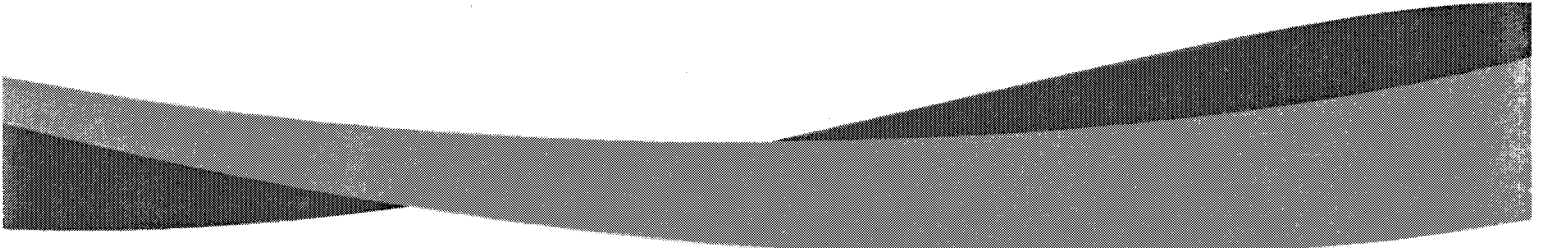




Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	17th July 2012	33	St. Mary's

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: ZACO'S MINI MARKET, 175 UPPER STREET, LONDON, N1 1RG.

1. Synopsis

- 1.1 This is an application by Islington Trading Standards team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of crime and disorder.

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely:
 - The Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.

2.4 The steps stated in Sections 52(4) of the Act are as follows:

- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
- b) to exclude a licensable activity from the scope of the licence;
- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, off supplies only, 24 hours a day seven days a week.

3.2 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: representations
- Appendix 4: letter from Trading Standards sent to licensee;
- Appendix 5: map of premise location.

3.3 Licensing history at the premises:

- 24th November 2005, premises licence issued to Mr Ali Uludag by way of a premises licence conversion under the Licensing Act 2003;
- 12th June 2006, premises licence transferred to Mr Ali Riza Akkaya (current licensee). Mr Akkaya also now named as the Designated Premises Supervisor (DPS);
- 1st October 2009, premises licence variation granted so as to allow the sale by retail of alcohol 24 hours a day seven days a week;
- 6th April 2009, Trading Standards seize two bottles of counterfeit vodka after customer complaint;
- 15th July 2009, Mr Akkaya signed a Simple Caution in relation to the counterfeit alcohol seizure;
- 23rd March & 15th December 2011, Trading Standards send guidance on illicit alcohol and tobacco to the Licensee and Proprietor at 175 Upper Street;
- 23rd January 2012, HMRC seize illicit alcohol;
- 24th May 2012, premises licence review application submitted by Islington Council Trading Standards team;
- 22nd June 2012, letter sent to Mr Akkaya detailing result of line of enquiry he provided to Trading Standards in the course of their investigations (letter included in bundle at Appendix 4).

3.4 The Licensing Authority has received 2 letters of representation, one of which is from the Responsible Authority for the Police and one is from a local resident who did not request that they remain anonymous.

4. Planning Implications

4.1 There are no planning implications.

5. Conclusion and reasons for recommendations

5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date 5/7/12

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

Tel: 020 7527 3841

Fax: 020 7527 3430

E-mail: dan.whitton@islington.gov.uk

Part 2 - Applicant details

I am

Please tick ✓/yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

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

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

Please tick ✓/yes

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail
(optional) address

(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	David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR
Telephone number:	020 7527 3458
E-mail:	<u>david.fordham@islington.gov.uk</u>

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

Please tick one or more boxes

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

This application to review relates to the objective to prevent crime and disorder and Licensing Policies 39 and 28. It particularly relates to the discovery of illicit alcohol in the shop, which indicates that the highest standards of management have not been exhibited by the business.

Ali Riza Akkaya has been the Licensee and DPS at Zaco Mini Market for more than 10 years. Since 2008, the business has been owned by Alpinsoft Ltd., of which Mr Akkaya is a director, and before that he was a one of the partners who owned the business.

In April 2009, Trading Standards received a complaint about some Glens vodka purchased from Zaco Mini Market. An inspection was done and from 27 bottles of Glens in stock, two were identified as counterfeit, as was the sample bought by the complainant. Mr Akkaya stated that the vodka had come from Ruby Distributors in Leyton. Despite this claim of innocent purchase he later signed a Simple Caution, thereby admitting the offence.

Written advice on illicit alcohol was sent by Trading Standards in March 2011 and December 2011 to all independent off-licences, including Zaco Minimarket, with covering letters warning licensees that their licences were at risk if illicit goods were found in their premises.

On 23rd January 2012, officers from Trading Standards and HMRC visited the premises to inspect the stock of alcohol and tobacco. 6.3 litres of spirits and 126 bottles of wine were seized by HMRC as they were believed to be non-duty paid.

Famous Grouse whisky – 4.2 litres (6 x 70cl): Duty stamps do not fluoresce properly; the printing on the back label is of very poor quality and are not well stuck to the bottle; no quantity or alcohol by volume markings.

Wyborowa vodka – 2.1 litres (3 x 70cl): Separate 'type A' duty stamps with the same id number. Stamps do not fluoresce.

Italian Wine – 268 litres (358 bottles): Recognised by officers as brands that have regularly been smuggled and supplied in the region without duty being paid.

The total duty that would have been evaded had the goods confirmed to have been illicit been sold is approximately **£292**.

On 28th March 2012, Mr Akkaya (ARA) and Baris Ulger (BU), who said he managed the shop, were interviewed by Doug Love of Trading Standards and PS Robin Clark, Islington Police Licensing Officer. Some key points of the interview follow (timings in brackets):

- ARA identifies the seized alcohol as having come from David's Superstore, 21 Broadway Parade, Crouch End, N8 9DE. He states that Yasar Ulutas of that business had rung him to say that David's Superstore was closing down and was clearing their stock and equipment. ARA knew Mr Ulutas slightly, as he was related to his ex-partner Kamal Kara who also worked at David's Superstore.

In early January 2012, ARA purchased 8-9 bottles of vodka, about 20 bottles of whisky, some of wine (150 bottles was later accepted as the likely amount) and a fridge from Mr Ulutas at a total cost of £1650. The payment was in cash. No paperwork relating to the deal was given to ARA.

ARA had been told that the wine came from Fio's Cash & Carry – he had asked because he was not familiar with the brands. He did not know how many bottles he had bought, or what he paid for it. (7.40 – 23.55)

- Further questioning elicited that £550 had been paid for the fridge, leaving £1100 on the alcohol. Using the figures supplied by ARA, approximately £300 of this may have been spent on the spirits, leaving £800 for the wine. PS Clark suggested that £5+ for a bottle of wine, that was then sold in the the shop for £2.99 (2 for £5) seemed improbable. BU agrees that they may have made a loss on the wine, but that the deal on the fridge made it worthwhile.

DL asked why ARA purchased wine that he was not familiar with – how would he be able to establish the quality or appropriate price for it? He replied he did not normally sell these wines - he sold quality wines – but bought them as he was primarily interested in the fridge and wanted to help Mr Ulutas out. (23.55 – 29.30)

- ARA remembers receiving the December letter and guidance by Trading Standards and says it was read and understood. He took no action at that time, as he was confident that he had no illicit alcohol in the shop. DL wondered why, having understood the guidance, ARA had not been more wary about this deal – ARA replied that as he knew the seller a little, he had some trust in him – and whether other advice in the guidance. BU admitted that no uv light was available in the store and suggested that ARA may not have fully understood the guidance. (28.00 – 35.20)
- ARA stated that lots of people come into the shop offering cheap alcohol, but that he doesn't buy any and he hadn't expected Mr Ulutas to do so. (33.00 – 35.20)
- DL asked how well ARA can read English. He said he could not read it well, but asked his ex-manager, Ali, to help translate. He confirms that the December letter heading, warning that the licence was at risk, was explained to him. (35.20)
- DL requested details of Mr Ulutas, suggesting that being able to verify ARA's version of events was very important. (42.00)

After the interview, Mr Love spoke with Haringey Council and established that David's Superstore had indeed closed sometime between 22/12/11 and April 2012. Mr Ulutas was the licensee and Mr Kara was the designated premises supervisor.

Mr Love has not, at the time of writing, been provided by Mr Akkaya with contact details for Mr Ulutas.

Trading Standards have no record of significant non-compliance at the shop, except for the two incidents described above.

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

- Illicit alcohol may be counterfeit and as such may be unsafe to consume. This is particularly true for vodka.
- 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 crime.
- The trade in illicit alcohol and tobacco causes huge losses to the UK's tax revenues.

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. Islington Council 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

06/04/09	TS seizure	Two bottles of counterfeit Glens seized after consumer complaint regarding a third
15/07/09	Simple Caution	Mr Akkaya signed a Simple Caution in relation to the counterfeit Glens
23/03/11 & 15/12/11	TS advice	Guidance on illicit alcohol and tobacco and covering letter sent to the business addressed to "The Licensee and Proprietor".
23/01/12	Seizure	6.3l spirits; 126 bottles Italian wine seized.

Recommendations:

Whether Mr Akkaya has been extremely naïve or whether it was intent or recklessness that caused him to have illicit alcohol in his shop, only he may know. However, illicit alcohol was found and given the history of this business and the steps that Trading Standards have taken to publicise this problem and advise traders, I believe this to be unacceptable.

Mr Akkaya says he trusted that the alcohol bought from Mr Ulutas was legal to sell. He could not have legitimately come to this opinion if he had, as he says, understood the letter and guidance sent to him by Trading Standards in December 2011 – just three weeks before the purchase. This correspondence stated that:

- 75% of off licences had been found stocking illicit alcohol. What gave him confidence that David's Superstore had only legal alcohol?
- Even goods bought from cash and carry business could be illicit. Unless he made any checks, how would Mr Ulutas recognise illicit alcohol, innocently purchased?

He should have taken more precautions had he understood and followed the guidance:

- He did not get any paperwork from Mr Ulutas.
- He did not check the duty stamps of the seized spirits with a uv light – the December 2011 letter stated these were obtainable at a cost price of £5 from Trading Standards, with an offer to demonstrate its use. The Wyborowa would have been easy to spot if he had.
- He did not check the back labels of the seized spirits – the quality of printing on the Famous Grouse would have been a clear warning sign if he had.

Mr Akkaya has not been able to provide contact details for Mr Ulutas, so Mr Love could verify the source of the alcohol.

He has not provided any information about sellers of illicit goods, despite saying in the interview that lots of people came to the shop to offer it for sale.

Mr Akkaya has previously signed a Simple Caution in relation to the supply of counterfeit vodka. I signed the Caution on behalf of the Authority and I will have explained to Mr Akkaya that he was admitting the offence by signing the caution and that he should not sign it if he had purchased the vodka in innocence from a legitimate business.

Given these facts I believe that Mr Akkaya's licence should be revoked by the Committee on the grounds that he has failed to promote the objective to prevent crime and disorder, by stocking illicit alcohol and by failing to report the many instances of people he says have visited the shop offering cheap alcohol. I have no confidence that this incident will lead to an improvement in the management of the shop - I would have expected a licensee who had already signed a Simple Caution to make improvements and be keen to follow advice before this second seizure.

If the Committee choose not to revoke the licence, I would ask that the licence is suspended for a lengthy period and that the 'standard' Trading Standards conditions are added to the licence. Mr Akkaya has been provided with a copy of these standard conditions.

No conditions have previously been attached by the Licensing Authority.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

N/A

Please tick ✓ yes

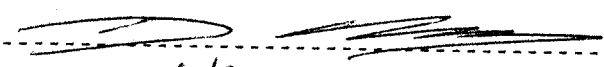
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature 

Date 24th May 2012

Capacity **Service Manager (Trading Standards)**

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

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

The ground(s) for review must be based on one of the licensing objectives.
Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



ISLINGTON

Environment and Regeneration

Trading Standards Service
Public Protection Division
222 Upper Street
London N1 1XR

Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

T 020 7527 3874
F 020 7527 3038
E doug.love@islington.gov.uk
W www.islington.gov.uk

Please reply to: Doug Love
Our ref:
Your ref:
Date: 24/05/12

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

Zaco Minimarket, 175 Upper Street, N1 1RG

Islington Trading Standards wishes to apply to have the premises licence of the business trading as ~~Your Supermarket~~ reviewed. On 23/01/12 illicit alcohol was seized from the shop by HMRC and TS officers. *Zaco Minimarket*

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

David Fordham
Service Manager Trading Standards

The Licence holder for the business
Licensing Office of Islington Police
London Fire and Emergency Planning Authority
Health & Safety Team (G Weaver)
Development Control Team, Islington Council
Noise & Pollution Team, Islington Council
The Child Protection Team, Islington Council
Licensing Team, Islington Council

Trading Standards Team
Public Protection Division
222 Upper Street
London N1 1XR

Tel : 020 7527 3874 / 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: Mailshot

Date: December 2011

The Licensee and Proprietor

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

In March 2011, all independent off licences in Islington were sent guidance on how to avoid stocking illicit alcohol and tobacco, following a large amount of seizures in the previous months. Owners and Licensees were warned that licences may be reviewed and possibly revoked by Councillors if future seizures were made.

Unfortunately, the message does not seem to have got through. Since, the guidance was sent out:

- **Over 75% of off licences are still stocking illicit alcohol**
- **Trading standards have applied for the licences of 13 more businesses to be reviewed**

The consequences of having your licence reviewed could be very serious for your business. Altogether

- **Eight businesses have had their licences revoked – that is, taken away permanently, so the business can no longer sell alcohol at that premises**
- **Nine licences suspended – taken away for a specified period up to 3 months, during which no alcohol can be sold**

This is clear evidence that the Council's Licensing Committee are taking the presence of illicit alcohol very seriously. Two of the decisions to revoke have been appealed, but on both occasions the Magistrates' Court agreed with the Council's decision.

Trading Standards will continue to visit off licences to look for illicit alcohol. We will work with businesses, but will not tolerate licensees who are willing to take risks with their customers' health, compete unfairly with other businesses or steal from the public purse

- **Counterfeit alcohol can cause breathing difficulties, blindness or even death.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits – five men producing illicit vodka died in the UK earlier this year after an explosion at an illegal vodka factory in Lincolnshire.
- Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling illicit alcohol is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.
- **Over £1bn per year in tax revenue** is estimated to be lost through illicit alcohol.

I have attached updated guidance. It is important that you understand and follow the advice given. We will not apply for a review for a business that follows our guidance even if they innocently stock smuggled goods.

It is also important to check your existing stock. We are more than happy to verify any goods you are unsure of if you ask us to, but will not accept the fact that it is 'old stock' as an excuse for illicit alcohol we find.

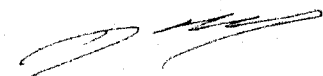
Trading Standards can supply you with a uv light for the small charge of £5 and an officer can visit your shop to give you a practical demonstration of how to use it.

You can also be active in protecting your business. If you have any details – e.g. name or telephone numbers, vehicle details, or CCTV footage – of anyone calling at your shop and trying to sell you alcohol or tobacco, please let Trading Standards know. If your business is being undercut by local competitors trading unfairly by stocking illicit goods, let us know. We will treat all information in **complete confidence** – your name will not be revealed and any subsequent visits will appear to be random.

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above.

However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely



Dave Fordham
Service Manager, Trading Standards



Illicit Alcohol and Tobacco – Business Guidance

1. Introduction

Illicit alcohol and tobacco are goods which are non-duty paid (ie. genuine product on which the appropriate tax has not been paid) or counterfeit (ie. fake products on which no tax will be paid).

Islington Council has found a great deal of illicit alcohol and tobacco recently - the high amount of tax payable on the goods makes it very profitable to distribute them. However, we will take strong action against licensed premises found selling illicit goods. We will do this because:

- the goods may be unsafe as counterfeiters ignore normal quality standards;
- law-abiding business will suffer from unfair competition;
- selling illicit goods boosts the profits of organised criminals;
- huge losses are caused to the UK's tax revenues by the trade in illicit alcohol and tobacco.

Islington Trading Standards intend to carry out many more visits to counter this widespread problem. Businesses selling illicit goods may be **prosecuted** and / or their **alcohol licence may be revoked or suspended**.

2. General rules

NEVER BUY ALCOHOL, CIGARETTES OR TOBACCO FROM ANYONE WHO BRINGS THE GOODS TO THE SHOP. This is the **Golden Rule**. Illicit alcohol will be illegal in some way – non duty-paid, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – you won't have a means of contacting the seller and the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.

Door to door sellers will often claim to be from genuine business and even produce paperwork with genuine business details on. **Don't be fooled!**

Only deal with reputable traders and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still **check purchased goods**, especially if the seller is not a business you know and trust. If illicit goods are found then we will expect you to be able to produce these invoices.

Beware of 'special offers'. Some cash and carry business have sold non-duty paid wine on 'Buy one, get one free' offers for a cost which is less than the excise duty payable and disguise it by not putting the 'free' goods on the invoice, so it appears you have paid a reasonable price.

Train anyone who is allowed to buy stock and make a record of their training.

Control your stock so you can be sure where and when you bought it eg. by marking the goods or cases with the supplier and date purchased. Do not accept returns of tobacco or alcohol from customers who have changed their minds in case they have substituted illicit goods.

3. What are the penalties if I sell illicit alcohol or tobacco?

Anyone selling illicit alcohol or tobacco can be **finned or even imprisoned**. Further, if you hold a licence to sell alcohol, it is likely to be **reviewed** and may be **revoked** if these goods are found in your shop.

4. How do I tell if goods are illicit?



Black & white representation of a UK Duty stamp

Check the Duty stamp

Is a duty stamp required? Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

Does it fluoresce? The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

Is it separate to the other labelling? Separate stamps are allowed, but must start with a unique code starting with 'V' for vodka; 'W' for whisky etc.

Check that it is not stuck over any labelling – this is not permitted.

Check the back label: Labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on. Warning signs that should make you suspicious are:

- Back labels stuck over another label
- Poor printing on the label
- If the label is crooked or bumpy where it has not been stuck on properly
- If the label is not in English, it was clearly not produced for the UK market.

Is the case resealed? If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.

Is anything about the deal odd? Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

Has someone told you a story (eg: "It's old stock from a shop I've closed") to make themselves appear convincing?

Tobacco products: Any tobacco product – including shisha and chewing tobacco - that does not carry the required health warnings is illegal for sale in the UK and is almost certain to be smuggled. The warnings must be in English and include one of the following statements:

- "Smoking kills" or "Smoking seriously harms you and others around you" (on cigarettes, hand rolling tobacco and shisha). A picture warning is also required on these products.
- "This tobacco product can harm your health and is addictive" (on chewing tobacco).

5. How can I get further advice?

If you require further information, clarification or advice on any of the above, or would like us to check any goods, please do not hesitate to contact the Trading Standards Service at:

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading_standards@islington.gov.uk

Public Protection
222 Upper Street, London, N1 1XR

SIMPLE CAUTION

(in accordance with Home Office Circular No. 16/2008)

Case Reference: 07/09

Offender's Surname: Akkaya

Date of Birth: 18/11/66

Forename(s): Ali Riza

Address: 49 Upper Gulland Walk, London, N1 2PF.

Occupation: Company director, Alpinsoft Ltd t/a Zaco Mini Market.

Date of Offence: On or about 5th April 2009 & 6th April 2009.

Place of Offence: Zaco Mini Market, 175 Upper Street, Islington, N1 1RG.

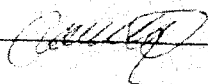
Offence: On or about 5th April 2009 Ali Riza Akkaya director of Alpinsoft Limited t/a Zaco Mini Market, 175 Upper Street, Islington, London, N1 1RG supplied a counterfeit bottle of Glen's vodka bearing the Glen's registered trade mark, without the consent of the trade mark proprietor contrary to Section 92(1)(b) of the Trade Marks Act 1994.

On 6th April 2009 Ali Riza Akkaya director of Alpinsoft Limited t/a Zaco Mini Market, 175 Upper Street, Islington, London, N1 1RG had in possession with a view to gain, 2 bottles of vodka bearing the Glen's registered trade mark without the consent of the trade mark proprietor contrary to section 92 (1) (c) of the Trade Marks Act 1994.

DECLARATION

I hereby declare that I admit the offences 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. It has been explained to me that a record will be kept of this caution and that it may be cited in court in any subsequent court proceedings.

I understand that if there were any victims as a result of these offences, they might still take civil action against me and that you might give my details to the victims so they can do this. This caution will be registered at the Office of Fair Trading, Central Register of Convictions, 2 - 6 Salisbury Square, London, EC4Y 8JX

Signature:  Date: 15/07/09

Signed on behalf of the Authority: 

Designation: SERVICE MANAGER

Date: 15/7/09



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number		LN/3312-101109	
Postal address of premises, or if none, ordnance survey map reference or description			
ZACO MINIMARKET 175 UPPER STREET			
Post town	London	Post code	N1 1RG
Telephone number	020 7354 2690		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	00:00	to	00:00
Tuesday	00:00	to	00:00
Wednesday	00:00	to	00:00
Thursday	00:00	to	00:00
Friday	00:00	to	00:00
Saturday	00:00	to	00:00
Sunday	00:00	to	00:00

The opening hours of the premises:
Not specified

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Mr Ali Riza Akkaya
49 Upper Gulland Walk
London
N1 2PF

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



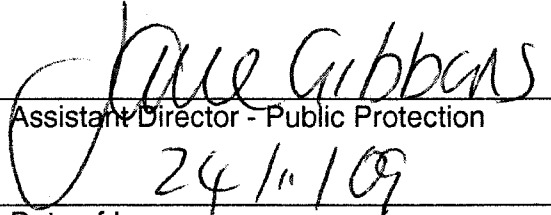
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Ali Riza Akkaya
49 Upper Gulland Walk
London
N1 2PF

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

90839 – London Borough of Islington

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk


Assistant Director - Public Protection
24/11/09
Date of Issue

Annex 1 - Mandatory conditions

1. 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.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval military.
2. Alcohol shall not be sold in an open container or be consumed in the licensed premises.
3. Notices will be prominently displayed at exits requesting customers to respect the needs of local residents and to leave the premises and the area quietly.
4. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank/Public Holidays and between the hours of 11pm and 7am other days of the week.
5. No deliveries on Sundays or Bank/Public Holidays and between the hours of 11pm and 7am other days of the week.
6. A personal licence holder will be on the premises at all times.
7. A 6 camera CCTV system shall be operation at all times.
8. A log book shall be used to record all refused alcohol sales.
9. Proof of ID will be requested from any person who appears to be under 21.
10. Appropriate proof of age signs will be clearly displayed on the premises.

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

Annex 4 – Plans

Reference Number: 89392-05/08/2005

**Premises Licence Summary
Licensing Act 2003**

Premises licence number	LN/3312-101109		
Postal address of premises, or if none, ordnance survey map reference or description			
ZACO MINIMARKET 175 UPPER STREET			
Post town	London	Post code	N1 1RG
Telephone number	020 7354 2690		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities
• The sale by retail of alcohol:
Monday 00:00 to 00:00
Tuesday 00:00 to 00:00
Wednesday 00:00 to 00:00
Thursday 00:00 to 00:00
Friday 00:00 to 00:00
Saturday 00:00 to 00:00
Sunday 00:00 to 00:00

The opening hours of the premises:
Not specified

Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off supplies

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Mr Ali Riza Akkaya 49 Upper Gulland Walk London N1 2PF

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol
Mr Ali Riza Akkaya



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State whether access to the premises by children is restricted or prohibited

No restrictions

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031
Email: licensing@islington.gov.uk

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin Clark** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 181475**

This statement (consisting of: ... **1** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **19.06.2012**.....

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises Zaco Mini Market, 175 Upper Street , N1 1RG.

I have read the information provided by the Trading Standards Dept of Islington council and indeed have had some personal involvement in the dealings with this premise having assisted Mr Love in interviewing Mr Akkaya. Due to the previous history of having counterfeit alcohol on the premise and all the advice that Trading Standards have provided which was then ignored by Mr Akkaya. It is the contention of Islington Police that he has failed to meet the required level of management required to ensure the Licensing objectives are met and he is thus putting the health of the public at risk. As such I believe it would be proportionate to revoke this licence and thus ensure the safety and wellbeing of the public.

Signature: Signature witnessed by:



11 June 2012

Licensing Support Team,
Public Protection Division,
222 Upper Street,
London N1 1XR

Dear Sir or Madam

Zaco Mini Market, 175 Upper Street

I understand that you are conducting a review of the premises license for the above premises following the seizure of illicit alcohol. I wish to make the following representation.

I am a regular customer of the shop. If the alcohol was illicit because of some technical breach of and administrative regulations and if this is the first instance, I would be minded to be lenient. However, if this is a matter of the seizure of alcohol which was not produced by the maker on the label but was illegally produced and labelled with forged labels, then I would be minded to revoke the license on the grounds of public health and safety and of breach of consumer regulations. The protection of public health and safety in the face of illicitly produced alcohol is a high priority for the community.

Yours faithfully





ISLINGTON

Environment and Regeneration

Trading Standards Service
Public Protection Division
222 Upper Street
London N1 1XR

Ali Riza Akkaya
Zaco Minimarket
175 Upper Street
London
N1 1RG

T 020 7527 3874
E doug.love@islington.gov.uk
W www.islington.gov.uk

Please reply to: Doug Love

Date: 22/06/12

Dear Mr Akkaya,

YASER ULUTAS, DAVID'S SUPERSTORE

I am writing to let you know that I have been able to contact Mr Ulutas.

His niece, Mehtap, contacted me today after I left a letter at his home address address for Mr Ulutas held by Haringey's Licensing Team. She told me she was with Mr Ulutas and asked what I needed her to contact him for.

I explained that I had been told by a licensee that I did not name that Mr Ulutas had sold whisky, vodka, wine and a fridge in January 2012 and asked whether he could recall this. Mr Ulutas (through his niece's interpretation) stated that he had never sold anything to another licensee and that the goods and equipment remained in his shop when it closed.

I then asked about Kemal Kara – the person you identified as you ex-business partner – and whether he may have sold the alcohol and fridge to you. Mr Ulutas was adamant that he could not have.

I then asked if he had heard of you. Mr Ulutas said that he did know of you, but had never sold you anything.

I cannot know, of course, whether Mr Ulutas was telling me the truth, although I did say at the start of the conversation that he was not in trouble and that I was just seeking information. However, I will be informing the Committee of this conversation and allowing them to make their own judgment of where the truth lies.

Regards,

Doug Love
Islington Trading Standards

020 7527 3874

Appendix 5

