

4. REPORT

Background

A premises licence was issued to Mr B Erdogan in November 2005 to allow the premises to come into the new Licensing regime under grand fathered rights. The holder of the licence has remained the same throughout. The premises was originally found to be selling illicit goods in May 2016 and was provided with advice and given the opportunity to apply for a Minor Variation to have additional conditions added to the licence of their own volition as opposed to being reviewed at the time.

The Section 182 Guidance advises that reviews may arise in connection with crime that is not directly connected with licensable activities. 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 and 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 authorities' duty is to take steps in the interests of the wider community and not those of the individual licence holder.

The Licence and its conditions are shown as 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

The designated premises supervisor is: Mr Bektas Erdogan

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.

5.4 Comments from Licensing Authority

Representation made.

5.5 Comments from Public Health RA

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 1A – Current Premises Licence

PREMISES LICENCE

Receipt: AG763125

Premises Licence Number: LN00002177
LN/000002864

This Premises Licence has been issued by:

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

Signature:

Date: 24th November 2005

Minor Variation: 25th November 2016

Part 1 – PREMISES DETAILS

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

**SUPERCLASS
4 & 5 CAMPSBOURNE PARADE
HORNSEY HIGH STREET
LONDON
N8 7PR**

Telephone: 0208 347 7848

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 0730 to 0200

Sunday 0730 to 0000

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:

Bektas Erdogan
4-5- Campsbourne Parade
Hornsey High Street
London
N8 7PR

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:

Bektas Erdogan
1 Barkham Road
Tottenham
London
N17 8JR

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

Personal Licence: LN/000010187
Issued by: London Borough of Haringey

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.

Minimum Drinks Pricing

1. 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.
2. For the purposes of the condition set out in paragraph 1 –
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979
 - (b) "permitted price" is the price found by applying the formula –
$$P = D + (D \times V)$$
Where –
 - (i) P is the permitted price
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –
 - (i) The holder of the premises licence
 - (ii) The designated premises supervisor (if any) in respect of such a licence, or
 - (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

Annex 1 –Mandatory Conditions

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.
(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

We will work with the local authorities to make our premises secure and law abiding and to not cause any nuisance to our neighbours.

THE PREVENTION OF CRIME AND DISORDER

CCTV will be installed premises.

We will not sell alcohol to those under the age of 18, intoxicated persons, or known nuisances.

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.

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

Only products available for retail sale shall be stored on the premises.

PUBLIC SAFETY

Public liability insurance in place.

THE PREVENTION OF PUBLIC NUISANCE

Drinking on/around the shop premises is forbidden.

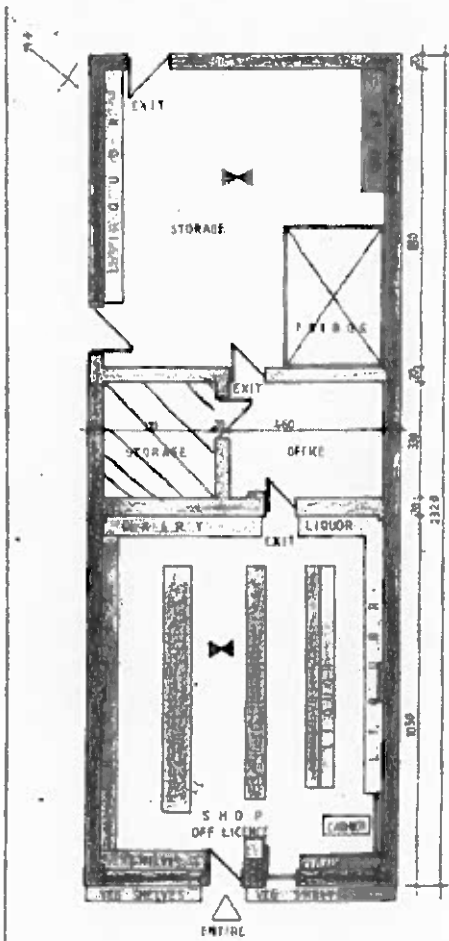
THE PROTECTION OF CHILDREN

All alcohol will be kept behind counter and out of reach of children.

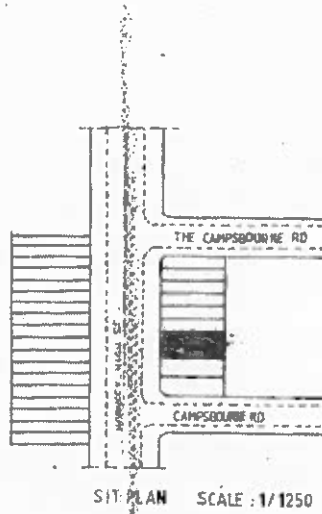
Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans







PROPOSED GROUND FLOOR PLAN



SITE PLAN SCALE: 1/1250

LEGEND

-  LIQUOR SALES
-  LIQUOR STORAGE
-  AMBIT LICENCED PREMISES
-  AREA COVERED BY SAFETY LIGHTING BS 5266

Handwritten signature and initials

HOSEYIN KUCUK	
4.5 HORNSEY HIGH ROAD	
LONDON N8 7EP	
YILDIZ SUPERMARKET	
OFF LICENCE & GROCERY	
DRAWN BY	
ISHET VURAL	
SCALE :	1 / 100
REF NO 2004/0016/04	

Appendix 1 – Application for Review and Supporting Documentation

[Insert name and address of relevant licensing authority and its reference number (optional)]

NK/380718

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

HARINGEY COUNCIL
LICENSING
RECEIVED

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

11 APR 2017

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 Ekemezuma

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description SuperClass Convenience Store 4-5 Campsbourne Parade Hornsey	
Post town London	Post code (if known) N8 7PR

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

Number of premises licence or club premises certificate (if known) LN000002864
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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 th Floor, Alexandra House, 10 Station Road, London N22 7TR
Telephone number (if any) 020 8489-5158
E-mail address (optional) Rebecca.whitehouse@haringey.gov.uk

This application to review relates to the following licensing objective(s)

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please tick one or more boxes ✓

<input checked="" type="checkbox"/>
<input 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 alcohol on the Licensed Premises on 24th January 2017 and a previous occasion on 27th May 2016 where illicit tobacco was discovered on the premises. On both occasions the premises was under the control of the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) Bektas ERDOGAN. These two incidents indicate that the highest standards of management have not been exhibited by the business.

The most recent incident occurred on 24th January 2017 when officers from Trading Standards and Her Majesty's Revenue and Customs (HMRC) visited the off licence premises of Superclass, 4 & 5 Campsbourne Parade, Hornsey High Street, London N8 7PR to inspect the stock of alcohol and tobacco. The PLH and DPS Bektas ERDOGAN was not present in the shop. During the visit officers dealt with the manager Yasar KARADAG. An inspection was carried out of the shop premises and rear store. In total 42 litres of non UK Duty paid alcoholic spirits were seized by HMRC consisting of 21 litres of Whisky and 21 Litres of Vodka with a total value of evaded Duty of £464.68.

The Teachers whiskey was a genuine but non Duty paid product which had been intended for export and sale outside the UK. The evidence indicates that the UK Duty labels which are integral to the rear label on this product had originally been correctly obliterated in accordance with HMRC regulations for export outside the UK by the producers with a plain white sticker glued over the UK Duty marking on the rear label of the product.

The bulk of the Teachers whiskey found on the premises of Superclass was found in resealed or open outer boxes (See Photo 1 attached) potentially indicating that some form of tampering had taken place. On closer examination of the bottles the rear labels on the whisky bottles themselves contained traces of glue residue in the area of the UK Duty label where the obliteration stickers applied by the manufacturer for export had been removed by persons unknown, revealing the original UK Duty label which now gives the impression that the product was in fact UK Duty paid when it was not. (see Photo 2 attached). The Teachers whiskey was therefore, seized as a smuggled product by HMRC. Two of the bottles of Teachers Whisky were found in the display at the front of the shop the remainder in the stock room.

The 21 Litres of vodka seized by HMRC as being non UK Duty paid contained some product bearing foreign paper tax stamps of the type which covers the bottle cap. These products did not bear the legally required UK Duty stamp indicating a non UK Duty paid product. (See photo 3). In addition, Some of the vodka bore UK Duty stamps which were not integral to the rear label and had been stuck on after manufacture. If genuine, a non integral stamp should commence with a letter corresponding to the spirit type ie "V" for Vodka. The stamps on these seized products (see photo 4) are bearing a non integral UK Duty stamp commencing with the letter "A". Stamps commencing with the letter "A" are reserved for stamps which are integral to the printed rear label and not stuck on afterwards. These indicators show that the product depicted in photo 4 is bearing a fake or transposed stamp. This particular stamp also contains underneath it the wording "enjoy with Absolut responsibility" showing a likelihood that the stamp or design relates to an "Absolut" branded product. These products were found in the stock room of the shop.

Following the seizure by HMRC no appeal has been received within the time limit for either the

whisky or vodka and the seized products have been forfeited as non UK Duty paid,

On 9th February 2017 the Premises Licence Holder and Designated Premises Supervisor Bektas Erdogan was interviewed by Trading Standards. A summary of the interview is attached. Bektas ERDOGAN is the DPS and the PLH and the sole Director of Superclass Express Limited which currently runs the business from the licenced premises. With reference to the interview Trading Standards have the following concerns

- Bektas ERDOGAN has been unable to provide invoices for the seized goods or provide a satisfactory explanation identifying definitively where the illicit products were purchased.
- Trading Standards are further concerned that the Designated Premises Supervisor by his own admission does not Spend a great deal of time at the premises and largely leaves it to staff to manage day to day activities.
- The Designated Premises Supervisor has admitted that he does not regularly inspect the stock in the shop to verify what is being bought and sold by staff instead relying on trust and verbal instructions.

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.

It is a further offence under Section of the Consumer Protection From Unfair Trading Regulations 2008 to have in possession for supply spirits bearing a false or unauthorised UK Duty Stamp giving the impression the goods are legal to sell when in fact they are not.

This incident has been aggravated by the fact that this is not the first time this business has been subject to action by Trading Standards in respect of illicit products.

On 27th May 2016 Trading Standards carried out an inspection of the same licensed premises. On this occasion 860 cigarettes (43 packets of 20) Marlboro Gold Cigarettes were seized from the premises with incorrect Health Warnings. These cigarettes were foreign non Duty paid illicit cigarettes. The estimated Duty value of these cigarettes was approximately £240.

Bektas Erdogan was formally interviewed by Trading Standards in respect of this incident and stated he was out of the country at the time of the seizure.

On 4th November 2016 Bektas ERDOGAN signed a simple caution in respect of this incident.(attached).

On this occasion criminal offences were committed under Section 48(a) (1) of the Tobacco and Related products Regulations 2016 for having in possession for supply cigarettes with incorrect health warnings and under Section 144(1) of the Licensing Act 2003 for keeping smuggled goods on the licensed premises.

As a result of the incident on 27th May 2016 Bektas ERDOGAN was requested by Trading Standards to apply for a Minor Variation to his Premises Licence to add to licence conditions mainly in respect of tobacco products at the premises. This he did and an application was

received on 10th November 2016 and the Minor Variation was applied on 25th November 2016. Conditions added to the Licence included a condition that "only products available for retail sale shall be stored on the premises" This condition, if adhered to, reinforces the Trading Standards view that all of the illicit alcoholic spirits seized on 24th January 2017 were stock and intended for supply.

Trading Standards are concerned at the possession for supply of illicit tobacco and alcohol 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
23 rd May 2016	Seizure of 860 (43 Packets) Malboro cigarettes by Trading Standards	Cigarettes seized were foreign cigarettes with incorrect Health Warnings which did not comply with the Tobacco and Related Products Regulations 2016 and were not Duty Paid. The Duty evaded approximated to £240.
4 th November 2016	Bektas ERDOGAN signs a simple caution in respect of the seizure on 23 rd May 2016	Bektas ERDOGAN Signs a Simple Caution in respect of the 860 cigarettes seized in relation to offences under the Tobacco and Related Products Regulations 2016 and in relation to keeping smuggled goods on the premises contrary to Section 144(1) Of the Licensing Act 2003.

25 th November 2016	Minor variation applied to licence following application by Bektas ERDOGAN	Minor Variation adds additional conditions in respect of storage and sale of tobacco and the condition "only products available for retail sale shall be stored on the premises"
24 th January 2017	Inspection of Superclass by Trading Standards and HMRC Officers	HMRC inspect premises in conjunction with Trading Standards. 21 Litres of Teachers Whisky and 21 Litres of Vodka Seized. Representing a Duty Value of £464.68. All products were non Duty paid. (Photographs 1-4 Attached)
9 th February 2017	Interview of Bektas ERDOGAN by Trading Standards in accordance with the Police and Criminal Evidence Act 1984	Bektas ERDOGAN interviewed under Caution. Summary Record of interview is attached)

Recommendations:

This licensee has clearly demonstrated that on two occasions there has been 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.

There have been two separate incidents where illicit/smuggled goods have been found on the premises and Trading Standards no longer have any confidence in the Licensee to promote the Licensing Objectives. It is, therefore, the recommendation of Trading Standards to the Committee that they seriously consider revoking the Licence.

If the Committee are not minded to revoke the Licence Trading Standards would seek for the DPS to be removed from the License and suitable suspension imposed.

Should the Committee be minded not to revoke the Licence in addition to any other sanction considered appropriate 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.

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 x4
2. Summary Record of Interview carried out with Bektas ERDOGAN DPS and PLH
3. Companies House Documentation in relation to Superclass Express Limited
4. Simple Caution signed by Bektas ERDOGAN on 4th November 2016 in respect of seizure of cigarettes on 27th May 2016.

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

yes

Please tick ✓

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature

[Handwritten Signature]

Date

11/4/17

Capacity

Commercial Environmental Health + Traction Standards Manager

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

Photo 1

Teachers Whisky outer cases

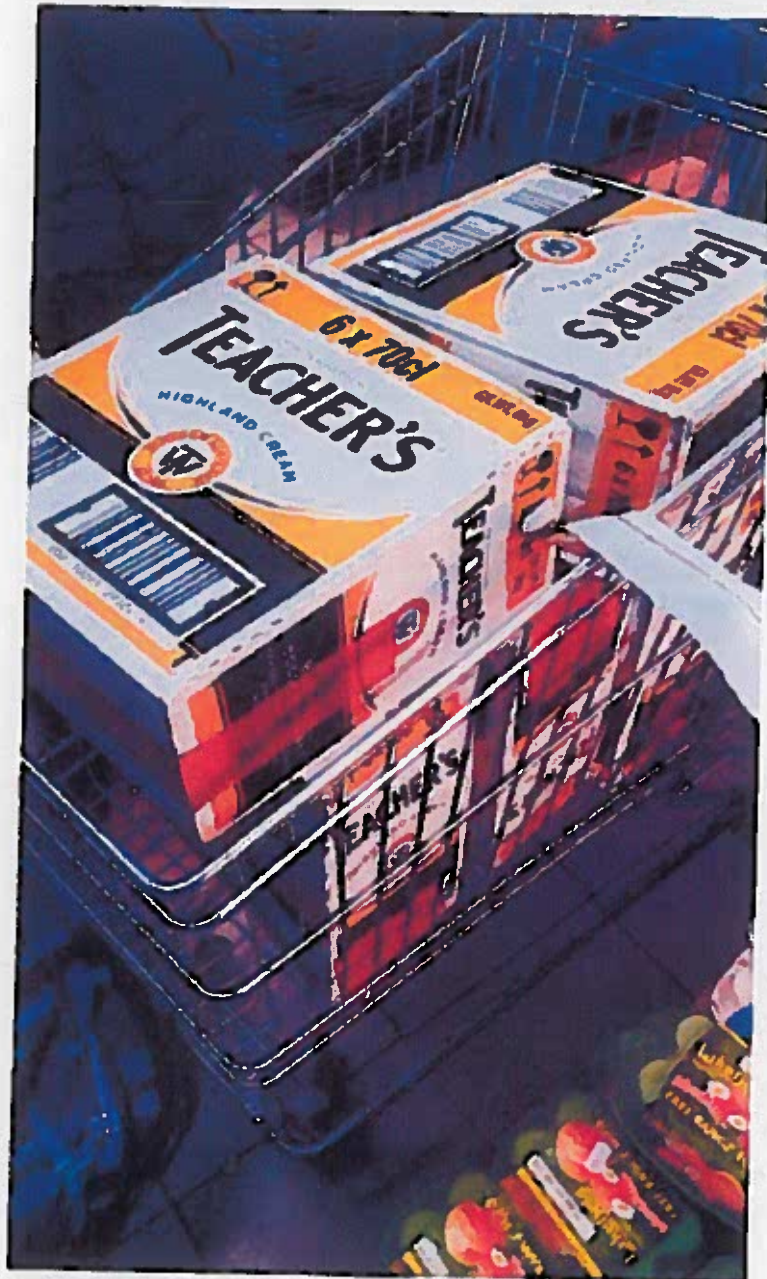


Photo 2

Teachers Whisky Showing Glue Residue on UK Duty Sticker

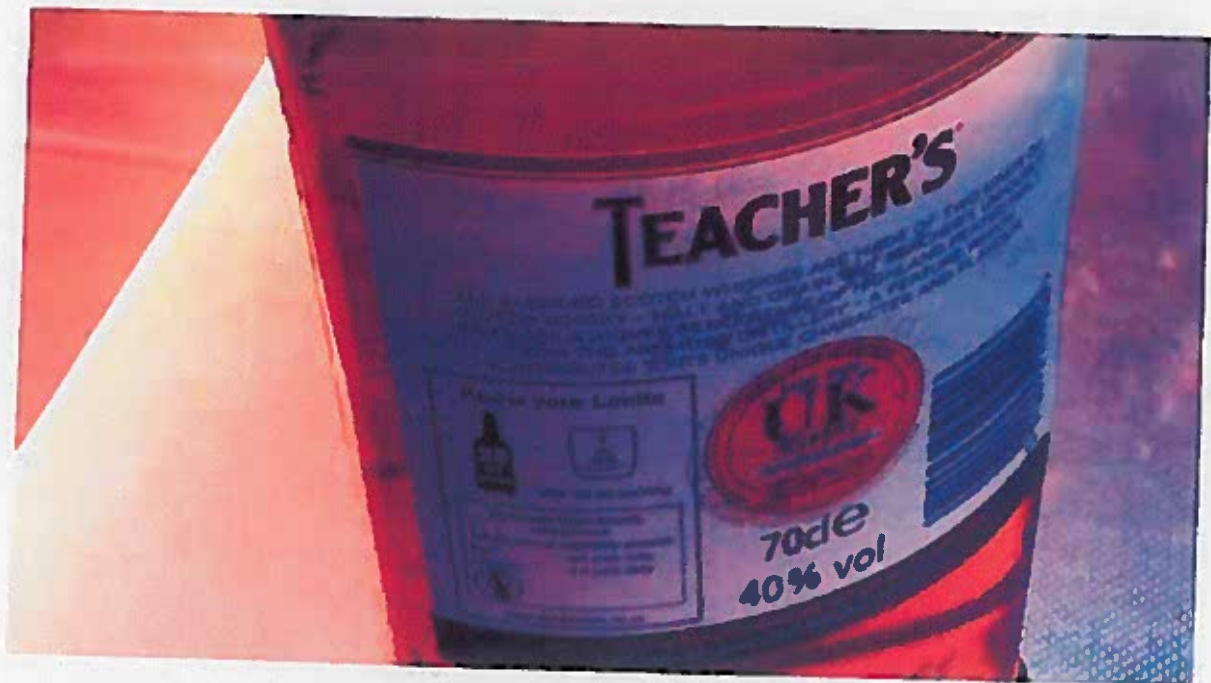


Photo 3

Seized Vodka Showing foreign paper Tax stamps on bottle lids



Photo 4

Polska Vodka showing incorrect "Enjoy with Absolut Responsibility" UK Duty Label with incorrect prefix for tax stamp type beginning with letter "A"



LONDON BOROUGH OF HARINGEY TRADING STANDARDS

RECORD OF TAPE RECORDED INTERVIEW

Person Interviewed **Bektas ERDOGAN**

Place of Interview: Interview Room: Alexandra House, N22

Date of Interview **9th February 2017** Commenced **10:08** Ended **10:31**

Interviewing Officer(s) **M Squire**

Other Persons Present **M Balakrishnan**

Officer Preparing Record **M Squire**

Signature

Tape Ref No Identifying Mark No of Pages **6**

TAPE TIMES	
	<p><i>Mr ERDOGAN was informed that the interview was being recorded on CD and that at the end of the interview he would get a copy of the CD. The persons present introduced themselves.</i></p> <p><i>Mr ERDOGAN gave his home address as [REDACTED]</i></p> <p><i>[REDACTED] Mr ERDOGAN gave his date of birth as [REDACTED] and his place of birth as Turkey.</i></p> <p><i>Mr Erdogan confirmed the business trading from the shop was Superclass Express Limited. He confirmed he was a Director of that Company and able to speak on it's behalf.</i></p> <p><i>It was explained that following a visit to the premises of Superclass by Trading Standards accompanied by HMRC on 24th January 2017 a quantity of Whisky and Vodka were seized</i></p>

RECORD OF TAPE RECORDED INTERVIEW OF: Bektas ERDOGAN

<p>MS</p>	<p>by them.</p> <p>It was further explained that the whisky was genuine Teachers Whisky intended for export which had had its Duty stamps obliterated for export purposes by way of stickers stuck over the Duty stamps. Someone in the supply chain had removed the obliteration stickers revealing the UK Duty stickers again which meant that the whisky was claiming to be Duty paid when in fact it had not been UK Duty paid.</p> <p>The vodka seized including the Polska vodka taken as a sample by Trading Standards had had a Duty Sticker from "Absolute Vodka" placed on it and as it was not that brand offences may have been committed under the Consumer Protection From Unfair Trading Regulations 2008 for giving the impression the product was legal to sell and under the Licensing Act 2003 in relation to keeping smuggled goods on the premises.</p> <p>Mr ERDOGAN was cautioned at in the following terms at 10:10AM.</p> <p>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.</p>
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RECORD OF TAPE RECORDED INTERVIEW OF: Bektas ERDOGAN

BE	<p>Yes</p> <p><i>The caution was explained to Mr. ERDOGAN.</i></p> <p><i>Mr ERDOGAN was informed he was entitled to have a Solicitor present and declined to do so. He also was informed that he was not under arrest.</i></p> <p><i>Mr Erdogan was asked what the vodka and whisky were doing in the shop. Mr Erdogan explained that he had spirits which were more than five years old from before he bought the business. He added he would not have bought Whisky from the Cash and Carry if he had so much in stock.</i></p> <p><i>Mr ERDOGAN was shown photographs of the Seized Teachers Whisky and Vodka and the issues with the stamps were explained to him.</i></p> <p><i>Mr ERDOGAN was asked where he got the products from? He replied he bought his "heavy" drinks form Imperial Cash and Carry.</i></p> <p><i>It was put to Mr Erdogan that the Whisky was resealed with packing tape on the outer boxes which showed it had been opened and resealed which was not consistent with cash and</i></p>
----	--

Signed..........

RECORD OF TAPE RECORDED INTERVIEW OF: Bektas ERDOGAN

carry stock.

Mr ERDOGAN again stated the product could be old stock before the new stamps came in. It was explained that that could not be the case as the Teachers Whisky had the UK stamp built into the label so it could not originate before the stamping regime began because if that were the case it wouldn't have the UK Duty label at all.

Mr ERDOGAN reiterated that he had been in the shop for four or five years and had not bought any spirits from vans.

Mr ERDOGAN was asked how often he bought Teachers Whisky and he replied once a month. It was put to him that he must have turned over his stock and bought some in the last five years? Mr ERDOGAN said again he did not buy from vans.

Mr ERDOGAN stated he had not seen the boxes as he is not in the shop often.

MB

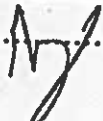
How often are you in the shop?

BE

Once a week maybe once a day.


RECORD OF TAPE RECORDED INTERVIEW OF: Bektas ERDOGAN

	<p><i>Mr ERDOGAN explained the stock of spirits was kept in the store room. He was asked if he went into the store room to check when he came to the shop. He replied that he did not. He explained there was no EPOS system in the shop,</i></p> <p><i>Mr Erdogan said the seized product was either old stock or from Imperial.</i></p> <p><i>if you only in the shop once a day or one day in a week how do you know what's going on in your shop?</i></p> <p><i>I left my staff</i></p> <p><i>Mr ERDOGAN stated he lets his staff buy stock for the shop but had instructed them not to buy from thieves and vans.</i></p> <p><i>It was put to Mr Erdogan that if his staff had bought these products from a white van and sold them in the shop, pocketing the money, how would he know? He replied he wouldn't and they could do anything. He trusted his staff and had told them not to buy from vans.</i></p> <p><i>Mr ERDOGAN was asked if he had noticed the vodka in his</i></p>
--	---

Signed.....

RECORD OF TAPE RECORDED INTERVIEW OF: Bektas ERDOGAN

	<p><i>shop with foreign paper tax stamps on them. He said he did not know it was there. He was asked if he had noticed the "Absolut vodka" Duty stamps on the Polska Vodka. He replied that he did not know the product was there.</i></p> <p><i>Mr ERDOGAN again indicated the items could be old stock from the previous owner or it could be the guys in the shop. Again he stated he told the guys in the shop not to buy illegal goods.</i></p> <p><i>Mr ERDOGAN said a member of staff said the Teachers was from Imperial but he did not have an invoice.</i></p>
MS	<p>Do you not think the fact you only go to the shop occasionally do you not think you are being a bit neglectful?</p>
BE	<p>When I go there everything looks fine.</p> <p><i>Mr ERDOGAN admitted that when he went to the shop he did not do a full inspection of the shop. He agreed he did not serve behind the counter. He stated when he went to the shop he drank tea and spoke with customers. Mr Erdogan stated he used to work very hard. After 2014 he gave up after losing family members. He doesn't work in the shop regularly as money is not everything.</i></p>

Signed..........

**London Borough of Haringey
Commercial Environmental Health
Alexandra House
10 Station Road
Wood Green
London
N22 7TR**

**Haringey
LONDON**

Simple Caution

Offender surname: ERDOGAN

Forenames: Bektas

Date of birth: [REDACTED]

Address: [REDACTED]

Occupation: Director/Designated Premises Supervisor

Details of offences :

1) ASI London Limited did have in possession for supply a tobacco product namely 860 (43 packets) of Marlboro Gold cigarettes which did not comply with Regulation 7 of the Tobacco and Related Products Regulations 2016 in that the unit pack did not bear a health warning consisting of the text "Smoking Kills- quit now and an information message consisting of the text "Tobacco smoke contains over 70 substances known to cause cancer" in addition the unit pack did not comply with Regulation 5 and 6 as it did not bear a graphical health warning consisting of one of the graphics contained in the Schedule to the Regulations. Contrary to Regulation 48 (a)(i) of the Tobacco and Related products Regulations 2016.

This offence being attributable to the neglect of Bektas Erdogan As a Director of the body corporate by virtue of Regulation 47(1)(b)

2) being the Designated Premises Supervisor of that Licensed Premises did knowingly keep on that premises 860 cigarettes (43 packets) which have been imported without payment of duty. Contrary to Section 144(1) of the Licensing Act 2003.

Date of offences: 27th May 2016

Place of offences : 5 Campsbourne Parade, Hornsey High Street N8 7PR

Legislation contravened: The Tobacco and Related products Regulations 2016: The Licensing Act 2003

Brief details: On 27th May 2016 officers seized 43 packets of 20 cigarettes from Superclass at 5 Campsbourne Parade, Hornsey High Street N8 7PR. The cigarettes were foreign cigarettes and in possession for supply. The cigarettes were not UK Duty paid. In addition the cigarettes packets did not bear the correct health warnings both pictorial and written which are required for the UK market.

Please read the declaration below and make sure you understand it before you sign.

- 1. I have admitted to committing the offences shown above. A simple caution is not a criminal conviction, but I understand that details of the caution may be kept on police or other databases.**
- 2. If new evidence comes to light suggesting that the offences I have committed is more serious, the local authority may still take legal action against me.**
- 3. If there are any victims as a result of these offences, they might still take civil action against me and the local authority may give my name and address to the victims so they can do this.**
- 4. If I am charged with another offence, the local authority will tell the court that I have received this simple caution.**
- 5. If I apply for certain licences connected with my business, e.g. under the Consumer Credit Act 1974 or Licensing Act 2003, this caution may be taken into account in any decision.**
- 6. If I already work in a job which is included in the list of notifiable occupations (these are jobs in a position of trust or responsibility, for example, teachers, care workers, taxi drivers, soldiers and doctors), the local authority may tell my employer about this simple caution. (I can ask the local authority for a copy of the full list of notifiable occupations.)**
- 7. If I apply for certain jobs, either paid or unpaid, that need me to have a criminal records check (DBS check), the local authority may give my new employer**

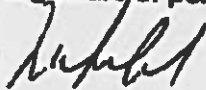
information about this simple caution. (DBS checks are needed for nearly all jobs where you work with children or vulnerable adults, as well as for other sensitive jobs involving a high level of trust.)

8. I understand that accepting this simple caution may mean that some countries will not allow me to live there permanently and some may not allow me to visit (for example, on business, for a holiday or as a student).

I have read and understand all this information.
I agree to accept a simple caution for the offences shown above.

Signature of person cautioned:

Date: 04/11/16



Caution administered by MICHAEL SQUIRE

Job title: TACTICAL TRAINING STANDARDS ENFORCEMENT OFFICER

Council: HARINGEY

Office address: ALEXANDRA HOUSE, 10 STATION RD N17 7TR

Signature:



Date:

4/11/16

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 UK European, Greek-Cypriot, Turkish-Cypriot, African, Caribbean/West Indian, Asian, Irish or Other (specify):

Ethnic Origin KURDISH.....

Companies House

BETA This is a trial service — your [feedback \(https://www.research.net/r/chbeta\)](https://www.research.net/r/chbeta) will help us to improve it.

Search for companies or officers

SUPERCLASS EXPRESS LTD

Company number 10201462

Registered office address

4-5 Campsbourne Parade, High Street, London, England, N8 7PR

Company status

Active

Company type

Private limited Company

Incorporated on

26 May 2016

Accounts

First accounts made up to 31 May 2017
due by 28 February 2018

Confirmation statement

First statement date 25 May 2017
due by 8 June 2017

Nature of business (SIC)

To be provided on next annual return.

Companies House

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Search for companies or officers

SUPERCLASS EXPRESS LTD

Company number 10201462

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Filter officers

Current officers

Apply filter

1 officer / 0 resignations

ERDOGAN, Bektas

Correspondence address 4-5, Campsbourne Parade, High Street, London, England, N8 7PR

Role Active Director

Date of birth May 1979

Appointed on 26 May 2016

Nationality British

Country of residence United Kingdom

Occupation Director

Anderson Chanel

From: Barrett Daliah
Sent: 09 May 2017 11:46
To: Anderson Chanel
Subject: FW: Representation in support of revocation Superclass 4-5 Campsbourne Parade London N8

Dear Trading Standards RA,

The Licensing Authority is very concerned that these premises have been found on more than one occasion with illicit and or smuggled duty unpaid alcohol/tobacco. Section 144 of the Licensing Act 2003 makes specific reference to offenses related to smuggled goods in licensed premises. A person commits an offence if he knowingly keeps or allows to be kept, on any relevant premises any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

It has been well documented that the sale of contraband cigarettes and alcohol is a matter of considerable concern to the Government. In addition, some of the goods sold would not have been manufactured by responsible manufacturers but are fake products smuggled from Eastern European Countries and China on behalf of organised criminal gangs and could therefore contain potentially dangerous ingredients.

We are very concerned that the licence holders has chosen to both uphold the licensing objectives of crime and disorder public safety and prevention of harm to children despite being given help and assistance from the Authorities after the first discovery of illicit tobacco in 2016. It is clear that if the premises are not visited periodically by the Authorities it is very likely that they would continue to sell illicit and or smuggled non duty paid goods to the local community.

The Licensing Authority's duty is to take steps with a view to promotion of the licensing objectives in the interests of the wider community and not those of the individual licence and therefore recommend that the premises licence is revoked on this occasion.

Regards

Licensing Team Leader
On behalf of Licensing Authority



Haringey Council
6th Floor, 10 Station Road, London, N22 7TR

T. 020 8489 8232

www.haringey.gov.uk
twitter@haringeycouncil
[facebook.com/haringeycouncil](https://www.facebook.com/haringeycouncil)

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Appendix 2 – Secretary of State's Guidance

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.
- 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 and the prevention of illegal working 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 the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;

- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol.

11.28 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) 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.

Review of a premises licence following closure order

11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order under section 80 of the Anti-social Behaviour, Crime and Policing Act 2014 or section 38 of and Schedule 6 to the Immigration Act 2016. The relevant time periods run concurrently and are as follows:

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

Review of a premises licence following persistent sales of alcohol to children

11.30 The Government recognises that the majority of licensed premises operate responsibly and undertake due diligence checks on those who appear to be under the age of 18 at the point of sale (or 21 and 25 where they operate a Challenge 21 or 25 scheme). Where these systems are in place, licensing authorities may wish to take a proportionate approach in cases where there have been two sales of alcohol within very quick succession of one another (e.g., where a new cashier has not followed policy and conformed with a store's age verification procedures). However, where persistent sales of alcohol to children have occurred at premises, and it is apparent that those managing the premises do not operate a responsible policy or have not exercised appropriate due diligence, responsible authorities should consider taking steps to ensure that a review of the licence is the norm in these circumstances. This is particularly the case where there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this appropriate.

Barrett Daliah

From: Millward Deborah
Sent: 09 May 2017 16:42
To: Licensing
Cc: Ukandu Monica; Stevenson Sam
Subject: RE: Application for a Review of a Premises Licence: - SuperClass Convenience Store, 4-5 Campsbourne Parade, Hornsey, London, N8 7PR (WK/380718)

Dear Licensing

Ref: SuperClass Convenience Store
4-5 Campsbourne Parade
Hornsey
N8 7PR

I as a representative of the Director of Public Health act as the responsible authority under the Licensing Act 2003.

Public Health has specific concerns about the applicant's ability to uphold the 4 licensing objectives following seizures of illicit alcohol and illicit tobacco from the licensed premises under the control of the Premise License Holder and Designated Premises Supervisor Mr Bektas Erdogan on 24th January 2017 (illicit alcohol) and 24th May 2016 (illicit tobacco).

The premises have not adequately demonstrated their commitment to uphold the licensing objectives, particularly relating to the prevention of **crime and disorder, public safety and protecting children from harm**. The Licensing Authorities approach to the supply of illicit goods is set out in Haringey's Statement of Licensing Policy 2016-21 at paragraph 58. It states that where illicit goods have been found it is considered as poor management which has the potential to undermine the licensing objectives.

Crime and disorder

The premise is located on Campsbourne Parade, a busy residential and commercial area of Haringey with a number of licensed businesses in the immediate local area. In total, there are 4 other licensed premises within 500m of Superclass. The premise is located near to Hornsey station, a popular commuter station.

The repeated sale of illicit tobacco and illicit alcohol constitutes illegal activity in direct contradiction to a commitment to the prevention of crime and disorder, and has likely exacerbated issues in the area. The LSOA (small geographical area) in which the premise is located saw 9 alcohol related ambulance callouts in 2015/16.

Public Safety

From a public safety perspective the findings are of significant concern. Legally produced and certified alcoholic drinks are made with ethanol – alcohol which is safe to drink in moderation. Counterfeit alcoholic drinks can be produced using cheaper types of alcohol which can have serious adverse health effects. Commonly used substitutes for ethanol include chemicals used in cleaning fluids, nail polish remover and automobile screen wash, as well as methanol and isopropanol which are used in antifreeze and some fuels. Drinking alcohol containing these chemicals can cause nausea and vomiting, abdominal pain, drowsiness and dizziness. This can also lead to kidney or liver problems and even coma. Methanol, the substance which has been found in fake vodka can cause permanent blindness.

Protecting Children from Harm

There are 8 schools within 500m of the premise, including an infant's school, primary school and secondary school within 300m of the premise. Due to the large number of schools in the area we have concerns over the safeguarding of children.

Recommendations

As a result of the aforementioned public health are not confident in licensee's ability to promote the 4 licensing objectives. We therefore recommend that the committee considers revoking the license.

Should committee not revoke the license we recommend that the Designated Premises Supervisor be removed from the license and we also recommend the following conditions be attached to the license.

- *No alcoholic goods or tobacco products will ever be purchased or taken from persons calling to the shop. The licensee will ensure that all purchases are made from authorised wholesalers and invoices for all goods on the premises will be made available and produced for inspection by council officers, police or HMRC upon request.*
- *The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.*
- *A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.*
- *An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.*
- *If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards as soon as possible.*
- *The licensee shall adopt the 'Challenge 25 policy', and promote it on their premises through the prominent display of posters.*
- *The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the council licensing team, Trading Standards or the police.*
- *The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the cctv system and how to deal with visits from authorised officers. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by authorised officers. Staff shall sign to confirm that they have received and understood the training.*
- *Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.*

These conditions are designed to ensure that the licensee takes appropriate steps to promote and uphold the 4 licensing objectives. We believe that all licensees who are fulfilling their duty to promote the licensing objectives will be already complying with many of these conditions. These are the type of precautions needed to meet Haringey's Statement of Licensing Policy requirement of a high standard of management.

Yours

Deborah Millward
Healthy Public Policy Officer

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

Appendix 3 – Statement of Licensing Policy

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

19 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely;

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other.
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

20 How the Policy works

This Licensing Policy sets out the relevant information on how licence Applications will be determined and how licensed premises are expected to operate in Haringey, as well as explaining how licensing integrates with other related strategies for the borough. The aims of this Licensing Policy are to pursue and promote the Licensing Objectives

Written and Spoken English

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

21 This policy has five main aims:

- To help inform elected members on the licensing committee to make decisions on licensing matters.
- To set out, for the benefit of prospective applicants, responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decisions.
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area. Licensed premises suitable for the neighbourhood within which they are located and that support the neighbourhood.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

22 The policy supports a number of other key aims and these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators.
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises.
- Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. Section 3, Para 125 and following, will be particularly helpful for residents in this context.

23 Consultation for the Licensing Policy

In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this Licensing Policy:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) such persons as the licensing authority considers to be representative of holders of Premises Licences issued by that authority
- d) such persons as the licensing authority considers to be representative of
- e) Such persons as the licensing authority considers to be representative of holders of Licences issued by that authority
- f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area

24 What is covered by the policy:

The Licensing Act 2003 regulates the following activities

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of "regulated entertainment"
- The provision of "late night refreshment"

25 Definitions:

'Regulated entertainment'

Subject to the conditions, definitions and exemptions set out in the Act, "regulated entertainments" includes:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- Boxing or wrestling entertainment.
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports").
- A performance of live music.

Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

51 Duplication with other regulatory regimes

In exercising its licensing functions, the licensing authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

52 Section 2 Licensing Objectives

Promoting the Licensing Objectives in Haringey

The licensing authority works in conjunction with partners (Responsible Authorities) such as Environmental Health, Trading Standards, Police, Planning Department, Anti Social Behaviour Team, Enforcement Response Team, National Health Service (NHS), Local Safeguarding Children Board (LSCB), Public Health Team and Fire Authority, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Haringey such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- multi-agency meetings
- The establishment of Public Spaces Protection Orders where, following a direction from a police officer or authorised officer, alcohol may not be consumed publicly.
- Pub watch schemes/ Best Bar None Schemes.
- Responsible Retailer Scheme
- Conducting training in responsible alcohol service and conflict management
- Alcohol Diversion Schemes.
- Attendance and participation in local and community meetings and workshops

53 LICENSING HOURS

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

54 THE FIRST LICENSING OBJECTIVE THE PREVENTION OF CRIME AND DISORDER

- between 0800 and 2000 hours.
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises.
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

82 Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Haringey Noise Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)

83 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

84 Preventing nuisance outside of premises

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.

Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.