

## 4. REPORT

### Background

A premises licence was originally granted to Mr Ozcan Albay at Seven Sisters Off Licence 627 Seven Sisters Road Tottenham London N15 in November 2015. Mr Albay has been the licence holder and DPS since this time.

Mr Albay has been previously cautioned by the Trading Standards Team for a similar offence in December 2015. The licence holder submitted a Minor Variation to have agreed conditions that would assist him in not having counterfeit conditions added to the licence at this time. The Licence and its conditions are shown as Appendix 1A.

Clearly, the licensee has continued with stocking the premises with illicit goods and was again found to have further stock in April 2016.

### Licensable activities authorised by the Licence:

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

#### Supply of Alcohol

<b>Monday to Saturday</b>	<b>0800 to 2300</b>
<b>Sunday</b>	<b>1000 to 2230</b>
<b>Good Friday</b>	<b>0800 to 2230</b>
<b>Christmas Day</b>	<b>1200 to 1500 &amp; 1900 to 2230</b>

The designated premises supervisor is: Mr Ozcan Albay

#### 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.**

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Clearly, the licensee has continued with stocking the premises with illicit goods and was again found to have further stock in April 2016.

##### **Licensable activities authorised by the Licence:**

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

##### **Supply of Alcohol**

<b>Monday to Saturday</b>	<b>0800 to 2300</b>
<b>Sunday</b>	<b>1000 to 2230</b>
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#### **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.

## **Appendix 1 A– Copy of licence**

## PREMISES LICENCE

Receipt: AG762521

Premises Licence Number: LN/00001187  
LN/000003234

*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

Minor Variation: 16<sup>th</sup> December 2015

### Part 1 – PREMISES DETAILS

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

**SEVEN SISTERS OFF LICENCE  
627 SEVEN SISTERS ROAD  
LONDON  
N15 5LE**

Telephone: 020 8802 9589

**Where the Licence is time limited, the dates:**

Not applicable

**Licensable activities authorised by the Licence:**

Sale of retail of alcohol

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

Supply of Alcohol

Monday to Saturday      0800 to 2300

Sunday                      1000 to 2230

Good Friday                0800 to 2230

Christmas Day              1200 to 1500 & 1900 to 2230

**The opening hours of the premises:**

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

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

**Part 2**

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

Mr Ozcan Albay

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

Not applicable

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

Mr Ozcan Albay

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

LN/200500694

Issued by London Borough of Enfield

Expires: 31<sup>st</sup> July 2015

## **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 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

There will be two security cameras at the premises and a mirror to view everyone in the public area of the premises. There will also be a security alarm and a panic alarm to a recognised company. There will also be an alarm system to notify the police of any incident. All spirits will be kept behind the counter and wine is to the left of the counter in easy view of the proprietor.

All tobacco products which are not in 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.

Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.

### **PUBLIC SAFETY**

There will be easy escape from the premises.

### **THE PREVENTION OF PUBLIC NUISANCE**

No alcohol will be sold to those who are intoxicated.

### **THE PROTECTION OF CHILDREN**

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

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

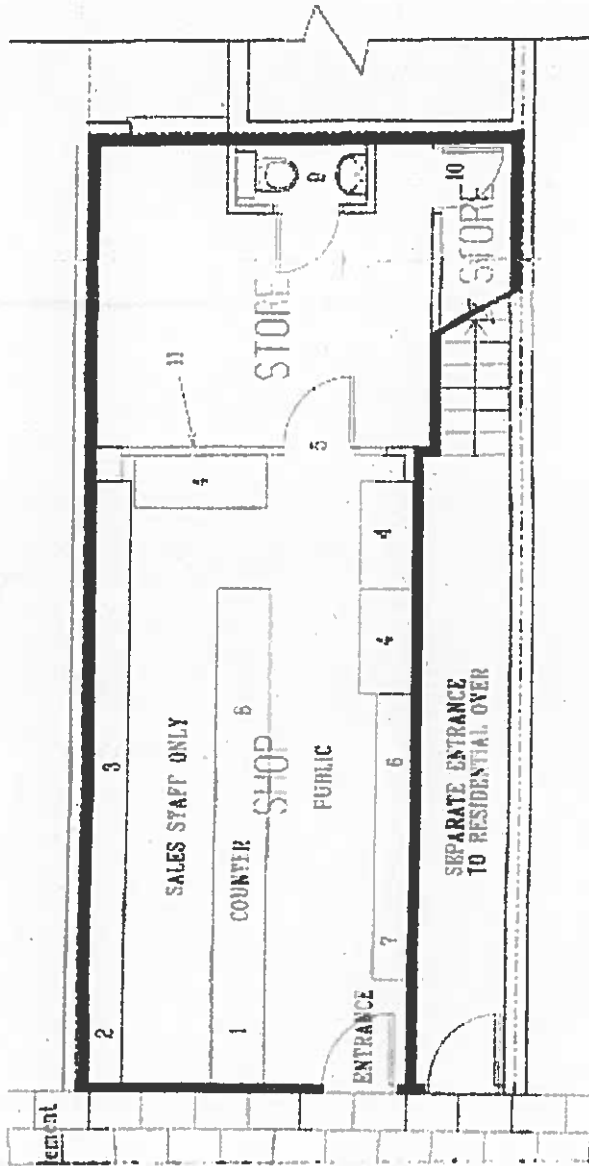


**Annex 3 – Conditions attached after a hearing by the licensing authority**

Not applicable

# Annex 4 - Plans

- 2 - Shelving for cigarettes
- 3 - Shelving for spirits
- 4 - Fridge for beer and soft drinks
- 5 - Half hour fire resisting self closing door and frame
- 6 - Shelving for beer and soft drinks
- 7 - Newspaper and magazine rack
- 8 - Chocolates, sweets and snacks
- 9 - Existing WC and basin for staff use only
- 10 - Underside of staircase plastered to provide half hour standard fire resistance
- 11 - Half hour fire resisting timber stud partition



*[Handwritten signature]*

## **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:

**SEVEN SISTERS OFF LICENCE  
627 SEVEN SISTERS ROAD  
TOTTENHAM  
LONDON N15 5LE**

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**

[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/Felicia Ekameozuma

(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> Seven Sisters Off Licence 627 Seven Sisters Road		HARINGEY COUNCIL LICENSING RECEIVED  12 JUL 2016
<b>Post town</b> London	<b>Post code (if known)</b> N15 5LE	
<b>Name of premises licence holder or club holding club premises certificate (if known)</b> Mr Ozcan ALBAY		
<b>Number of premises licence or club premises certificate (if known)</b> LN000003234		

**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 in the shop under the control of the Premises Licence Holder and Designated Premises Supervisor Ozcan ALBAY. It also relates to a previous occasion where illicit tobacco was discovered on the same premises under the control of Ozcan ALBAY. These circumstances indicate that the highest standards of management have not been exhibited by the business.

On 6<sup>th</sup> April 2016, 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 Ozcan ALBAY was present.

The officers seized 680 cigarettes with a Duty Value of £184.95 which were not UK Duty Paid. These products were discovered concealed in Chivas Regal Whisky presentation boxes on display behind the counter where the whisky bottle itself had been removed from the box and cigarettes placed inside. The box had then been placed back on display among other spirits. Once one box and its contents had been discovered by officers Mr Albay was asked to produce any other foreign cigarettes he had in the shop and he indicated to a Whisky box on display behind the counter.

The seized goods were foreign Marlboro branded cigarettes which as well as not being Duty Paid also did not bear the correct statutory health warnings which are legally required for the

UK market. Having these cigarettes in possession for supply on a shop premises on that date is a breach of Regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 as they do not bear the required warning "smoking kills" or "Smoking seriously harms you and others around you" and on the other most visible surface a prescribed picture warning. This can be a criminal offence under Section 12(1) of the Consumer Protection Act 1987.

Ozcan ALBAY the Premises Licence holder and designated Premises Supervisor was subsequently interviewed under Caution in accordance with the Police and Criminal Evidence Act 1984 by Trading Standards.

During the interview Mr ALBAY refused to answer questions relating to the incident and gave a "no comment" interview.

When asked at the end of the interview if there was anything he wished to say Mr ALBAY stated he had no comment

I have set out below the relevant history of the business.

The Ozcan ALBAY signed up to Haringey's Responsible Retailer Scheme and was accepted as a member on 9<sup>th</sup> September 2014. This scheme includes a commitment by the business to comply with legislation relating to the retail sale of tobacco.

On 17<sup>th</sup> November 2015 Ozcan ALBAY agreed and signed a Simple Caution relating to a previous visit to the shop premises by Trading Standards and Officers of HMRC on 24<sup>th</sup> June 2015. The Caution related to an offence under Section 12 (1) of the Consumer Protection Act in that on 24<sup>th</sup> June 2015 he had in possession for supply on the Licenced Premises at 627 Seven Sisters Road N15 5LE 1.5kg of Golden Virginia hand rolling tobacco 600 Marlboro Red cigarettes and 1200 Marlboro Gold Cigarettes all of which did not bear the required statutory health warnings in English.

Subsequent to the Simple Caution Trading Standards wrote to Ozcan ALBAY on 18<sup>th</sup> November 2015 asking him to apply for a Minor Variation to his Premises Licence imposing additional conditions in relation to the storage of tobacco. Ozcan ALBAY applied for the requested minor variation.

On 16<sup>th</sup> December 2015 a Minor Variation was approved and the licence reissued. The additional conditions were as follows.

- All tobacco products which are not in 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.
- Tobacco shall only be taken from the covered display cabinet behind the sales counter in order to make a sale.

It is our submission that concealing or storing illicit tobacco in a Chivas Regal Whisky box which was not clearly labelled "tobacco stock" is a breach of a specific condition of the Premises Licence.



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.

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.

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
17 <sup>th</sup> September 2014	Ozcan ALBAY applies to join Haringey's Responsible Trader Scheme.	Ozcan ALBAY signs commitment to abide by all legislation in relation to the retail supply of alcohol and tobacco including that enforced by Environmental Health and HMRC
24 <sup>th</sup> June 2015	Trading Standards and HMRC inspect the licenced premises	HMRC and trading Standards seize 1.5kg of Golden Virginia hand rolling tobacco 600 Marlboro Red cigarettes and 1200 Marlboro Gold Cigarettes Duty value of seized products £873.15

22nd July 2015	Ozcan Albay interviewed	Tape Recorded interview in accordance with Police and Criminal Evidence Act in relation to tobacco seized on 24th June 2015.
20 <sup>th</sup> August 2015	Responsible Retailer compliance Visit	Ozcan ALBAY reminded to use Refusals Register and not to Trade in illicit tobacco.
26 <sup>th</sup> August 2015	Letter sent to Ozcan ALBAY by Trading Standards	Ozcan ALBAY reminded not to sell tobacco products with non English Language Health warnings.
17 <sup>th</sup> November 2015	Ozcan ALBAY admits offence and signs Simple Caution in relation to visit on 24 <sup>th</sup> June 2015	Simple Caution administered in relation to possession for supply of hand rolling tobacco and cigarettes bearing foreign language health warnings.
16 <sup>th</sup> December 2015	Minor Variation to Premises Licence	Additional conditions applied in relation to storage of tobacco products on the Premises
6 <sup>th</sup> April 2016	Trading Standards and HMRC carry out inspection of the Licenced Premises	The officers seize 680 cigarettes with a Duty Value of £184.95 which were not UK Duty Paid and carried foreign language health warnings.
17 <sup>th</sup> May 2016	Interview of Ozcan Albay Under the Police and Criminal Evidence Act 1984	Interview recorded on CD under caution. Ozcan Albay "gives no comment interview"

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 on more than one occasion and a failure to pay substantial amounts of Duty to HMRC.

The history of the premises indicates that the Premises Licence holder and Designated Premises Supervisor Ozcan ALBAY was in sole control of the premises during the period in which the two incidents occurred and continued to have illicit tobacco products on his premises after signing a simple caution in relation to a previous incident.

There is evidence that the Ozcan ALBAY has been knowingly involved in serious breaches of the law and has disregarded legal requirements and breached a specific condition of his licence. This gives me severely reduced confidence in his willingness to fulfil his responsibility to promote the licensing objectives or to exhibit the highest standards of management.

I believe on the facts described in this application that the Designated Premises Supervisor and Premises Licence Holder Ozcan ALBAY should be removed from the licence.

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

1. Only products available for retail sale can be stored at the licensed premises.

I would also recommend that the Committee consider a suspending the Licence for a period of a minimum of three months or revoking the licence.

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. Application form and conditions of Haringey's Responsible Trader Scheme signed by Ozcan ALBAY dated 17/9/14
2. Letter dated 26<sup>th</sup> August 2015 reminding Mr Albay not to stock or sell cigarettes and tobacco with non English Health Warnings
3. Simple Caution Signed by Ozcan ALBAY dated 17<sup>th</sup> November 2015
4. Photographs of Goods Seized on 6<sup>th</sup> April 2016
5. Record of Interview with Ozcan ALBAY conducted on 17<sup>th</sup> May 2016
6. Statement of Mathew Parr (HMRC)

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

*Ronmetase*

Date

*11/7/16*

Capacity

*Applicant R.A.*

**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.

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

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

N/A



Haringey Council

MURTHY BALAKRISHNAN

Regulatory Services  
Alexandra House 6<sup>th</sup> Floor, 10 Station Road, Wood Green, London N22 7TR  
Tel: 020 8489 5134 Fax: 0208 489 5554  
www.haringey.gov.uk  
Group Manager Regulatory Services: Eubert Malcolm

### RESPONSIBLE RETAILER SCHEME

Application for Registration under the Responsible Retailer Scheme

**Part 1 - Applicant's Details**

1. Title: Mr  Mrs  Miss  Ms  Other (please specify)

Surname: Albau

Other name(s): Obcan

2. Home Address: 627 - Seven Sisters Road.  
London N15 5LE

Postcode:

3. Telephone: Daytime: 02088024584.  
Mobile: 07939586847.  
Evening:

4. Email Address:

*[please give as many contact details as possible in case we need to contact you]*

As the Premises Licence Holder/Designated Premises Supervisor/Proprietor/Manager (please delete as appropriate) of the premises hereinafter mentioned I HEREBY MAKE APPLICATION in respect of REGISTRATION UNDER THE RESPONSIBLE RETAILER SCHEME at the premises of which particulars are given below:

The following sections to be filled in by the Officer.

**Part 2 - Premises Details**

5. Business/Trading Name of Premises: SISTER  
SEVEN SISTERS LTD

6. Postal Address of Premises: 627 7th 7th seven sisters  
627  
N15 5LE

Postcode:

7. Number of staff employed in the business: 1+2 (parttime)

8. Premises Licence Schedule Displayed on Premises:  
Yes/No Yes

Services Provided:

Health and Safety  
Trading Standards  
Street Enforcement  
Street Trading

9. Number of staff employed in the business with Personal Licences:  
(Issuing Licensing Authorities and Licence numbers).

1 + 2 (part time)

10. Age Verification Policy in Operation at Premises:

Yes/No

Ask for id

11. Details and Records of Staff Training around Age Restricted Products:

NO - but use in pack

12. Record of Refusals Register Available and Inspected:

Yes/No

Date of Last Entry:

NO will use bin one pack

13. Age Verification Posters displayed on the premises:

Yes/No

Type:

It is illegal to sell!

14. Statutory Notices displayed on premises (where applicable). (Tobacco & Fireworks)

Yes/No

Type:

Yes  
It is illegal to sell

15. Policy in place on Proxy Sales:

Yes/No

NO

16. Type of Age Restricted Products within Premises:

Alcohol:	<input checked="" type="checkbox"/>
Tobacco:	<input checked="" type="checkbox"/>
Fireworks:	<input checked="" type="checkbox"/>
Knives:	<input checked="" type="checkbox"/>
Solvents:	<input checked="" type="checkbox"/>
Other:	<input checked="" type="checkbox"/>

17. Coverage by CCTV within premises: (How many cameras & number of days recording)

4 camera

18. Any Prompts on Electronic Tills

Yes/No

NO

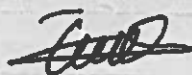
19. Any other comments from the Officer inspecting the Premises:

None



Part 3 – Signature

22. Name of Applicant: **ALBAY OZAN**

Signature: **A** 

Print Name: **ALBAY OZAN**

Capacity: **OWNER**

Date: **17/09/2014**

**I AM AWARE OF THE PROVISIONS OF THE RESPONSIBLE RETAILER SCHEME AND THE RELEVANT CONDITIONS AND I HEREBY APPLY FOR REGISTRATION UNDER THE SCHEME.**

**I CERTIFY that to the best of my knowledge and belief, the information contained in this application is true**

DATE **17/09/2014** SIGNED **A** 

If the applicant signs on behalf of a Company or partnership, the capacity of the Applicant should be stated.

Return completed form to:

Trading Standards Service  
Alexandra House  
6<sup>th</sup> Floor  
10 Station High Road  
London  
N22 7TR

Telephone: 020 8489 4519

**DATA PROTECTION**

Personal information provided in an application form and during the period of any subsequent Registration is normally held for a period of five years from the expiry of the last consecutive Registration held. It will be used primarily for the purpose of the licensing function concerned although it may also be used for data matching purposes across various licensing functions.

Personal information held for the purposes of Registration will be held and used in accordance with the requirements of the Data Protection Act 1988. To assist the Council in the prevention and detection of fraud so that it can protect the public funds it administers the Council may use information provided for licensing purposes within this Authority for data matching purposes. It may also data match information provided for licensing purposes with other public bodies that regulate, administer or are in receipt of public funds for the purposes of the prevention and detection of fraud.

**FREEDOM OF INFORMATION**

Information held by the Council may need to be disclosed in response to a request for it within the terms of the Freedom of the Information Act 2000. This information excludes that which is in any other way already in the public domain.

**FOR OFFICIAL USE ONLY**

Date of Inspection .....

Name of the Officer carrying inspection out.....

Recommendation .....

Date reported to Scheme Manager.....

Decision.....

Entered on Schedule: – Date .....

# RESPONSIBLE RETAILER SCHEME

## CONDITIONS OF MEMBERSHIP

As a participant in the Responsible Retailer Scheme, I agree to comply with the following conditions:

- I agree to abide by all legislation relating to the sale of all age restricted products,
- My staff and I will operate a Challenge 25 scheme when selling any age restricted products and will only accept bona-fide forms of identification as proof of age (e.g. passport, driving licence). If customers cannot prove they are old enough to make the purchase, then my staff will refuse the sale,
- I will use a refusals register or similar system, and will check on a regular basis that my staff keep the register or system up to date by logging any sales refusals made to underage customers,
- I will ensure that my sales staff, continue to receive regular training on all the legislation applicable to age restricted products, and keep an up-to date record of the training given to staff members. At the very least I will get them to read through and sign that they have read the material as provided
- If, applicable I will display clearly visible signs required by legislation, stating minimum age requirements for the products I sell (e.g. statutory notices for tobacco products and fireworks),
- I fully understand that Haringey Trading Standards Service can carry out test purchasing of age-restricted products at my business premises, utilising child volunteers, at any time when the premises are open for trade,
- I agree to abide by all legislation relating to the retail supply of alcohol and tobacco, including that legislation enforced by Environmental Health Services and HM Revenue & Customs,
- I fully understand that Haringey Regulatory Services reserves the right to refuse or revoke membership of the scheme if there is any evidence of non-compliance with the conditions of the scheme, and that my participation in the scheme will be reviewed if there are any significant changes in my business circumstances.

## SUSPENSION OF MEMBERSHIP

To maintain the credibility and integrity of the Responsible Retailer Scheme, any members who fail test purchases for age restricted products, are identified by Police as allegedly selling to those underage or who are identified by other enforcement agencies such as HMRC as being in breach of relevant legislative provisions will be notified in writing that their membership is to be suspended.

The offending business will be instructed to remove from display on their premises any branding materials, i.e. the membership display sticker etc, which could mislead consumers into thinking the business is still an active member of the scheme. Failure to comply with this instruction will be considered to be a potential breach of the Consumer Protection from Unfair Trading Regulations 2008. This is a criminal offence.

Suspension from the Responsible Retailer Scheme will be for a minimum period of 3 months from the date of the alleged breach of the legislative provisions. Suspension from the Responsible Retailer Scheme will not preclude legal proceedings also being brought against a retailer. Also suspension from the Responsible Retailer Scheme will not prevent Reviews of Premises Licences by a Responsible Authority entitled to take such an action under the Licensing Act 2003.

Before allowing membership to resume, Haringey Trading Standards Service and/or Police will make efforts to ascertain through follow-up test purchases and reference to other relevant enforcement agencies, whether the retailer in question is acting responsibly and is indeed worthy of renewed membership of the Responsible Retailer Scheme. Repeated test purchase failures and sales to underage persons of age restricted products from the premises, as identified by Police Officers, will lead to expulsion from the scheme. Businesses will be notified in writing when the suspension has been lifted and new Responsible Retailer branding material will be provided at this point.

Members have a right of appeal against the decision by Haringey Council Regulatory Services to suspend membership. Appeals must be made in writing within one calendar month of the date of notification of suspension. Please state clearly in your appeal any mitigating circumstances that you feel should be taken into consideration by the Appeals Panel.

Decisions on appeals against suspension will be made by a panel of the relevant Regulatory Services Team Managers, after reviewing any evidence submitted by the appellant. The decision of the Appeals Panel is final, and will be notified to appellants within one calendar month of the appeal being received. Appeals against suspension should be addressed to: The Chief Trading Standards Officer, Haringey Trading Standards, Alexandra House, 6<sup>th</sup> Floor, 10 Station Road, Wood Green, London, N22 7TR. E-mail [tradingstandards@haringey.gov.uk](mailto:tradingstandards@haringey.gov.uk)

**Trading Standards**

6th Floor, Alexandra House  
10 Station Road  
London  
N22 7TR

Tel: 020 8489 5134 Fax: 0208 489 1251  
www.haringey.gov.uk

Regulatory Services Group Manager Eubert Malcolm



**Haringey** Council

Ozcan Albay  
Seven Sisters Off Licence  
627 Seven Sisters Road  
Tottenham  
London  
N15 5LE

Our ref: WK/000298187  
Date: 26th August 2015  
Direct line: 020 8489 4519  
Email: Murthy.Balakrishnan@Haringey.gov.uk

Dear Mr Ozcan Albay,

**Re: Responsible retailer Scheme compliance inspection**

I visited to premises on the 20<sup>th</sup> August 2015, to check compliance of the Responsible Retailer Scheme.

It is conditions of the membership:-

- that a record of the training given to all staff regarding underage products is kept
- that you abide by all legislation relation to the sale of alcohol and tobacco e.g. not stock or selling cigarettes or rolling tobacco with non English Health warning

It is important that you keep a record of the staff training. This would form a part of your due diligence defence and can be used in mitigation. If no records can be produced, this defence cannot be used.

The membership of the Responsible Retailer Scheme will be decided once the outcome of the formal action regarding the seizure of non English Health warning on Cigarettes and Tobacco discovered on your premise by Trading Standards and Custom officers on the 24<sup>th</sup> June 2015.

I have included another Responsible Retailer Scheme as requested

Yours sincerely

Murthy Balakrishnan  
Senior Trading Standards Officer

LONDON BOROUGH OF HARINGEY  
ENFORCEMENT SERVICE

Ref: 15/7

6<sup>th</sup> Floor  
Alexandra House,  
10 Station Road  
London N22 7TR

RECORD OF SIMPLE CAUTION

PART 1: IDENTITY OF PERSON CAUTIONED

Title Mr

Surname: ALBAY

First Names: Ozcan

Address: 19 Hornbeams Avenue, Enfield EN1 4RA

Date of Birth: 01/01/1973

Occupation: Premises Licence Holder/Proprietor

Trading Name: - Seven Sisters Supermarket

Business Address: 627 Seven Sisters Road, London N15 5LE

Type of business: Off Licence

PART 2: PERSONS PRESENT

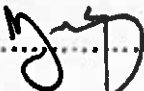
Officer administering caution:

Signed.....

Person receiving the caution: Ozcan ALBAY

Signed.....

Witness: Michael Squire

Signed.....

PART 3: DETAILS OF OFFENCE(S)

- 1) 24<sup>th</sup> June 2015 at Seven Sisters Off Licence, 627 Seven Sisters Road, London N15 5LE, did have in possession for supply goods namely 1kg of Amber Leaf Hand Rolling Tobacco, 1.5kg of Golden Virginia Hand Rolling Tobacco, 600 Marlboro Red cigarettes and 1200 Marlboro Gold cigarettes which did not comply with regulation 14 (1) of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 (as amended) in that they did not bear the required warning "smoking kills" or "Smoking seriously harms you and others around you" and on the other most visible surface an additional health warning in the form of a picture warning set out in Part 1 of the schedule. Contrary to Section 12(1) of the Consumer Protection Act 1987.

PART 4: CERTIFICATE AS TO EVIDENCE and PUBLIC INTEREST CONSIDERATIONS

I certify that I am satisfied that there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction of the offence specified in Part 3 hereof. I am further satisfied that the administration of a caution is in the public interest.

Signed: .....

PART 5: ADMISSION OF OFFENCE and CONSENT TO CAUTION

I, Ozcan ALBAY admit the offence described above and agree to accept a simple caution in this case.

I accept that this caution forms part of my criminal record and that it may influence how I am dealt with should I commit an offence in the future.

I understand that I have the right to take independent legal advice before I sign or say anything and that I do not have to sign or say anything unless I wish to do so.

I understand that if I am cautioned in respect of the offence specified in Part 3 above, a record will be kept of the caution by the Council and, if applicable, by the Office of Fair Trading. It has been explained to me that the fact of a previous caution may influence the decision whether or not to prosecute if I should offend again and that the caution may be cited if I am subsequently found guilty of an offence by a Court.

I ADMIT THE OFFENCES SPECIFIED IN PART 3 HEREOF AND CONSENT TO BE FORMALLY CAUTIONED.

Signed: .....

Dated: .....

PART 6: CERTIFICATE AS TO CAUTION

On: 17<sup>th</sup> Nov 2015 at Alexandra House, 10 Station Road, London N22 7TR at  
2:20 hours, I formally cautioned the person named in Part 1 hereof in respect of the  
offence specified in Part 3 hereof.

Signed: [Signature]

Dated: 17<sup>th</sup> Nov 2015

ETHNIC ORIGIN

In view of the importance of ensuring that every cautioning decision is taken on the basis of fair and equal treatment irrespective of ethnic origin, the Head of Legal Services maintains a record of the ethnic origin of persons cautioned in order that decisions may be monitored. Please specify Ethnic Origin (not Nationality) as either UK European, Greek-Cypriot, Turkish-Cypriot, African, Caribbean/West Indian, Asian, Irish or Other (specify):

Ethnic Origin: Turkige



**Palenie tytoniu  
może zmniejszyć  
! powodować  
impotencję**

**Palenie tytoniu  
umierała  
modeli**

**Palenie tytoniu  
powoduje  
er tego  
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**zabija**

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cigarettes**

**02164056**



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- nie zaprzęcej  
palić

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! szkodzi Tobie  
otoczeniu

Palenie tytoniu  
może uszkodzić  
serce i zmniejszyć  
płodność

Dym tytoniowy  
zawiera benzen,  
formaldehyd,  
i cyjanowodór



2





CHIVAS REGAL

12

THE HOUSE OF CHIVAS  
SCOTCH WHISKY

Big Bunch

\$10 credit gets you

100 MINUTES

ANNUITIES

**LONDON BOROUGH OF HARINGEY TRADING STANDARDS**

**RECORD OF TAPE RECORDED INTERVIEW**

Person interviewed Ozcan ALBAY

Place of interview: interview Room: Alexandra House, N22

Date of Interview 17/05/2016 Commenced 3:03 pm Ended 3:17pm

Interviewing Officer(s) Michael Squire

Other Persons Present M Baiakrishnan, Nevin (interpreter) Sezgin ONAY (solicitor)

Officer Preparing Record M Squire

Signature

Tape Ref No Identifying Mark No of Pages 5

TAPE TIMES	
	<p>Mr Ozcan ALBAY 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 ALBAY gave his home address as 19 Hornbeams Avenue EN1 4RA . Mr ALBAY gave his date of birth as 01/01/1973 and his place of birth as Adana, Turkey.</p> <p>The reason for the interview was explained in that it related to cigarettes found at his shop premises on 6<sup>th</sup> April 2016. The cigarettes bore foreign language health warnings and to have these in possession for supply can be an offence under the Consumer Protection Act 1987.</p> <p>Mr ALBAY was cautioned at in the following terms at 3:08pm</p>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

OA	<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>
MS	<p><i>Mr ALBAY was told he could consult his Solicitor during the interview.</i></p>
OA	<p><i>Mr ALBAY was informed he was not under arrest and could leave at any time.</i></p>
MS	<p><i>Mr Sezgin (Solicitor) stated that he has advised his client to make a no comment interview and that his advice stands as of now.</i></p>
MS	<p><i>Were you the owner of that business on 6<sup>th</sup> April</i></p>
OA	<p><i>No Comment</i></p>
MS	<p><i>Do you recall myself and the Customs officers finding foreign cigarettes in your shop</i></p>
OA	<p><i>No Comment</i></p>
MS	<p><i>Do you recall the cigarettes being in a Chivas Regal Whisky box</i></p>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

OA	<i>No comment</i>
MS	<i>What were the cigarettes doing in your shop?</i>
OA	<i>No comment</i>
MS	<i>You were selling the cigarettes Weren't you?</i>
OA	<i>No comment</i>
MB	<i>Where were the cigarettes?</i>
OA	<i>No Comment</i>
MS	<i>How much did you pay for the cigarettes</i>
OA	<i>No comment</i>
MS	<i>You know it's illegal to sell those sort of cigarettes don't you</i>
OA	<i>No comment</i>
MS	<i>You know that cigarettes you sell in the UK have to have health warnings in English</i>
OA	<i>No Comment</i>
MS	<i>Were you selling those cigarettes because there's more profit in those?</i>
OA	<i>No comment</i>
MS	<i>How long have you been running your business there at 627</i>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

	<i>Seven Sisters Road</i>
OA	<i>No comment</i>
MS	<i>And What position do you hold on the licence for that business?</i>
OA	<i>No comment</i>
MS	<i>Is there anything you do want to say about the incident regarding the cigarettes</i>
OA	<i>No comment</i>
MB	<i>So theres nothing you want to say at all</i>
OA	<i>No there is nothing I don't want to talk about anything</i>
MS	<i>Do you recall applying for a Minor Variation on your licence One of the conditions which stated All tobacco products which are not in the covered display cabinet shall be stored in a container clearly marked tobacco stock. The container shall be kept within the storeroom or behind the sales counter. Is there anything you want to say?</i>
OA	<i>No comment</i>

RECORD OF TAPE RECORDED INTERVIEW OF: Ozcan ALBAY

MS	<i>Would you agree you were in breach of your licence?</i>
OA	<i>No comment</i>
MS	<i>I've got no more questions to ask you Mr Albay if you want to say anything to clarify anything you have already said or if you wish to add anything on your own behalf now is your opportunity is there anything you want to say.</i>
OA	<i>No, no comment my mind is not right at the moment, I don't feel well.</i>  <i>Mr Sezgin stated that it had not been disclosed by the officers that there was any evidence of sale of these foreign tobacco products at the store.</i>

**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