

## 4. REPORT

### Background

A premises licence was originally transferred to Mr Salman Ekinici in November 2015. Mr Ekinici has remained as the DPS until recently when he attempted to transfer the licence to a Mr Marasli in July 2016 who is also a director of the company under which the shop operates. Mr Marasli is also the owner of the premises. The Metropolitan Police rejected Mr Marasli due to his criminal record.

A subsequent application for the transfer and variation of the licence and DPS to a Ms Tonbul was received and accepted. We understand that Mr Ekinici and Marasli are still involved with the premises.

Mr Ekinici was in control of the premises when Trading Standards carried out their visit with HMRC in February 2016. The officers believe that it was general day to day practice at the premises to provide illicit tobacco and alcohol for sale from the premises.

The licence is shown at **Appendix 1A**.

### 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 Salman Ekinici at the time of the visit.  
Recently transferred to Fatma Tonbul.

### 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 A– Copy of licence**

## PREMISES LICENCE

Receipt: AG754806

Premises Licence Number: LN/00001251  
LN/000003443

*This Premises Licence has been issued by:*

**The Licensing Authority, London Borough of Haringey,  
6<sup>th</sup> Floor Alexandra House, 10 Station Road,  
Wood Green, London, N22 7TR**

Signature:..... Date: 24<sup>th</sup> November 2005  
Transfer & Vary DPS: 3<sup>rd</sup> August 2016

### Part 1 – PREMISES DETAILS

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

**TOTTENHAM EXPRESS  
591 HIGH ROAD  
TOTTENHAM  
LONDON  
N17 6SB**

Telephone: 079501 99216

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

## **Annex 1 –Mandatory Conditions**

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.

Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

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. 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.

A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

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

Not applicable

## **Appendix 1 – Review Application**

# **PUBLIC NOTICE**

## **Notice of Application for the review of a Premises Licence.**

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Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**TOTTENHAM EXPRESS  
591 HIGH ROAD  
TOTTENHAM  
LONDON N17 6SB**

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 & DISORDER**
- **PUBLIC SAFETY**

**Failing to uphold and promote the prevention of crime and disorder and public safety objective by selling non duty paid goods on the premises namely cigarettes and alcohol over a period of time.**

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

**Lead Officer – Licensing, Haringey Council, Alexandra House, Level 6, 10 Station Road, Wood Green, London N22 7TR.**

**By: 8<sup>TH</sup> AUGUST 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, Alexandra House, Level 6, 10 Station Road, Wood Green, 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**



WK/358336

[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**

<b>Postal address of premises or, if none, ordnance survey map reference or description</b> Tottenham Express	
<b>Post town</b> London	<b>Post code (if known)</b> N17 6SB

HARINGEY COUNCIL  
LICENSING  
RECEIVED

12 JUL 2016

<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Salman EKINCI
--

<b>Number of premises licence or club premises certificate (if known)</b> LN000003443
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates  
(please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

Please tick ✓ yes

Mr  Mrs  Miss  Ms  Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal  
address if  
different from  
premises  
address

Post town

Post Code

Daytime contact telephone number

E-mail address  
(optional)

**(B) DETAILS OF OTHER APPLICANT**

Name and address

Telephone number (if any)

E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address L.B.Haringey Trading Standards Service 6 <sup>th</sup> Floor, Alexandra House, 10 Station Road, London N22 7TR
Telephone number (if any) <b>020 8489-5158</b>
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 and Designated Premises Supervisor Salman EKINCI which indicates that the highest standards of management have not been exhibited by the business.

The owner of the business is Kazim MARASLI who operates the business through a Limited Company Demarasli Limited CO 9377732. The Premises Licence Holder and Designated Premises Supervisor Salman EKINCI is a relative of the owner and also an employee of the business.

On 24<sup>th</sup> February 2016, officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the premises of Tottenham Express at 591 High Road, Tottenham N17 6SB to inspect the stock of alcohol and tobacco. The Premises Licence holder Salman EKINCI was not present.

As a result of the visit HMRC seized the following alcoholic spirits 13 x 70cl High Commissioner Whisky, 22 x 70cl Glen's Vodka, 1 x 1 litre Glen's Vodka, 6 x 70cl Bell's Whisky, 1 x 1 litre Souza Tequila and 45 x 20cl Alomo Bitters all of which were not Duty Paid

HMRC also seized the following tobacco products, namely, 4 x 50g Golden Virginia hand rolling tobacco, 1640 Marlboro Gold cigarettes and 140 Marlboro Red cigarettes, all of which were not UK Duty Paid.

The duty evasion of all the seized products amounted to £884.19.

Trading Standards seized samples of the cigarettes as they bore foreign language health warnings which did not comply with UK requirements under the Tobacco Products Manufacture Presentation and Sale Safety Regulations which is a Criminal Offence under the Consumer Protection Act 1987.

Samples of the Glens Vodka, Bells Whisky, High Commissioner Whisky and Bells Whisky which were part of the HMRC seizure were seized by Trading Standards. There were examined in detail and were found to be original products intended for export from the UK and therefore were not Duty Paid. At some stage prior to seizure these products had been diverted back into the UK supply chain. The rear labels on these products had been replaced to display a fake label containing a UK Duty label giving the impression that the goods were legal to sell when in fact they were not. This can be an offence under the Consumer Protection From Unfair Trading Regulations 2008.

The foreign cigarettes found in the shop were discovered by officers on a concealed shelf behind the counter. The cigarettes were not visible to customers or to the person serving behind the counter. They could only be reached by reaching up underneath the counter and the reaching backwards to retrieve the cigarettes by feel. It is believed, therefore, that these cigarettes were deliberately placed in this area to avoid detection during an inspection as they were not visible even to a person standing on the shopkeepers side of the counter. This in our submission is an aggravating factor.

The business owner Kazim MARASLI was interviewed under caution in accordance with the Police and Criminal Evidence Act 1984.

During the interview MARASLI stated he bought the Glens Vodka, High Commissioner Whisky and Bells Whisky from Belgium while on holiday. He was unable to produce an invoice for these products stating he had only been given a till receipt which he did not produce.

Mr MARASLI stated the cigarettes were not for sale and that he had bought them for his personal use and for friends and shop workers. When asked why they were in the shop he said they were originally in the flat above but he had removed them as tenants had started smoking them.

Mr MARASLI was asked to provide any CCTV footage that might assist in proving that these cigarettes were not being supplied. To date no CCTV footage has been provided.

Mr MARASLI has provided an invoice for the seized ALOMO Bitters which has been passed to HMRC for further investigation.

On 1st June 2016 the Premises Licence Holder and Designated Premises Supervisor Salman EKINCI was interviewed by Trading Standards. During the interview he stated the following:-

- He had no knowledge that the foreign cigarettes were in the shop and had not been told about them by Kazim MARASLI
- He stated he had previously informed Mr MARASLI some months earlier not to buy non UK Duty paid products and keep them on the premises.
- He stated he had some months prior to the visit he had informed Mr MARASLI to only source stocks of alcohol from bona fide wholesalers and to obtain receipts.
- He stated that he was under the impression after speaking with Mr MARASLI that the seized foreign cigarettes had been purchased by Mr MARASLI from Belgium. He stated he had been informed by Mr MARASLI that the seized spirits were old stock that had been on the premises when Mr MARASLI had bought it.

It can be an offence under Section 144 of the Licensing Act 2003 for the Designated premises Supervisor and Premises Licence holder to knowingly keep or allow goods to be kept on the premises which have been imported without payment of duty.

Trading Standards do not accept the explanation given in relation to the illicit tobacco seized and submit that the concealment of a large quantity of individual packets in the vicinity of the counter is consistent with a business trading in illicit products and using a reasonably sophisticated method to avoid detection..

Trading Standards are concerned at the possession for supply of illicit 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
24 <sup>th</sup> February 2016	Inspection visit by Trading Standards and HMRC	HMRC Seized illicit tobacco and alcohol with a Duty value of £884.19. Trading Standards seize samples of these goods including cigarettes and tobacco with foreign language health warnings and alcoholic spirits with fake UK Duty labels.
26 <sup>th</sup> April 2016	Kazim MARASLI interviewed by Trading Standards	Owner of premises Kazim MARASLI interviewed by Trading Standards
1 <sup>st</sup> June 2016	Premises Licence Holder and Designated Premises Supervisor interviewed by Trading Standards.	Premises Licence Holder and Designated Premises Supervisor Salman EKINCI interviewed by trading Standards

**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.

Trading Standards recommend the following conditions be attached to the licence.

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.

Trading Standards would also recommend that the Committee consider suspending the licence for a period of one month.

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 x3.
2. Photograph of foreign cigarettes concealed beneath sales counter
3. Photograph of sample goods seized by Trading Standards
4. Statements of HMRC officers HOANG and ESPONDA
5. Copy of interview summary carried out with shop owner Kazim MARASLI
6. Companies House Documentation in relation to Demarasli Limited.

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

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

N/A

Please tick ✓

yes

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

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

**Part 3 – Signatures** (please read guidance note 4)

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

Signature *R. A. [Signature]*

Date 11/7/16

Capacity Applicant R.A.

<b>Contact name (where not previously given) and postal address for correspondence associated with this application</b> (please read guidance note 6)	
<b>Post town</b>	<b>Post Code</b>
<b>Telephone number (if any)</b>	
<b>If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)</b>	

**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.



# BELL'S

BLENDED SCOTCH WHISKY



**DRINK RESPONSIBLY**

**D-RINKAWARE.CO.UK**

For more information on Bell's  
visit [www.bells.co.uk](http://www.bells.co.uk)

## NUTRITION INFORMATION

A 25ml serving provides	100ml provides
230kJ/56kcal	919kJ/222kcal
0g	0g
Trace	Trace
0g	0g



Exhibit No... *MS/16/8* .....  
Referred to in my  
statement dated.....  
Signed... *AM Savice* .....  
Name.....





# RED HOT RUSSKI

1/3 Glen's Vodka - 1/3 Glen's Gin  
 1/3 Tomato Juice - Dash of Tabasco  
 Shake with ice and strain into glass.  
 Add Tabasco!



ENJOY GLEN'S VODKA RESPONSIBLY  
 DRINKAWARE.CO.UK



Exhibit No. *MS/16/8*.....  
 Referred to in my  
 statement dated.....  
 Signed..... *M. J. [Signature]*.....  
 Name..... *M. J. [Signature]*.....



# HIGH COMMISSIONER OLD SCOTCH WHISKY

Over 140 years of experience and craftsmanship  
have contributed to the superior quality of  
High Commissioner Old Scotch Whisky.  
Produced from a selection of some of the finest  
Scottish malt and grain whiskies and matured  
in oak casks, it has a smooth and mellow flavour.



ENJOY HIGH COMMISSIONER RESPONSIBLY  
D-RINK AWARE.CO.UK



Exhibit No. MS/11/15.....  
Referred to in my  
statement dated.....  
Signed [Signature].....  
Name MS/11/15.....





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02262

QUALITY ASSURED  
SINCE 1971

Exhibit No.. M.S/12/2.....  
Referred to in my  
statement dated.....  
Signed..... M.S.  
Name..... M. Squire.....





Exhibit No. MS/IR/1  
Referred to in my  
statement dated.....

Signed..... [Signature]  
Name..... M. S. W.



**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')  
Customs

Occupation: Higher Officer, HM Revenue &

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: 20/05/2016

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 24 February 2016 at approximately 1430 hours, I entered the premises of Tottenham Express, 591 High Road, N17 6SR under Section 112 of the Customs and Excise Management Act 1979. I was accompanied by Officer Strauss, Officer Esponda, Officer Idziak and Officer Squire from Trading Standards Haringey.

Myself, Officer Strauss, Officer Esponda and Officer Idziak 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.

Date: 20/05/2016

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

As part of the inspection, I checked the stock behind the counter.

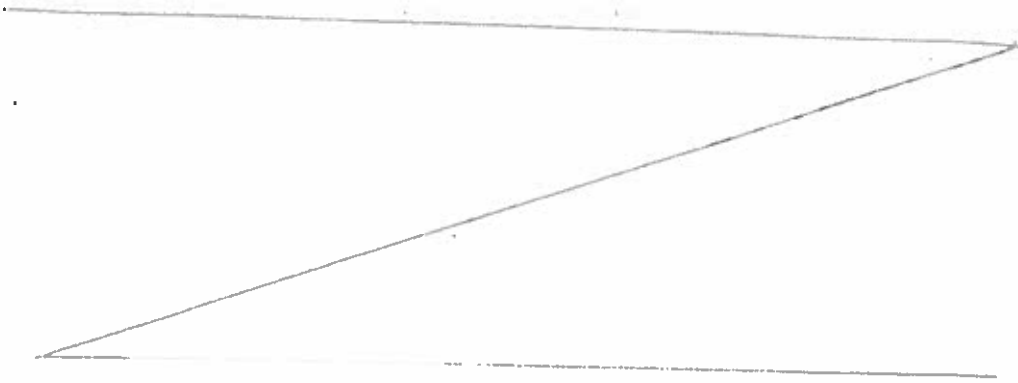
At approximately 1456 hours, I found 20 Marlboro Gold cigarettes under the till on the right hand side of the till counter. The cigarettes had Polish duty markings and no UK fiscal duty marks.

At approximately 1458 hours, I found Marlboro Gold cigarettes concealed underneath the till. The cigarettes were out of plain sight underneath the till on a hidden shelf. The cigarettes had Polish duty markings and no UK fiscal duty marks.

I took a photo of the concealed cigarettes.

During the assurance check, I also found other containers of spirits in the premises, which had no evidence of duty payment.

The goods were seized as liable to forfeiture under Section 139 of the Customs and Excise Management Act 1979 at 1528 hours by Officer Esponda.



Date: 20/05/2016

Signature: *[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: André Esponda

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

Customs

Occupation: Higher Officer, HM Revenue &

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: *[Handwritten Signature]*

Date: 20/5/16

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.

At approximately 14:30 hours on the 24/02/2016, I was on duty with other Officers from HMRC, 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: Tottenham Express, 591 High Road, London N17 6SB. The director Kazim Marasli was not present at the time of entering the premises. When I entered the premises I was able to establish that this trader had a display cabinet that sold UK duty tobacco products and shelving containing UK Duty Alcohol products. At this time, I asked the male behind the counter (Ali Aksu) if they had any foreign cigarettes in the shop, he answered saying they did not have any.

Date: 20/5/16

Signature: *[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: André Esponda

1. Found behind the counter on the shelves for sale were 70cl bottles of High Commissioner Whisky, in total 13 x 70cl bottles were detected, these bottles bore a counterfeit rear label, the duty stamp on the rear back label did not fluoresce yellow when exposed to UV light, the colour of the duty stamp was a solid purple an indication of a digital copy.
2. 4 x 50g of sealed foreign Golden Virginia hand rolling tobacco were also detected behind the counter under the till.
3. At 14:47 hours, 22 x 70 cl bottles of Glen's Vodka and a 1 litre bottle of Glen's Vodka with counterfeit rear labels were found behind the counter. These labels had a closed number 4 on the barcode when the authentic article would actually have an open number 4 and the duty stamps did not fluoresce.
4. 7 x 70cl bottles of Bell's Whisky were discovered on the shelf with counterfeit rear labels with excise duty stamps that did not fluoresce and a 1 x 1litre bottle of SAuza Tequila without a UK duty stamp..
5. The Alomo Bitters 45 x 20cl were found along with the 22 x 70cl bottles of Glen's Vodka, the 1 litre bottle of Glen's Vodka, the 7 x 70cl bottles of Bell's Whisky and the 13 x 70cl bottles of High Commissioner Whisky all bore fake UK Duty stamps. A UK duty stamp is a document issued by or on behalf of HMRC affixed onto retail containers of alcoholic liquor to indicate that the appropriate excise duty has been paid, and must be affixed onto containers of capacity 35cl or more containing liquor above 30% ABV by virtue of paragraph 1, Schedule 2A of the Alcoholic Liquor Duties Act 1979. A UK duty stamp is a 25mm diameter disc that has one of the appearances illustrated in Schedule of the Duty Stamps Regulations 2006, and as described in Regulation 4 of the Duty Stamps Regulations 2006, is predominantly magenta; has the words 'For The UK Market', 'Liable to UK excise duty' and 'HM Revenue & Customs'; has an alphanumeric reference written on the stamp.

Date: 20/5/16Signature: *André Esponda*

(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: André Esponda

- 6. A product without a legitimate UK duty stamp is not evidenced to be UK excise duty paid, and therefore is liable to forfeiture under Section 139 of the Customs & Excise Management Act 1979. A fake UK Duty stamp would therefore give the impression that goods were legal to sell when they are not.
- 7. Gunay Guadin advised the director would be present within 15 minutes.
- 8. At 14:58 Officer Hoang found a large quantity of foreign cigarettes concealed under the counter behind the till. Officer Strauss asked GG if he knew how much he was selling the cigarettes for, but he declined to answer, she asked him again and he replied he did not know.
- 9. At 15:09 the director Kazim Marasli arrives at the premises. KM advised when asked about the cigarettes that they were all for personal use and that he had purchased the alcohol in Belgium.
- 10. 82 x 20 packs of foreign cigarettes consisting of the various brands Mariboro Gold, and Marlboro Red. Officer Squire from Trading Standards Haringey took 1 x 20 Marlboro Gold and 1 x 20 Marlboro Red as samples.
- 11. At 15:17 the director KM produced an invoice from Blue Mountain Peak, confirming this is where the Alomo Bitters had been purchased from. The invoice provided did not evidence proof of duty payment and therefore did not satisfy me that the UK excise duty had been paid. This trader was visited at a later date and the trader was also unable to provide proof of duty payment for this invoice.
- 12. At 15:28 hours, the goods seized were removed from the premises of Tottenham Express.
- 13. The approximate unpaid duty amount was £884.19 which was extracted from a departmental database.
- 14. I can confirm that the spirits and tobacco seized which I have referred to in this

Date: 20/5/16

Signature: *André Esponda*

(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: André Esponda

statement is illegal to sell in the UK due to non payment of excise duty.

15. The seizure was not appealed so therefore the goods were deemed condemned as forfeited.

Date: 20/5/16

Signature: [Handwritten Signature]  
(signature of witness)

Signature: \_\_\_\_\_  
(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**LONDON BOROUGH OF HARINGEY TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

Person Interviewed Kazim MARASLI

Place of Interview: Interview Room: Alexandra House, N22

Date of Interview 20<sup>th</sup> April 2016 Commenced 11:40 Ended 12:05 pm

Interviewing Officer(s) Michael Squire

Other Persons Present M Balakrishnan Trading Standards Mehmet Hassan  
(interpreter) Shaun Neville (Solicitor) S Satha and Co

Officer Preparing Record M Squire

Signature

Tape Ref No

Identifying Mark

No of Pages

7

TAPE TIMES	
	<p>Mr Kazim MARASLI 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 MARASLI gave his home address as 591 High Road, London N17 6SB. Mr MARASLI gave his date of birth as 01/01/1969 and his place of birth as Turkey. Mr MARASLI stated he had a Limited Company namely, Demarasli Limited.</p> <p>The reason for the interview was explained in that it related to cigarettes and alcohol found at his shop premises at 591 High Road on 24<sup>th</sup> February 2016. The cigarettes had incorrect health warnings on them and most of the spirits seized had fake back labels and therefore fake Duty stamps on them. It was explained that to have these in possession for supply can be an</p>

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	<p>offence under the Consumer Protection Act 1987 and the Consumer Protection Form Unfair Trading Regulations 2008.</p> <p>Mr MARASLI was cautioned at in the following terms at 11:46AM</p> <p><b>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?</b></p> <p>Yes</p> <p><i>Mr MARASLI was told he could consult his Solicitor during the interview.</i></p> <p><i>Mr MARASLI was informed he was not under arrest and could leave at any time.</i></p> <p><i>Mr Marasli confirmed he was the owner of Tottenham Express 591 High Road and that the business was run through his Limited Company Demarasli Limited. He stated he was the sole Director. He stated he had run the business for 3 years.</i></p> <p><i>Mr Marasli was asked who Salman EKINCI was. Mr Marasli stated he was a family friend who works at the shop and lives 5 minutes away.</i></p> <p><i>Mr Marasli was shown a picture MS/TR/1</i></p>
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RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

MS	If I can ask you about the cigarettes in the photo. Are you aware that cigarettes that you sell in the UK have to have English Language health warnings?
KM	I sell the English label cigarettes but I didn't know that this was...and this is not for sale I don't sell it
MS	What were the cigarettes doing in the shop if they were not for sale?
KM	For my own personal consumption and my friends and people working there. I don't, whatever was there was there it wasn;t much cigarettes.  <i>Mr M was shown a photo MS TR/2 taken from inside the counter.</i>
MS	Do you recognise that photo it's the inside of your counter?
KM	Yes that where I put them
MS	You had significant numbers of cigarettes effectively what I would say hidden on a little shelf which you can only get to by putting your hand underneath the counter?

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	They were not hidden because as you look at them you can see they were cigarettes there, they were visible.
MS	I have to say that's not my recollection. Because there was actually the counter then, there was a wooden panel coming down and then there was a shelf going under the counter Now the cigarettes were on the shelf facing away from you so you cant see the cigarettes unless you know they're there?
KM	I bought them for myself but since the illness of my child the last few months I had to put them there not to be seen by others.
MS	Why was that?
KM	Not to mix with the other cigarettes. The UK cigarettes they were in a box underneath I put them on a shelf behind they were not for sale you can come and check we never sold them?
MS	Do you not think it looks to me like you hid them there so we wouldn't find them?
KM	You might think that way it wasn't the idea
MS	You say you gave them away to employees and friends Is that

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

KM	right?  Only once I purchased them and just for personal and some friends?
MB	You say they are for personal use so what are they doing in the shop?
KM	They were put there 2 days prior to your visit. Normally we keep them upstairs but there are tenants there. The tenants were smoking them so I took them and brought them downstairs, we don't sell them.
MS	Where did you get them from?
KM	Somebody bought them from outside he explained he bought them from a Polish customer outside his shop who brought them in from Poland.
KM	<i>Referring to Photo MS/ TR/1 and the UK Duty labels Mr MARASLI was asked if he knew what the Duty stickers meant. Mr MARASLI explained that it means that it belongs to the UK. He went on to explain that he bought the spirits from Belgium on a family holiday. He added that tourists come here and buy spirits. He said he brought these particular spirits in through</i>

RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI

	<p><i>Dover with no problems. Mr Marasli said if he knew it was a problem he wouldn't have bought them . Mr Marasli stated he was selling the Bells for £13.99, the High Commissioner for £11.99 and the Glens for £10.99. He agreed the prices he bought them for in Belgium were cheaper than the UK Cash and Carry's. He stated he no longer has the invoices as they were just till receipts. Mr Marasli stated he bought 6 boxes for himself. (36 bottles),</i></p>
MS	<p>Do you know that it is illegal to sell foreign spirits that haven't had the UK Duty Paid on them.</p>
KM	<p>No I didn't know when you tested them with your special tester then i knew.</p> <p><i>Mr M stated he did not have a UV light to check the bottles but wanted to buy one if he could.</i></p> <p><i>Mr Marasli confirmed again he had no receipts for the spirits as they were till receipts not normal receipts.</i></p> <p><i>It was put to Mr Marasli again that the cigarettes were for sale.</i></p> <p><i>Mr Marasli said he had heard about it and had warned his friends not to do it, not to sell illegal cigarettes and that Trading Standards were welcome to come and check at anytime.</i></p>

**RECORD OF TAPE RECORDED INTERVIEW OF: Kazim MARASLI**

	<p><i>Mr M was asked if he wished to add anything and he stated that he did not have anything to add.</i></p> <p><i>Interview Concluded 12:05.</i></p>

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# DEMARASLI LTD

Company number 09377732

## Filter officers

Current officers

Apply filter

**1 current officer / 0 resignations**

**MARASLI, Kazim**

Correspondence address 591a, High Road, London, London, England, N17 6SB

Role Director

Date of birth January 1969

Appointed on 7 January 2015

Nationality British

Country of residence England

Occupation Director

Exhibit No... MS/TE/9  
Referred to in my  
statement dated.....

Signed.....  
Name..... M. J. G. G. G.

## Companies House

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# DEMARASLI LTD

Company number **09377732**

Registered office address

591 High Road, London, London, N17 6SB

Company status

Active

Company type

Private limited Company

Incorporated on

7 January 2015

## Accounts

First accounts made up to **31 January 2016**  
due by **7 October 2016**

## Annual return

Next annual return made up to **7 January 2017**  
due by **4 February 2017**

Last annual return made up to **7 January 2016**

## Nature of business (SIC)

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

Exhibit No..... *MJ/16/9*  
Referred to in my  
statement dated.....

Signed..... *MJ*  
Name..... *M. J. Sullivan*

## **Appendix 2– Secretary of State 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)<sup>10</sup>;
- 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.

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<sup>10</sup> 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– Extract from 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