest customers also due to their reduced cost.
- They also undermined the governments' efforts to reduce smoking and drinking.

Skin Lightening Products

Also known as bleaching creams, recent illegal products found on the market contain a dangerous cocktail of compounds like steroids, hydroquinone, and tretinoin. The long term use of these products can lead to health concerns such as permanent pigmentation, skin cancer, liver damage, mercury poisoning and others.

We would be grateful if you could bring these issues to the attention of the sub-committee for consideration when reviewing this licence.

Appendix 6- Supporting representation from Public Health.

Barrett Daliah

From: Millward Deborah
Sent: 19 December 2015 14:52
To: Barrett Daliah; Morris Marion
Subject: Counterfeit tobacco

Hi Daliah

Please see the blurb below. Marion will need to redraft it though

Smoking is the leading cause of early death and ill health with 50% of smokers dying prematurely. Effective pricing policies which help people quit and stop young people from taking up smoking require high levels of tobacco taxation. Research shows that high tobacco prices reduce tobacco consumption and is the single most effective mechanism to reduce demand for tobacco. Therefore widespread availability of cheap counterfeit tobacco undermines the effectiveness of high tobacco tax rates.

Deborah Millward
Healthy Public Policy Officer

Haringey Council
Tel: 020 8489 2255
Email: Deborah.Millward@haringey.gov.uk

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