

4. REPORT

Background

A premises licence was originally granted to Sun Minimarket in February 2008. Mr Yapicu has been the licence holder and DPS since this time.

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
New Years Eve	from the start of permitted hours on 31 December until the start of permitted hours on 1 January

The designated premises supervisor is: Mr mehmet Yapici

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.

The premises were found to be stocking and selling non duty paid tobacco and alcohol from the premises.

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 11.24-11.28 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; Section 78, 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 – Application form and supporting documents

[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 Rebecca Whitehouse

(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 Sun/Efe Minimarket 688 High Road, Tottenham, London	
Post town London	Post code (if known) N17 8AE

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

Number of premises licence or club premises certificate (if known) LN000003057

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
<input type="text"/>	<input type="text"/>

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address	<input type="text"/>
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Post town	<input type="text"/>	Post Code	<input type="text"/>
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Daytime contact telephone number	<input type="text"/>
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E-mail address (optional)	<input type="text"/>
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(B) DETAILS OF OTHER APPLICANT

Name and address
<input type="text"/>
Telephone number (if any)
<input type="text"/>
E-mail address (optional)
<input type="text"/>

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address L.B.Haringey Trading Standards Service 6 th Floor, Alexandra House, 10 Station Road, London N22 7TR
Telephone number (if any) 020 8489-5158
E-mail address (optional) Rebecca.whitehouse@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 application to review relates to the objectives to prevent crime and disorder.

It particularly relates to the discovery of illicit tobacco and alcohol in the shop under the control of the Premises Licence Holder which indicates that the highest standards of management have not been exhibited by the business.

On 18th August, officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the premises to inspect the stock of alcohol and tobacco. The Premises Licence Holder and Designated Premises Supervisor, Mehmet Yapici was present.

The officers seized 1,260 cigarettes, 3.4 kilogrammes of hand rolling tobacco and 72.8 litres of mixed spirits all of which were identified by HMRC as non Duty paid representing a Duty value of £1,733.71 .

The seized goods included bottles of Glens Vodka, High Commissioner Whisky and Smirnoff Vodka. These products were genuine products, however, on closer examination HMRC officers discovered that the goods were in fact Duty diverted meaning that UK Duty had not been paid. On these products the original back labels which complied with HMRC export requirements had been replaced with fake labels bearing a fake UK Duty Paid stamp, giving the impression the spirits were UK Duty Paid and legal to sell in the UK when they were not. Samples of these products were seized by Trading Standards with the remainder seized by HMRC. Other spirits bore foreign Duty stamps, again indicating that UK

Duty had not been paid.

In addition, officers discovered behind the counter 20 tubs each containing 170g of Winston Hand Rolling tobacco bearing foreign tax stamps and health warnings, when questioned in the shop by HMRC Officers Mr Yapici informed officers he bought the tubs for £16 each and sold them for £17.50.

At this point Mr Yapici was asked if he had more foreign tobacco in the shop and he stated that he did not.

A further search revealed a knife packaging box next to the till containing 260 Marlboro Gold Cigarettes with foreign health warnings which were not UK Duty paid.

After a further more detailed search officers also discovered a panel at the back of the spirit shelving. When this panel was removed a further 1,000 Marlboro Gold Cigarettes were found.

Haringey Trading Standards seized samples of the products as it was suspected that the Health Warnings on the tobacco contravened the requirements of the Consumer Protection Act 1987 as they were not in the correct prescribed form and were not in the English Language. Trading Standards also seized samples of the alcoholic spirits which were found with fake back labels and UK Duty stamps. The remainder of the the products were seized by HMRC,

Mr Yapici was subsequently interviewed under caution in accordance with the Police and Criminal Evidence Act by Haringey Trading Standards. This interview took place on 16th September 2015.

During the interview Mr Yapici stated that the Marlboro Gold Cigarettes were not for supply and that he had bought them for his workers and to give to rude people to prevent them from causing trouble in the shop. He admitted he was selling the Winston Tobacco but stated he believed the tobacco was tax paid as it bore a tax marking which did not relate to the UK. Mr Yapici stated he did not know about the law which required health warnings on tobacco to be in English.

Mr Yapici agreed that the spirits were for sale but believed that the Foreign tax stamps on some of the products made them legal to sell.

Mr Yapici was asked to provide invoices for the spirits but has not done so.

When asked if there was anything he wished to say Mr Yapici stated he was really upset and wanted to apologise.

On 24th February 2016 at Tottenham Magistrates Court Mr Mehmet Yapici pleaded guilty to an offence under Regulation 12 of the Consumer Protection From Unfair Trading Regulations in relation to having in possession for supply alcoholic spirits bearing "UK

Duty Paid" labels giving the impression that the products can be legally sold when they cannot". Mr Yapici was fined £415 and ordered to pay costs of £894 and £42 victim surcharge.

Mr Yapici attended Court and was represented by Counsel.. The defendant stated that he had repaid all the unpaid duty to HMRC as well as financial penalties levied by HMRC and had receipts with him for these payments. Counsel stated his business is struggling financially and he is suffering from ill health. The defendant was given credit for his early guilty plea and The Magistrates ordered that all goods seized be forfeited and destroyed.

It is a requirement for all tobacco products supplied commercially in the UK to bear Health Warnings both pictorial and written in a prescribed way in the English Language. The tobacco found in the shop did not carry UK written and pictorial health warnings as required under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. The failure to comply with these requirements is also a criminal offence under the Consumer Protection Act 1987.

The business had signed up to Haringey's Responsible Retailer Scheme and was accepted as members on 14th August 2014. This scheme includes a signed commitment by the business to abide by all legislation relating to the retail supply of alcohol and tobacco enforced by HMRC.

Trading Standards are concerned at the possession for supply of illicit alcohol and tobacco for the following reasons:

- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often smuggled into the country and / or produced by organised crime. It is believed that the profits are frequently used to fund other types of serious organised crime.
- The trade in illicit alcohol and tobacco causes huge losses to the UK's tax revenues.
- The trade in illicit alcohol and tobacco facilitates teen drinking and smoking
- The trade in illicit alcohol and tobacco makes it harder to beat addiction
- The trade in illicit cigarettes poses a risk to public safety through increased risk of fire from non fire retardant cigarettes.
- Illicit goods may be harmful as they do not come from legitimate, legal and/or traceable suppliers. There is no guarantee that they are safe and comply with other legislation.
- Supplying tobacco products with incorrect health warnings undermines the effectiveness of public health messages designed to discourage smoking.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. The London Borough of Haringey is a local weights and measures authority and that function is carried out

by the Trading Standards team.

Here is a summary of events supporting this application:-

Date	Event	Description
25 th June 2014	Application received from Sun Supermarket to Join Responsible Trader Scheme	Application form received from business.
14 th August 2014	Sun Supermarket accepted as members of Haringey's Responsible Retailer Scheme	Business signs up to a commitment to trade responsibly including the commitment to comply with HMRC legislation relating to illicit products.
18 th August 2015	Joint Visit with HMRC and Trading Standards	HMRC seized 1,260 cigarettes, 3.4 kilogrammes of hand rolling tobacco and 72.8 litres of mixed spirits representing a Duty value of £1,733.71 . Trading Standards Seized samples of these products.
16 th September 2015	PACE Interview of Mehmet Yapici	Written Summary of PACE Interview
24 th February 2016	Mehmet Yapici pleads guilty to an offence under the Consumer Protection From Unfair Trading Regulations	<p>At Tottenham Magistrates Court Mr Yapici pleaded guilty to the following offence</p> <p>On 18th August 2015 at EFE Minimarket, 688 High Road, London N17 0AE you did engage in a commercial practice set out in paragraph 9 of Schedule 1 of the Consumer Protection From Unfair Trading Regulations 2008, namely that you had in your possession for the purposes of supply, bottles of Glens Vodka, High Commissioner Whisky and Smirnoff Vodka, all of which bore a "UK DUTY PAID" label, creating the impression that the product can be legally sold, when it cannot</p> <p><u>CONTRARY TO Regulation 12 of the Consumer Protection from Unfair Trading Regulations 2008</u></p>

Recommendations:

This licensee has clearly demonstrated that there is a breakdown in due diligence in respect to the sourcing of legitimate products to be sold by the business and a failure to pay substantial amounts of Duty to HMRC.

The facts indicate that the public are being misled with certain products being misdescribed as to their legal status and as a result a criminal offences have been committed.

The history of the premises indicates that the Designated Premises Supervisor Mehmet Yapici was in control of the premises during the period in which the incident occurred.

There is evidence that Mehmet Yapici the Designated Premises Supervisor and the Premises Licence Holder has been knowingly or recklessly involved in serious breaches of the law and concealment of illicit products on the premises. This gives me reduced confidence in his willingness to fulfil his responsibility to promote the licensing objectives or to exhibit the highest standards of management.

I, therefore, recommend the following conditions be attached to the Licence by the Committee.

1. The Premises Licence Holder and Designated Premises Licence Holder shall ensure alcohol is only purchased from an authorised wholesaler and shall produce receipts for the same upon request for inspection. (An authorised wholesaler means an established warehouse or trade outlet with a fixed address and not a van or street trader, even if they claim they are part of, or acting on behalf of, an authorised wholesaler who provides full itemised VAT receipts).
2. The Premises Licence Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
3. The Premises Licence Holder shall ensure all receipts for alcohol goods purchased include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. Vehicle registration detail, if applicable

4. Legible copies of the documents referred to in Condition 3 above shall be retained

on the premises and made available for inspection by Police and authorised Council Officers on request.

5. Copies of the documents referred to in Condition 3 above shall be retained on the premises for period of not less than twelve months.
6. An ultra violet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
7. Where the trader becomes aware that any alcohol may be not duty paid they shall inform the The Council of this immediately.
8. All tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
9. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
10. only products available for retail sale can be stored at the licensed premises.

The Committee may also wish to consider suspending the licence for a period at it's discretion.

No conditions have previously been attached by the Licensing Authority.

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

Attached Documents

1. Photographs of Seized spirits with fake UK Duty Paid stamps and illicit tobacco seized.
2. Copy of PACE interview Summary dated 16th September 2015
3. Witness Statements of HMRC Officers Strauss, Hoang and Soni
4. Application form to join Responsible Retailer Scheme including terms and conditions dated 25th June 2014 signed by Mehmet Yapici.

Have you made an application for review relating to the premises before

Please tick ✓ yes

If yes please state the date of that application

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

N/A

yes

Please tick ✓

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

[Handwritten Signature]

Date

1/6/16

Capacity

Manager Commercial E.H.F.S.

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

Post town

Post Code

Telephone number (if any)

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.



Winston

EXPERT CUT FOR ROLLING & TUBING

Fumer provoque un vieillissement de la peau.
Rauchen lässt Ihre Haut altern.



15.50



Winston

EXPERT CUT FOR ROLLING & TUBING

15.50



Fumer peut...
Rauchen kann zu...

Winston...
F...
F...

Winston

EXPERT CUT FOR ROLLING & TUBING

SPCS KNIFE SET
NON-STICK COATING
 (8 pieces knives kolekcja)
 Набор из 8 ножей для
 Messer Set 8 Uq
 couteaux 8 pièces



Non-stick coating. A smooth
 finish makes it easy to clean
 and also allows for
 slicing.



Non-slip handle. A
 comfortable and grippy
 handle to ensure safe usage
 of knife when cutting.

Euro
€ 169.00

Thank you for
 choosing
 Exclusive
 collection

CHEESE

5"

5"

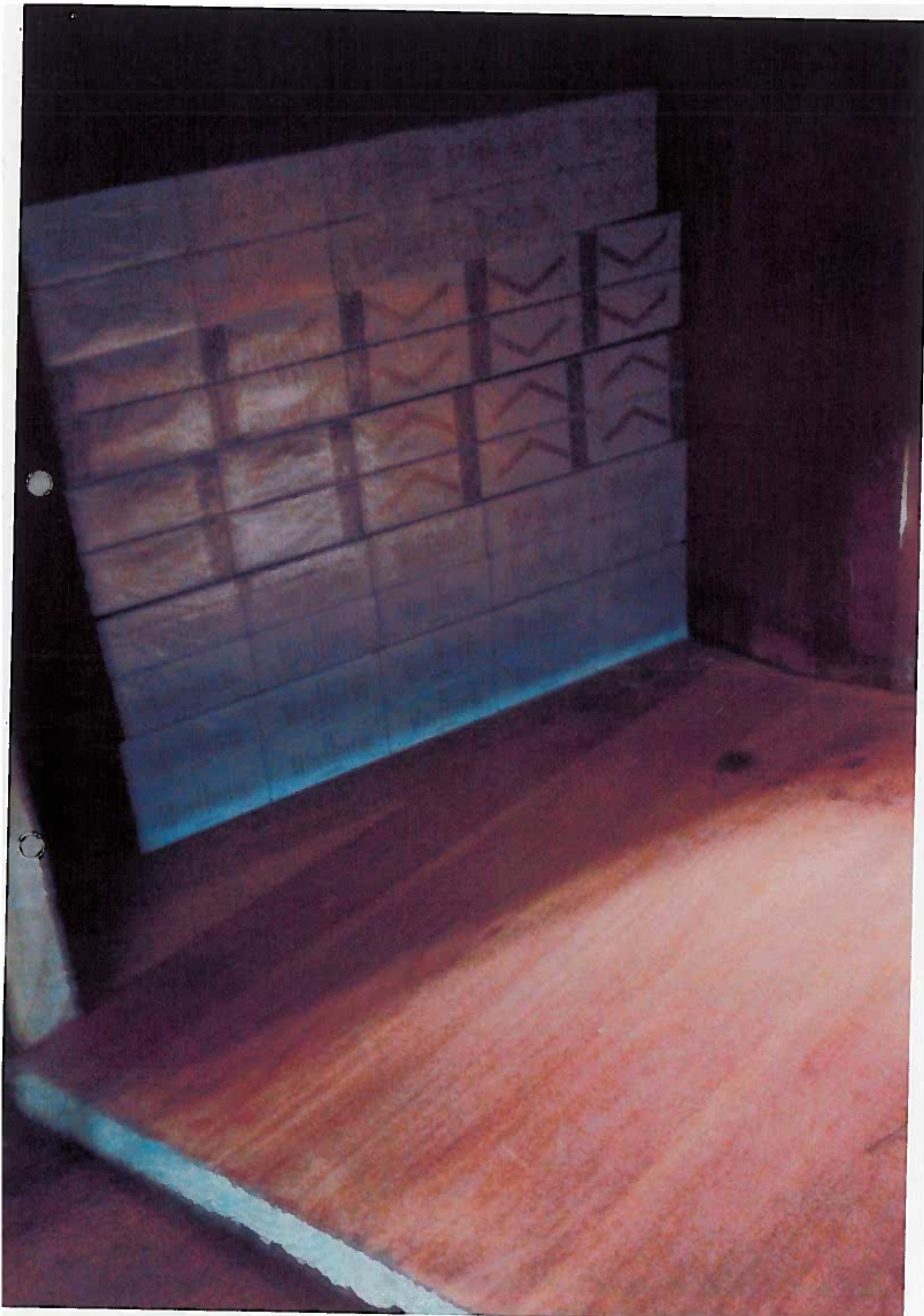
8" Slice

8" Bread K

8" Chef Knife

FRONE
 FRONE
 ZIMPI
 ZIMPI

Tędy lekarz lub farmaceuta poradzi Ci rzucić palenie
Palenie tytoniu umiarkująco
Chrońcie dzieci - nie zmuszajcie ich do wdychania dymu tytoniowego
Palenie tytoniu - nie zaczynaj palić
Palenie tytoniu - nie zaczynaj palić
Palenie tytoniu zamyka naczynia krwionośne i jest przyczyną zawałów serca i udarów mózgu
Dzwoniąc pod nr telefonu 0801108108, uzyskasz pomoc w rzuceniu palenia
Chrońcie dzieci - nie zmuszajcie ich do wdychania dymu tytoniowego







Winston

15.50

Winston

EXPERT CUT FOR ALL

£8.35

930 49

HIGH COMPRESSION

HIGH COMPRESSION

Embassy

Smoking

Smoking

Smoking

Smoking

Smoking

Smoking

Smoking



Le fumé contient de l'arsenic, du mercure, du plomb, du cadmium, du chrome, du nickel, du cobalt, du manganèse, du sélénium, du silicium, du soufre, du zinc, du bore, du fluor, du chlore, du brome, du iode, du strontium, du molybdène, du vanadium, du tungstène, du niobium, du tantale, du zirconium, du hafnium, du thorium, du uranium, du plutonium, du radium, du polonium, du radon, du francium, du actinium, du thorium, du protactinium, du uranium, du neptunium, du plutonium, du amerícium, du curium, du berkelium, du californium, du einsteinium, du fermium, du mendelevium, du nobélium, du lawrencium, du rutherfordium, du dubnium, du seaborgium, du bohrium, du hassium, du meitnerium, du darmstadtium, du roentgenium, du copernicium, du nihonium, du flerovium, du oganesson.

LONDON BOROUGH OF HARINGEY TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed Mehmet YAPICI

Place of Interview: Interview Room: Alexandra House, N22

Date of Interview 16/9/2015 Commenced 10:54 Ended 11:29

Interviewing Officer(s) Michael Squire Tactical Trading Standards Enforcement Officer


Other Persons Present D Balakrishnan Trading Standards Officer :Neslian Yapici (Daughter): T Yengin- Interpreter

Officer Preparing Record M Squire

Signature 

Tape Ref No MS/MY/SUN Identifying Mark No of Pages 5

TAPE TIMES	
	<p>Mr YAPICI was informed that the interview was being recorded on CD and that at the end of the interview he would get a notice about what would happen to the CDs. The persons present introduced themselves.</p> <p>Mr Yapici Gave his home address as 249A Lordship Lane, N17 6AA. Mr Yapici gave his date of birth as 01/05/1960 and his place of birth as Turkey.</p> <p>The reason for the interview was explained in that it related to cigarettes and tobacco found in his shop on 18th August 2015 with non English language health warnings and that an offence may have been committed under the Consumer Protection Act 1987. It was also explained that alcoholic spirits were found which had fake or false UK Duty Stamps on them which gives the impression they are legal to sell when they are not which</p>

Exhibit No. MS/SE/S
Referred to in my statement dated.....
Signed 
Name M SQUIRE

RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

can be an offence under the Consumer Protection From Unfair Trading Regulations.

Mr Yapici confirmed the shop premises at 688 High Road Tottenham was run through a Limited company EFE Limited and that he was a Director.

Mr YAPICI was cautioned at 11:00 AM in the following terms;
You do not have to say anything but it may harm your defence if you do not mention when questioned something which you later rely on in Court. Anything you do say may be given in evidence. Do you understand?

Mr YAPICI confirmed he understood the caution.

Mr YAPICI was informed he could have a Solicitor present or seek legal advice

Mr YAPICI confirmed he did not want a Solicitor.

Mr YAPICI was informed he was not under arrest and could leave at any time.

Mr YAPICI confirmed he was the owner of Sun Mini Market at 688 High Road Tottenham and that the business was run through a company EFE Limited. He confirmed he had been trading for four or five years. He confirmed he was the Premises Licence holder and Premises Supervisor. He

RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

	<p><i>confirmed he sometimes bought the Cigarettes and tobacco for the shop and sometimes he sent his workers. He stated he did not buy from sellers who came to his shop and has tried to be very careful about that.</i></p> <p><i>Mr EFE was shown photographs marked MS/TR/1 (Winston tobacco in tubs) MS/TR/2 (tobacco behind a Panel in his shop) and a third photo MS/TR/3 tobacco contained in a knife box which was seized from his shop.</i></p>
MS:10:	<p><i>Can you explain what this tobacco was doing in your shop?</i></p>
MY 12:00	<p><i>The first one, the Winston tobacco I believed that was quite legal because it had the stamp on it and that's why they were in the open.</i></p> <p><i>Mr Yapici explained that he believed the seal on the tub made it legal to sell.</i></p>
MS 12:30	<p><i>What did you want to say about the other tobacco?</i></p>
MY 12:44	<p><i>These are only for the use of my workers and sometimes when there are some rude people who come in and demand things they will give them a packet just to get rid of them.</i></p>

RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

<p>MS MY 14:15</p>	<p><i>Mr YAPICI was asked if he knew that cigarettes and tobacco in the UK had to have English Health warnings and a picture warning for example a diseased lung to warn smokers. He replied he was not aware of a law about the health warnings.</i></p> <p>You weren't aware there was a law about the health warnings? I didn't know there was a law, these came by boats and I thought they would be legal to sell.</p> <p><i>Mr YAPICI confirmed he bought the tobacco off of people who had returned from holiday and he bought them from people in a nearby coffee shop not at the shop premises. He again denied selling the cigarettes.</i></p> <p><i>Mr Yapici was asked about why he kept the cigarettes behind a panel in the shop and was again shown a photograph MS/TR/2. He denied trying to hide them. He replied it was to stop them getting mixed up with the others. Mr YAPICI was asked why he made the panel. He stated the panel was already there and he kept money and change behind it.</i></p> <p><i>Mr YAPICI was asked why he had so many. He said they were cheap and they did not often come by.</i></p> <p><i>Mr YAPICI stated the cigarettes were for his workers or for</i></p>
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RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

	<p><i>people who came into the shop who were drunk he would give them the cigarettes to get them to go away.</i></p> <p><i>Mr YAPICI said he was not hiding them and thought they were legal.</i></p> <p><i>Mr YAPICI was asked to explain why he kept cigarettes for drunk people. He replied he bought them for his workers but if people come into the shop to cause trouble he would give them these cigarettes rather than originals to encourage people to leave rather than cause trouble as Tottenham is a dodgy place.</i></p> <p><i>Mr YAPICI was asked to explain why he kept cigarettes in a knife box as they looked hidden again. He denied this and said they were just kept in a box.</i></p> <p><i>Mr YAPICI was asked if he noticed that the English cigarettes were different to the others. He said he did not really notice. He agreed he knew the foreign cigarettes were cheaper because they came from another Country.</i></p> <p><i>Mr Yapici was informed that he would now be asked questions about the alcohol.</i></p>
MS 21:38	Are you aware what a UK Duty Stamp is?
MY: 22:00	When he saw the red stamp on it he thought it was original and bought it.

RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

Mr YAPICI was asked to explain if he knew why it was there. He stated he believed it showed they were UK products. Mr Yapici stated he did not know the symbol mean't Tax had been paid.

Mr YAPICI stated he knew the knew the stamp meant the product was legal and thats what he knows. He knows that if they don't have a stamp they are not legal. Mr YAPICI went on to explain with reference to photograph MS TR4 that he thought the foreign seals on the bottles also made it legal to sell on both cigarettes and spirits.

Mr YAPICI agreed he did not know the UK DUTY stamp was the only one that was important.

He agreed all the spirits in the Shop were for sale. He said only the Bulgarians bought the Bukgarian Vodka so he didn't sell much.

Mr Yapici said the High commissioner Whisky was bought from a Cash and Carry in Leyton and it was cheaper than normal. He throught the stamp made it legal. Mr YAPICI was asked to provide invoices within seven days.

Mr YAPICI was asked where he bought the Smirnoff Vodka from. He said his workers bought it from a Cash and Carry. He didn't know which one. He explained the Smirnoff was £52 plus VAT for six bottles it could be from the Cash and Carry behind

RECORD OF TAPE RECORDED INTERVIEW OF: Mehmet YAPICI

the IKEA Store. Mr YAPICI was asked about paperwork. He said he would check but his workers paid cash. Mr YAPICI was asked if he paid cash did that mean he does not get a receipt. He stated he has a receipt but can't remember where or when it was. MR YAPICI was asked to provide the invoice.

Is there anything you want to say at the moment?

I am really upset and I want to apologise. I didn't know this was happening.

Mr YAPICI stated the workers do not buy anything when he is around. He stated he has sacked a couple of workers who wanted but stuff from outside.

Mr Yapici stated again he was embarrassed and sorry about it.

Interview concluded 11:29

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

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

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of XX 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: 25/08/2015

I work in CITEX Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.

I provide the following information under schedule 15 of the enterprise act

I acquired the information during my visit under the Customs and Excise Management Act 1979.

4. At approximately 11.45am hours on the 18/08/2015, I was on duty with other HMRC Officers conducting a shop inspection under S112 of the Customs and Excise Management Act 1979 also in attendance was Officer Squire from Trading Standards Haringey, we identified ourselves as HMRC officers by way of our official identification cards, and reason for the visit was explained. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop. The shop details are:

Date: 25/08/2015

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

EFE Mini Market Ltd, 688 High Road, Tottenham, London, N17 0AE. The director Mr YAPICI MEHMET was present and he provided identification in the form of a current driving licence which confirmed his date of birth and residential address being: D.O.B - 01.05.60, address shown as 249A Lordship Lane, Tottenham, London N17 6AA.

- 1. As part of the inspection I checked the alcohol that was in the shop and in the stock room, in the stock room I found Flirt vodka which bore foreign duty stamps, this product was also on the shelves for sale, I asked the director Mehmet Yapici where this product had been bought from he informed me a cash and carry in Leyton approximately six months before that had closed down, he was unable to provide an address for this cash and carry or any invoices.**
- 2. I asked M.Y. if he knew about duty stamps that should be on bottles of spirits over 30% ABV and over 35 c/s or more (as from 1 January 2007 it becomes an offence to hold, move or sell spirits in the UK that should bear stamp that don't) to which M.Y. said yes he was aware.**
- 3. I detected more foreign spirits which were both in the stock room and on the shelves all these products were Bulgarian**

Date: 25/08/2015

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Ruth Strauss

Spirits which had been purchased from the same cash and carry in Leyton with the same outcome paid cash no invoices given to M.Y.

- 4. Detected in the shop was High Commissioner Whisky which bore a counterfeit rear label.**
- 5. Detected in the shop was Smirnoff Vodka which bore a counterfeit rear label.**
- 6. The foreign bottles of spirits found in the stock room were hidden underneath and behind soft drinks of Ribena.**
- 7. When I first went into the shop I went behind the counter where I found tubs of Winston hand rolling tobacco which bore foreign stamps in a plastic bag, I asked M.Y. if he had any more foreign cigarettes or hand rolling tobacco in the shop M.Y. said no, I then found several more tubs of Winston hand rolling tobacco in black bags under the counter, I then again asked M.Y. if he had any more foreign cigarettes or hand rolling tobacco in the shop and he replied no search the shop, Officer Hoang found further foreign cigarettes in the shop in the form of two separate concealments which he note booked.**

Date: 25/08/2015Signature: [Handwritten Signature]

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Andrew Hoang

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

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of 2 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: 25/08/2015

I am an Officer of HM Revenue and Customs working in CITEX Operations based at Jubilee House, Stratford, and London. As part of my duties I conduct visits to off licences, cash and carries and tobacco and alcohol wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.

I provide the following information under Schedule 15 of the Enterprise Act.

I acquired the information during my visit under the Customs and Excise Management Act 1979.

On 18th August 2015 at approximately 11:45 hours, I entered the premises of Efe Mini Market Ltd, 688 High Road, Tottenham, N17 0AE under Section 112 of the Customs and Excise Management Act 1979. I was accompanied by Officer Strauss, Officer Soni and Officer Squire from Trading Standards Haringey.

Myself, Officer Strauss and Officer Soni identified ourselves as HMRC officers by way of our official identification cards, and explained the reason for the visit. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop.

As part of the inspection, I checked the stock behind the counter and in the front of the shop.

Date: 25/08/2015

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Andrew Hoang

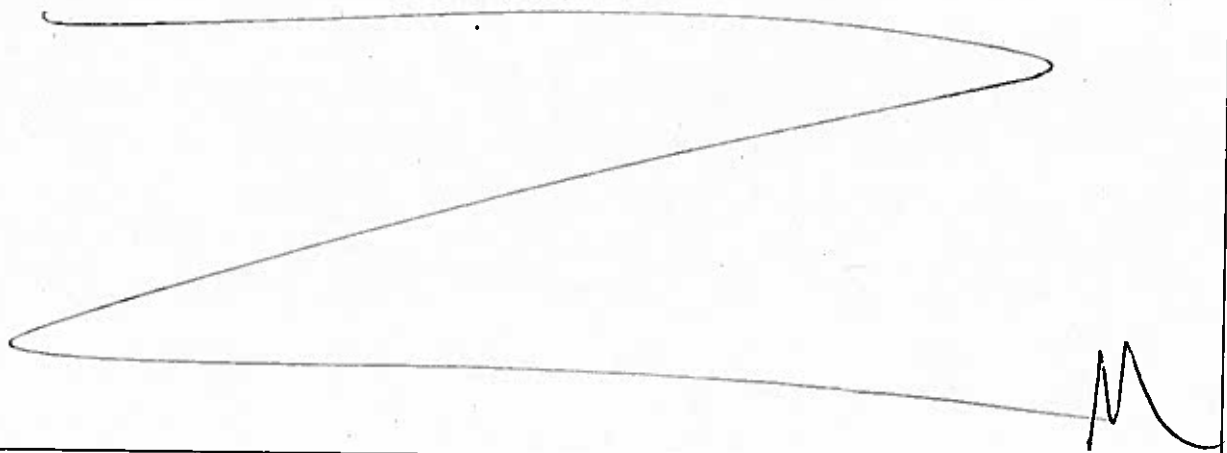
I found additional tubs of Winston Hand Rolling Tobacco behind the till, with no UK duty paid markings.

I asked Mr Mehmet Yapici, the director of Efe Mini Market Ltd, if he had any more non duty paid tobacco products on the premises. M.Y. replied no.

After I asked M.Y. about the tobacco which he had said no to , I discovered a knife box, which had been concealed next to the till, containing 260 Marlboro Gold cigarettes, all foreign with no UK duty paid markings.

I also found a concealed panel within the spirit shelving, found inside the concealment was 1,000 Marlboro Gold cigarettes, all foreign with no UK duty paid markings on.

On the shelf behind the counter where the spirits were on display I noted bottles of High Commissioner Whisky, which had a fake label and fake duty stamp which had been incorporated into the rear label, I informed Officer Strauss as she had detected other brands of spirits both in the shop and stock room which had similar issues.



Date: 25/08/2015

Signature: 

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Meenakshi Soni.

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

Occupation: Higher Officer, HM Revenue & Customs

This statement (consisting of 4 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: *Meenakshi Soni*

Date: 25/08/15

I work in CITEX Operations, Jubilee House, Stratford. As part of my duties I conduct visits to Off Licences, Cash and Carries and Tobacco and Alcohol Wholesalers. As part of these duties I will seize Excise Goods (that is goods that are liable to a duty of Excise) where the goods are found to be not duty paid. I will also issue Civil Assessments to recover lost duty, and issue Excise Wrongdoing Penalties when evasion has taken place.

I provide the following information under schedule 15 of the enterprise act

I acquired the information during my visit under the Customs and Excise Management Act 1979.

1. At approximately 11.45am hours on the 18/08/2015, I conducted a shop inspection with Officer Hoang, Officer Strauss from HMRC under S112 of the Customs and Excise Management Act 1979 also in attendance was Officer Squire from Trading Standards Haringey, we identified ourselves as HMRC officers by way of our official identification cards, and reason for the visit was explained. The reason for the visit was to verify the duty status of the excise products being sold and stored in the shop. The shop

Date: 25.08.15

Signature: *Meenakshi Soni*

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Meenakshi Soni.

details are: EFE Mini Market Ltd, 688 High Road, Tottenham, London, N17 0AE. The director Mr YAPICI MEHMET was present and he provided identification in the form of a current driving licence which confirmed his date of birth and residential address being: D.O.B – 01.05.60, address shown as 249A Lordship Lane, Tottenham, London N17 6AA.

- 1. During the inspection in the shop found behind the counter was 20 tubs of 170gms each Winston hand rolling tobacco which bore foreign duty stamp on each tub. I asked Yapici Mehmet about this hand rolling tobacco and where he purchased it from, he said he had bought from a man and provided no further details of the man he bought from. I asked Mr Mehmet if he had more tobacco in the shop. Mr Mehmet replied he has no more tobacco products stored in the shop. Officer Hoang found two further concealments behind the counter which both had foreign cigarettes in the brand being Marlboro Gold the total amount of cigarettes detected was 1,260. I asked Mr Mehmet to be honest with me and tell me if he had more tobacco products stored in the shop. He replied check it yourself.**
- 2. I asked Mr Yapici Mehmet where he bought the hand rolling tobacco and cigarettes from. Mr Yapici Mehmet replied he bought**

Date: 25.08.15Signature: Meenakshi Soni

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Meenakshi Soni.

from a man and he had no details of the man. I asked Yapici Mehmet if he was aware that he had non UK duty paid tobacco products in his shop. I also confirmed with him regarding his awareness of selling non UK duty paid tobacco products in his shop. Mr Yapici Mehmet confirmed he was aware that he should not have non UK duty paid tobacco products in his shop and he should not be selling these products on.

3. I asked Yapici Mehmet how much he bought the hand rolling tobacco for and how much he sold it to customers. Yapici Mehmet replied he bought each tub of Winston hand rolling tobacco for £16.00 each and he sold to the customers for £17.50 each.

4. I asked Yapici Mehmet where or who he purchased these non UK duty paid hand rolling tobacco and cigarettes from. Yapici Mehmet gave no details of the person he purchased these products from, but confirmed that he had paid cash for these products, and received no proof of purchase.

5. At approximately 11:50 I seized the goods. I confirmed with Mr Mehmet he understood the reason for seizure, which he did. Also present was Mr. Mehmet's brother. I explained to his brother that Mr Mehmet is selling non UK duty paid tobacco products in his shop and that is why they have been seized. Mr Mehmet's brother confirmed that he and Mr Mehmet understood why the goods had

Date: 25.08.15Signature: Meenakshi Soni

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(Criminal Procedure Rules, r 27.2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B)

Statement of: Meenakshi Soni.

been seized.

- 6. Also found during the shop inspection was various bottles of spirits which also formed part of the seizure but these were detected by Officer Strauss in the shop and stock room.**
- 7. I issued Seizure information notice (156), warning letter, 12A fact sheet, HRA, FS1 and FS9. I also explained him that he has one calendar month to appeal against the seizure.**
- 8. I told Mr Mehmet I will invite him for an interview in the office at a later date to be arranged. I gave my contact details to Mr Mehmet and left the premises at approximately 13.00.**
- 9. Officer Strauss and officer Hoang also made notes in their notebooks of the cigarettes, hand rolling tobacco and spirits that had been seized on the day, and where these products had been located in the shop.**
- 10. The amounts seized on the day was 1,260 cigarettes, 3.4 kilos hand rolling tobacco and 72.80 litres of mixed spirits. The excise duty evaded amounts to £1733.71. This information has been extracted from a departmental database.**

Date: 25.08.15Signature: Meenakshi Soni

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Commercial & Operations

Regulatory Services Manager: Gavin Douglas

Haringey
LONDON

Mehmet YAPICI
Sun/Efe Minimarket
688 High Road
Tottenham, London
N17 8AE

Your ref:

Date: 3rd June 2016

Our ref: WK 355018

Dear Sir,

Re: Licensing Act 2003: Application For Licence Review

I am writing to inform you that as a Responsible Authority this Service will be making an application to the Licensing Committee to review your Premises Licence.

I have enclosed a copy of the application for your reference.

Yours faithfully

Michael Squire
Tactical Trading Standards Enforcement Officer

Commercial Environmental Health &
Trading Standards
Level 6, Alexandra House
10 Station Road, Wood Green
London N22 7TR

T 020 8489 5158
E michael.squire@haringey.gov.uk
www.haringey.gov.uk

Shah Noshaba

From: Mark.L.Greaves@met.pnn.police.uk
Sent: 04 July 2016 09:03
To: Licensing
Cc: Barrett Daliah
Subject: RE: Application for a Review of a Premises Licence: Sun Minimarket, 688 High Road, Tottenham, London, N17 0AE (WK/355199)

Hi Noshi

I have scanned our indices for the previous 13 months and found nothing relevant to this matter.

Regards

Mark

Mark Greaves PC 164YR
Licensing / CPDA / Crime Prevention
Haringey Borough Police

Tel: 020 3276 0150

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From: Shah Noshaba [<mailto:Noshaba.Shah@haringey.gov.uk>] **On Behalf Of** Licensing
Sent: 06 June 2016 16:51
To: Haringey Building Control; De Gruchy Jeanelle; Enforcement Response; Pearce Derek; Planning Enforcement; Whitehouse Rebecca; Morris Marlon; Ekemezuma Felicia; Williamson Emma; 'Somerville Linda'; 'YR_Licensing@met.pnn.police.uk'; Ogosol Grace; Frontline; 'Fire'; Tempest Tracy - Roads and Transport Policing Command
Cc: Barrett Daliah; Anderson Chanel
Subject: Application for a Review of a Premises Licence: Sun Minimarket, 688 High Road, Tottenham, London, N17 0AE (WK/355199)

Dear RA's

Please find attached a copy of a Premises Licence Review for Sun Minimarket, 688 High Road, Tottenham, London, N17 0AE.

Please note the last day of consultation is 3rd July 2016.

Please forward all responses to licensing@haringey.gov.uk

Kind regards

Noshaba Shah
Licensing Officer



Haringey London
Licensing Team, Alexandra House, Level 6, 10 Station Road, Wood Green, London, N22 7TR
T. 020 8489 5536

noshaba.shah@haringey.gov.uk

www.haringey.gov.uk

[twitter@haringeycouncil](https://twitter.com/haringeycouncil)

facebook.com/haringeycouncil

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PREMISES LICENCE

Receipt: AG766864

Premises Licence Number: LN000003057

This Premises Licence has been issued by:
**The Licensing Authority, London Borough of Haringey,
Ashley Road, Technopark, London N17 9LN**

Signature:

Date: 28th February 2008

Part 1 – PREMISES DETAILS

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

**SUN MINIMARKET
688 HIGH ROAD
TOTTENHAM
LONDON
N17 0AE**

Telephone: 020 8808 6953

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
New Years Eve	from the start of permitted hours on 31 December until the start of permitted hours on 1 January

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.

Part 2

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

Mehmet Yapici
249A Lordship Lane
London N17 6AA

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

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

Mehmet Yapici
249A Lordship Lane
London N17 6AA

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

LN000002491

Issued by London Borough of Haringey

Expires: 11th March 2016

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.

Annex 2 – Conditions consistent with the Operating Schedule

This licence has been granted upon the conversion, under Schedule 8 to the Licensing Act 2003, of the existing justices' license and such rights and restrictions that applied thereto are hereby incorporated into this license, subject to any terms herein to the contrary and / or any limitation or restriction imposed by the Licensing Act 2003 or any subsequent amendment thereto.

THE PREVENTION OF CRIME AND DISORDER

CCTV monitoring to be installed and maintained.

Premises to liaise with police and make available to them any footage they deem helpful in addition to our refusals book.

All spirits to be kept behind the counter, which will be continually manned;

All other intoxicating liquor will be kept under close supervision in an area covered by CCTV.

PUBLIC SAFETY

All Fire Authority recommendations to be followed.

THE PREVENTION OF PUBLIC NUISANCE

Premises will do everything possible to alleviate public nuisance on and in the vicinity of the premises during the hours in which intoxicating liquor is sold.

THE PROTECTION OF CHILDREN

The designated premises supervisor will instruct all persons, selling or supplying, our alcohol not to serve persons under the age of 18 years.

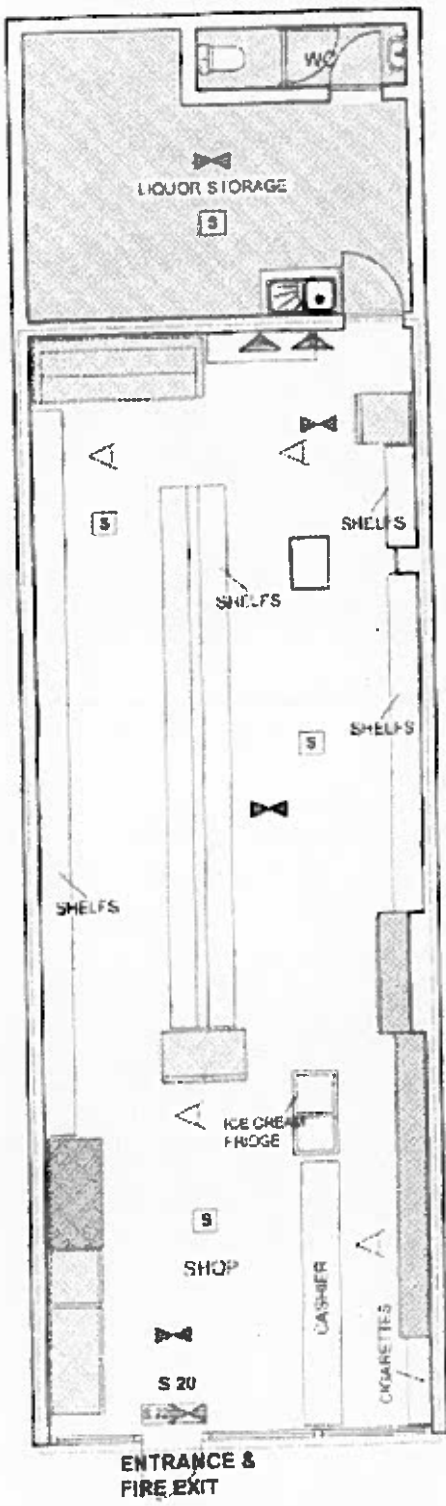
No employee under the age of 18 years will be responsible for the sale of intoxicating liquor.

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



LEGEND

- LIQUOR STORAGE AREA
- LIQUOR FRIDGES AREAS
- PASSAGEWAYS, WC'S, ETC.
- LIQUOR SHELF'S AREAS
- SOFT DRINKS & FOODS FRIDGES AREAS
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CARBON DIOXIDE FIRE EXTINGUISHER
- 9 L.T. WATER FIRE EXTINGUISHER
- FIRE ESCAPE KEEP CLEAR
- CCTV
- INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)

YAGMUR SUPERMARKET	688 HIGH ROAD LONDON N17
PROPOSED GROUND FLOOR PLAN	
SCALE : 1/100	DATE : 29/08/05
REF NO : 35468164-01	

Appendix 2 – Section 182 Guidance

- exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption)¹⁰;
- remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- suspend the licence for a period not exceeding three months;
- revoke the licence.

- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.
- 11.21 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.
- 11.22 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.
- 11.23 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

- 11.24 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, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

- 11.25 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 attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 11.26 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.
- 11.27 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage of smuggled tobacco and alcohol.
- 11.28 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.

Appendix 3 – Licensing Policy

- The prohibition of the participation of customers in the performance
- The maintenance of a minimum distance of 1 metre between performer and customers during the performance
- The provision of CCTV and the maintenance of a library of recordings
- A code of conduct for dancers including appropriate disciplinary procedures for failure to comply with the code
- Rules of conduct for customers, including appropriate procedures for breach of these rules
- Procedures to ensure that all staff employed in the premises have pre-employment checks including suitable proof of identity, age and (where required) permission to work
- The provision of supervisors and security staff
- Other necessary steps to be taken, including in the recruitment or supply of performers, is free of the influence or organised criminal activity

78 The sale and possession of smuggled, bootlegged or counterfeit Products and the handling of stolen goods

The guidance to the Act indicates that offences can be committed by certain persons in licensed premises if they allow the sale or supply of smuggled, bootlegged or counterfeit goods on the premises. This is in particular relation to alcohol or tobacco products, but may also include the sale of other counterfeited products such as DVDs and CDs and the handling of stolen goods.

Smuggled – foreign brands illegally brought into the UK

Bootlegged (duty evaded) foreign products brought into the UK in illegal quantities and / or resold in the UK

Counterfeit – Fake goods and packaging. Cheap low quality and often dangerous products packaged to look like premium UK brands

Offences are for selling illicit products but also for employees permitting sales and for employees buying or selling. The Home Office guidance indicates that these offences are taken particularly seriously. To prevent these offences occurring, the licensee should consider taking certain precautions. Advice on this can be obtained from the council's trading standards service.

79 Theft of personal property

Recent analysis of crime statistics has given rise to increasing concern over levels of theft of personal property within licensed premises, especially within the developing northern-western riverside area of the borough. Licence applicants are asked to give consideration to appropriate control measures within their risk-assessments and operating schedules.

Important steps that can be taken to reduce the risk of theft of personal property include:

- Raise the level of awareness among customers of the risk of theft of personal property through crime prevention information. This is especially important within premises where there is a high level of transient, tourist trade
- Provide controlled cloakroom areas
- Provide Chelsea clips under tables
- Ensure all areas of the premises are well lit and able to be observed by staff. Direct staff to observe the customer areas and politely raise with customers when personal belongings are unattended
- Provide and publicise internal CCTV