



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	29 th November 2012	BI	Barnsbury

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION

RE: OD(D)ESSE FOOD & WINE, 9 BARNSBURY ROAD, LONDON, N1 0GH.

1. Synopsis

- 1.1 This is an application by David Fordham of Islington Council's 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) 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 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, off supplies only, Mondays to Wednesdays from 07:00 until 01:00 the following day, Fridays & Saturdays from 07:00 until 02:00 the following day and Sundays from 07:00 until 01:00 the following day.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premise location.
- 3.3 Brief licensing history at the premises:
- The current licence holder Dilan London Ltd applied for a premises licence in respect of Oddesse, 9 Barnsbury Road, London, N1 0GH on 24 November 2009, and this licence was granted by Licensing Sub committee on 3 February 2010.
 - On 9 June 2010 the current designated premises supervisor Mr Irahim Halil Boyraz applied to become the DPS on the licence. Mr Boyraz became the DPS with immediate effect, and the current licence was issued on 15 June 2010.
- 3.4 The Licensing Authority has received 1 letter of representation from the Metropolitan Police.

4. 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

20.11.12.

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

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PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

Due: 06/11/12

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 David Fordham, Service Manager Trading Standards

(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 on 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:

Od(d)esse Food & Wine

9 Barnsbury Road

Post town: **London**

Post code: **N1 0GH**

(nb. Incorrectly shown as N1 0HG on the licence)

Name of premises licence holder or club holding club premises certificate:

Dilan (London) Ltd.

Number of premises licence or club premises certificate: **LN12079 / 090610**

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 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	
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 tobacco and alcohol in the shop, which indicates that the highest standards of management have not been exhibited by the business.

Odesse Food & Wine is a small off-licence / grocery store. The business is owned by Dilan (London) Ltd., but is essentially a family-run business. Ibrahim Halil Boyraz is the designated premises supervisor and father of Ahmet Boyraz who is the Company Secretary of the company and Ms Ebru Boyraz, the sole director.

On 28th September 2010, Mr Love of Trading Standards and HMRC officers Eddie Ward, Glenn Farthing and Matt Parr visited Odesse Food and Wine after an anonymous complaint had been received alleging that the business was selling smuggled tobacco. No illicit tobacco was found, but 25.3 litres of spirits (equivalent to 36 standard sized bottles) and 141 bottles of wine were seized as they were non-duty paid. No evidence of legitimate purchase was produced by the business. Duty that would have been evaded had the seized alcohol been sold in place of duty paid alcohol was approximately £464.

On 06th December 2010, Ibrahim and Ahmet Boyraz attended a Licensing Officers' Panel meeting, where the matter was discussed and Mr Boyraz was given a warning, which was followed up in writing. The letter warned that if smuggled goods were found in the shop again, the licence would be reviewed and the Trading Standards business guidance on illicit alcohol and tobacco was attached. The letter also requested that information on anyone trying to sell illegal alcohol or tobacco was provided to Trading Standards to help them stop the distribution of illicit goods and to protect honest businesses.

On 23rd March and 15th December 2011, the business was sent further letters and copies of (updated) guidance as part of mailshots sent out by Trading Standards.

On 20th April 2012, Mr Love visited the business again, on this occasion accompanied by PS Robin Clark, Licensing Sergeant for Islington. This visit was in response to information received from two unrelated sources. The most detailed source stated that the business sold illicit tobacco that was hidden in a stack of beer crates at the end of the counter. Ibrahim and Ahmet Boyraz were both present.

As soon as Mr Love entered the shop he asked Ahmet Boyraz whether there was any illicit tobacco or alcohol on the premises, to which he answered that there was not. Mr Love picked up the top tray of a stack of canned beers at the end of the counter and found packs of foreign Marlboro cigarettes and Golden Virginia hand rolling tobacco. A similar discovery was made in an adjacent stack. Altogether, 27 x packs of 20 Marlboro cigarettes and 13 x 50g pouches of Golden Virginia were seized. Photos of the illicit tobacco, as it was found, are attached to this application. Duty avoided on this tobacco totalled approximately £228.

The alcohol stock was then inspected and the following items were seized and have been retained as they are believed to be illicit:

Smirnoff vodka – 2l (2 x 1l bottles): No duty label. 2006 production, but confirmed by manufacturers Diageo to have been non-duty paid export stock.

Bombay Sapphire gin (6.7l – 6 x 1l; 1 x 70cl); **Bells whisky** (4.9l – 7 x 70cl); **Famous Grouse whisky** (2.1l – 3 x 70cl); **Bacardi white rum** (2l; 2 x 1l); **Gordons gin** (1l - 1 x 1l): Believed to be genuine, duty-paid alcohol, but all 20 bottles had very similar damage to the caps. This damage is known to be similar to the damage caused when supermarket security devices are forced off and there is evidence that some of the Bells and the Gordons was sold directly to Sainsburys. It is suspected that these goods are stolen - although it is accepted that the evidence is circumstantial.

Granton Scotch Whisky - 2.8l (4 x 70cl) – seized as it contravenes the Scotch Whisky Regulations 2009 as it is produced in Italy and cannot be referred to as 'Scotch whisky'.

Golden Velvet whisky - 0.7l (1 x 70cl) – seized as brand not recognised; postcode on front and back differed, and suspected to contravene Scotch Whisky Regulations. Subsequent investigation has revealed no trace of the alleged producer – the McDaniel Group of Companies.

On 02/08/12, Mr Love interviewed Ibrahim Halil Boyraz (IHB). Also present were Ahmet Boyraz (AB) and a Turkish interpreter. Some main points from the interview follow:

- IHB states the cigarettes and the hand-rolling tobacco were bought for £4 per pack of cigarettes and £6.50 per 50g pouch, about 2 months before they were seized. He sold them for £5 and £7.50, respectively (compared to 'usual' prices of around £7.50 and £15) to regular customers who used to ask for cheap tobacco.
- The goods came from unknown sellers who called at the shop.
- IHB claimed to have only sold illicit tobacco since the start of 2012.
- IHB admitted that he knew at the time that the goods were illegal to sell.

- When asked about the spirits with damaged caps, IHB maintained they all came from cash and carry businesses or supermarkets, but could not identify exactly where. He said that (at least some) of the spirits were being sold at a discount because of the damage. AB suggested he had bought some Smirnoff recently from a supermarket and the caps were damaged on the checkout conveyor.
- DL asked specifically about the Bombay Sapphire gin. IHB stated he had looked for, but not found any invoices for this and now realises the importance of keeping invoices. When DL expressed surprise he didn't already appreciate this, AB clarified that they used to throw away invoices when they were returned by their accountant. AB stated that they currently had the invoices from approximately the last three years. DL stated that he would attempt to verify the production date of the Bombay Sapphire and expect invoices to be produced if it was in the last three years.

- The Granton Scotch Whisky was old stock and they could not remember where it came from. They said that when DL & HMRC visited in September 2010, it was left.
- The Golden Velvet whisky came from Eastenders Cash & Carry.
- IHB does not remember where the Smirnoff came from, or when.

- Since the September 2010 seizure, the business has purchased a uv light and check purchases they make. They only buy from larger cash and carry businesses.

- IHB says he is very regretful about what they've done.

Since the interview, the manufactureres have confirmed that all the seized Bombay Sapphire was produced since 05/09/11. On 28/09/12, Mr Love wrote to the business to stress how important it was for invoices to be provided.

On 01/10/12, Mr Love received a telephone call from Ahmet Boyraz. He stated that no receipts for the Bombay Sapphire could be found and they could not remember where it came from – he said it may have been bought from a supermarket.

On 02/10/12, Mr Love was forwarded an e-mail from Jill Bosch de Noya – a representative of Bacardi, the manufacturers of Bombay Sapphire – by John Fitzpatrick of the International Federation of Spirits Producers. Ms Bosch de Noya confirmed that all the seized litre bottles were from batches supplied (via a bonded warehouse) to major supermarket chains.

Trading Standards have no record of significant non-compliance at the shop, except for the two incidents described above. The only recorded test purchase since 2005 at the premises took place in September 2010 and resulted in no sale.

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

28/09/10	HMRC seizure	25.3 litres of spirits and 141 bottles of Italian wine seized as illicit. Visit made after complaint that the business was selling illicit tobacco, although this was not verified.
06/12/10	Office Panel	Ibrahim and Ahmet Boyraz attend to discuss above matter. Advice / warning confirmed in writing.
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".
20/04/12	TS Seizure	Illicit tobacco (540 cigarettes; 0.65kg of hand rolling tobacco) and alcohol (16.7l suspected to be stolen; 2l non-duty paid; & 3.5l breaching Scotch Whisky Regulations) seized, after information alleging sales of foreign tobacco from two separate sources.

Recommendations:

Mr Boyraz has chosen to knowingly break the law by supplying non-duty paid, foreign market tobacco products to his customers. Although, he stated in the PACE interview that he had only been selling it since the start of 2012, this is inconsistent with the information received about the shop since September 2010.

Illicit alcohol was seized in September 2010 and again in April 2012, although the latter seizure is unusual in its nature. I suggest the benefit of the doubt should be given to the business about the non-duty paid Smirnoff (which may have been old stock that was overlooked during the earlier visit) and the whisky that contravenes the Scotch Whisky Regulations (more an issue for the producer / importer, assuming it was purchased from a 'legitimate' source).

I am, however, very concerned about the twenty bottles with the damaged caps. No credible explanation has been offered for the damage and there are too many bottles with very similar damage for it to be mere co-incidence. Mr Love is of the opinion that the damage is consistent with the goods having supermarket security seals forcibly removed.

We cannot offer concrete evidence about the exact origin of these bottles, but the nature of the damage and the facts that all litre bottles of Bombay Sapphire, at least one bottle of the Bells and the bottle of Gordon's were initially supplied to major supermarket chains provides good circumstantial evidence that they did not come from a legitimate source. No invoices or other evidence to help us confirm a legitimate source has been produced. The failure to provide any invoices for Bombay Sapphire, or to identify where it was bought, which would have enabled Mr Love to make enquiries at the supplier, is particularly telling, given that the production dates show it cannot have been purchased more than 4 months prior to being seized.

Mr Boyraz has not so far provided any information about sellers of illicit goods, despite saying in the interview that the business received visits from such sellers "now and again".

I believe that Mr Boyraz's admission that he knowingly sold illicit tobacco would be sufficient for the Committee to consider revocation of the licence. Mr Boyraz has previously attended an Officer Panel and been explicitly warned in writing about illicit goods then and in mailshots sent out by Trading Standards, so there is no possibility he did not understand the seriousness of his actions.

When the failure to provide a credible explanation or evidence of legitimate purchase of the spirits with the damaged caps is also considered, I am convinced that revocation would be the correct decision.

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 Boyraz 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

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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

9th October 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.



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

T : 020 7527 3874
E-mail : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: 2010 114794

Date: 06/12/10

Ahmet Boyraz
Dilan (London) Ltd t/a Odesse Food & Wine
9 Barnsbury Road
London
N1 0HG

Dear Mr Boyraz,

WARNING LETTER

Thank you for attending the Licensing Officer Panel today. You were asked to attend the panel after smuggled goods were found at your business on 28th September 2010.

When HMRC and Trading Standards visited your business on 28th September, 141 bottles of wine and 25.3 litres of various spirits were seized from the business by HMRC as they were known to be smuggled. You failed to provide any evidence to HMRC to show that these goods had been bought in good faith from a reputable supplier, claiming that you were unable to get the receipts back from your accountant. To avoid purchasing smuggled goods and to protect yourselves if, as you claim, some or all of the goods came from reputable cash & carry businesses, the Panel advises you to do the following:

- **Read, understand and follow the advice** given in the 'Smuggled Alcohol and Tobacco Products' guidance included attached to this letter. Specifically:-
- **Never buy alcohol or tobacco from anyone who calls at the shop.**
- **Only deal with reputable suppliers** and ensure you have easy access to receipts or copies of receipts.
- **If any of your employees purchase goods for the business**, ensure they are also aware of the advice and instruct them not to buy from anyone calling at the shop.
- **Be suspicious of cheap goods.** £1.70 in duty is payable on each bottle of wine and approximately £9.50 is payable per litre of spirits, so with the costs of production and transportation, you should be very suspicious of any alcohol offered to you at a very low cost. The total duty that would have been evaded on the products HMRC seized was approximately £450.



We are not intending to take further action on this occasion, but we will revisit your shop in the coming weeks. If any smuggled goods are found we will ask for your licence to be reviewed. Government guidance states that formal Licensing Panels ought to consider revoking licences in the first instance where smuggled alcohol is found on licensed premises. You may also be prosecuted.

Please provide any information to us that may help us identify anyone who tries to sell you illegal alcohol or tobacco – for example, telephone numbers, vehicle registrations; CCTV recordings may all be useful. This will help us find them and help protect honest businesses from unfair competition. Any information we receive will, of course, be treated in complete confidence – we will never say who it came from.

If anything in this letter requires further explanation or you would like further advice, please contact me. I have not written to your father separately, but please thank him for attending and, as your premises supervisor, please ensure he also understands the advice contained in the letter

Yours sincerely,

Doug Love
Islington Trading Standards



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

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

Website : www.islington.gov.uk

Our ref: Mailshot

Date: March 2011

The Licensee and Proprietor

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

In the last few months Islington Trading Standards and Her Majesty's Revenue and Customs (HMRC) have visited off-licensed businesses to look for illicit alcohol and tobacco. Seizures of the following goods – all of which have evaded excise duty and some of which is also counterfeit - have been made from 40 businesses in this time:

- Over 800 litres of spirits
- Over 5,000 bottles of smuggled wine
- Over 3,500 cigarettes and 23kg of other tobacco products

Trading Standards and HMRC are going to intensify their campaign as a result of these alarming findings which are evidence of very serious offences. As well as the **£19,000 evaded excise duty** these goods represent, there are health concerns caused by counterfeit goods, which are produced with no regard to health standards or quality control – sellers do not know what they are selling or how much harm it may do.

- **Counterfeit alcohol can cause breathing difficulties, blindness or be lethal.** 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.
- **Asbestos and rats' droppings** are amongst the 'ingredients' recently found in counterfeit tobacco.

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 them is not a 'harmless' game that benefits your customers, but one that harms society as a whole.



Up to now, the businesses that have had illicit goods seized have generally been required to attend a meeting and given advice and a final warning.

As we have found this problem to be so widespread, there will now be tougher action taken against businesses found to be selling smuggled or counterfeit alcohol or tobacco.

Is it likely that your licence to sell alcohol will be reviewed and either suspended or taken away entirely. Licensing Panels will consider **permanently revoking the licence of businesses that sell smuggled goods**. You and the owner of the business may also be prosecuted.

You can prevent yourselves getting into trouble by understanding and **following the advice given in the attached guidance sheet**.

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.

Goods that have been regularly seized are as follows:

- **Cheap Italian wine** – with a variety of brand names – sold door-to-door for unrealistically low prices. The excise duty alone payable of 6 bottles of wine will be over £10.
- Vodka that is counterfeit or was originally intended for export, especially **Glens** and **Smirnoff**.
- Whisky - counterfeit or intended for export – especially **Famous Grouse, High Commissioner, Bells** and **Teachers**.

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



Smuggled Alcohol and Tobacco Products

Trading Standards

1. Introduction

Smuggled goods are goods for which the appropriate excise duty (import tax) has not been paid. Alcohol and tobacco products are regularly smuggled as the excise duty that must be paid on them is very high. Some will also be counterfeit as well.

Smuggled goods:

- may be unsafe, if they are also counterfeit, as the normal quality standards will be ignored.
- boost the profits of organised criminals;
- cause huge losses to the UK's tax revenues.

Islington Trading Standards have been carrying out visits in partnership with Her Majesty's Revenue and Customs (HMRC) to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked or suspended**.

2. Legislation

The main legislation that deals with smuggled goods is enforced by Her Majesty's Revenue and Customs (HMRC), although Trading Standards can also take action under some or all of the following laws:

- The **Fraud Act 2006** or the **Consumer Protection from Unfair Trading Regulations 2008** where a business sells items when they know or should know that they are, or might be, smuggled.
- The **Consumer Protection Act 1987** if tobacco products do not carry the required written and pictorial warnings.
- The **Licensing Act 2003** enables the Police or Trading Standards to apply for reviews of alcohol licences, which may lead to the licence being suspended or revoked.

3. How do I tell if goods are smuggled?

Alcohol: Alcoholic drinks with a stated alcohol by volume level of 30% or more (which will include all spirits) in containers of 35cl or more will be required to carry a UK Duty stamp, normally on the back of the label. The stamp will be pink in colour, but will glow green, yellow or white 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.

You should also check the print quality of the stamp and that the label or stamp are not stuck onto an existing label – poor print quality and overlabelling are clear indicators that the product may be illegal.



Black & white representation of a UK Duty Stamp

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Another indicator is if spirits are sold in boxes with the 'UK Duty Paid' statement crossed through, or that have been resealed – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp.

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).

Full details of the required warnings can be viewed by following the following links:

<http://www.legislation.gov.uk/ukxi/2002/3041/contents/made> (written warnings can be found in section 7 and the Schedule)

<http://webarchive.nationalarchives.gov.uk/+/www.dh.gov.uk/en/Publichealth/Healthimprovement/Tobacco/Picturewarningsontobaccoproductspressimages/index.htm> (picture warnings)

General:

- **Never buy alcohol, cigarettes or tobacco from anyone who brings the goods to the shop.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.
- **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 smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

4. What are the penalties if I sell smuggled goods?

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods.

Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: tradingstandards@tradingstandards.gov.uk



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

Tel : 020 7527 3874 / 4028
Email : douq.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 **fined or even imprisoned**. Further, if you need a licence to sell alcohol, this 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).

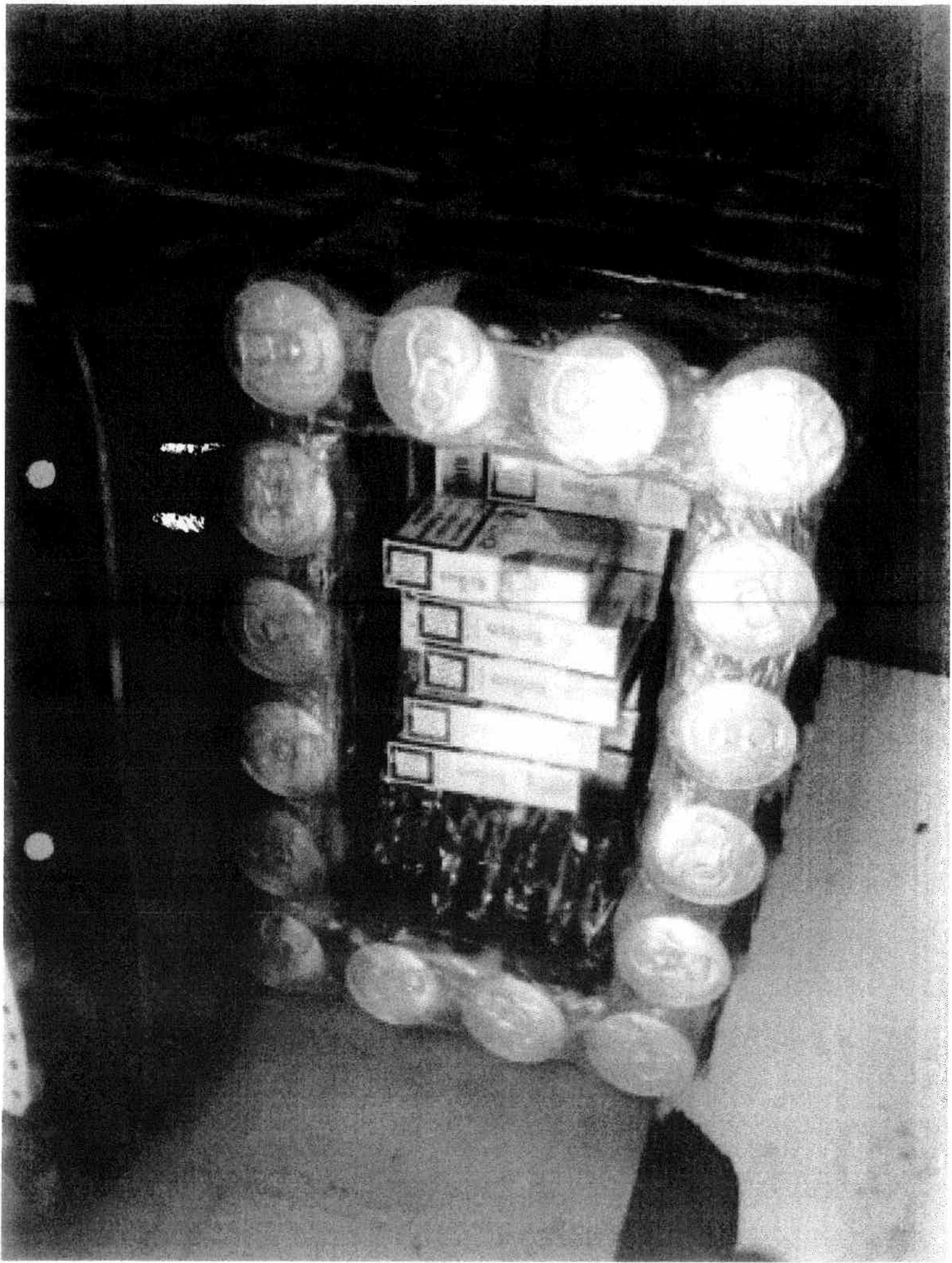
5. How can I get further advice?

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:

22 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: tradingstandards@tradingstandards.gov.uk





**Premises Licence Summary
Licensing Act 2003**

Premises licence number LN12079/090610

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**ODDESSE FOOD & WINE
9 BARNSBURY ROAD**

Post town London **Post code** N1 0GH

Telephone number 020 7278 5570

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	07:00	to	01:00	The following day
Tuesday	07:00	to	01:00	The following day
Wednesday	07:00	to	01:00	The following day
Thursday	07:00	to	01:00	The following day
Friday	07:00	to	02:00	The following day
Saturday	07:00	to	02:00	The following day
Sunday	07:00	to	01:30	The following day

The opening hours of the premises:

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

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

Off Supplies



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Name, (registered) address of holder of premises licence

Oddesse Food & Wine
(Dilan London LTD)
9 Barnsbury Road
London
N1 0GH

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

05364106

**Name of designated premises supervisor where the premises licence authorises
the supply of alcohol**

Ibrahim Halil Boyraz

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

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 licensee shall ensure that all staff undertake training in their responsibilities in relation to the sale of alcohol, particularly with regards to drunkenness and underage persons. Records shall be kept of training and refresher training.
2. Any incidents of a criminal nature that may occur on the premises shall be reported to the Police.
3. CCTV shall be installed and maintained in agreement with the police. The system shall enable the frontal identification of every person entering the premises. This system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to Data Protection Act 1998) with 24 hours of any request.
4. Emergency exits shall be kept free from obstruction at all times.
5. Clear and legible notices shall be prominently displayed to remind customers to leave quietly and have regard to the neighbours.
6. The "Challenge 21" logo and posters shall be displayed at the premises.
7. All staff shall be trained in underage sales prevention regularly.
8. A register of refused sales shall be kept and maintained on the premises.
9. The premises shall not be used under the licence until the requirements specified in the schedule dated 15 December 2009 have been completed and approved in writing by the responsible authority for health and public safety.

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

1. The licensee shall ensure that there are at least two members of staff on duty after 23:30hrs.
2. The licensee and staff shall ask patrons who appear to be under the age of 21 years for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth bearer.

Annex 4 – Plans Reference Number: 1337 03/08/2005

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: 23.10.2012


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 Od (d) esse Food and Wine, 9 Barnsbury Rd. N1 0GH.

I have read the information provided by the Council officials in this matter and indeed I was present on the 20th April 2012 when the last seizure of Tobacco and Alcohol was made. I have very grave concerns about this business and the people running it. They have previously had goods seized on the premises and as such have been given advice on how to prevent the honest mistake happening and also warned as to what the outcome would be of dishonest action. As can be seen from the photograph they have then taken action to hide the known illegal goods by creating a hiding space for the illicit tobacco they have chosen to supply to the public. With this level of integrity in mind it is my strong belief that the bottles of spirits that have the damaged caps have also come to be in the stock by a dishonest method. During my time in the police I have often seen this damage on items that have been stolen from supermarkets and it is caused by forcing the security tags off prior to leaving the store. Goods such as alcohol are a favourite choice of the career shoplifter as they are easy to sell on for cash and it is cash they want as they are often looking to fund such things as their drug habit. As we know in this case there is a trail that leads the goods to the supermarket from the supplier and the management of the premises are unable to produce receipts for the goods and whilst there is insufficient evidence to take a charge of Handling stolen goods to a magistrates court I strongly believe that is what has happened in this case.

I submit that the management of these premises have shown a willingness to act in a dishonest manner not once but over a long period of time and after being given guidance and support. As such it is my contention and the only relevant and proportionate course of action is to revoke the licence.

Signature: ..... Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / ~~Female~~ (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

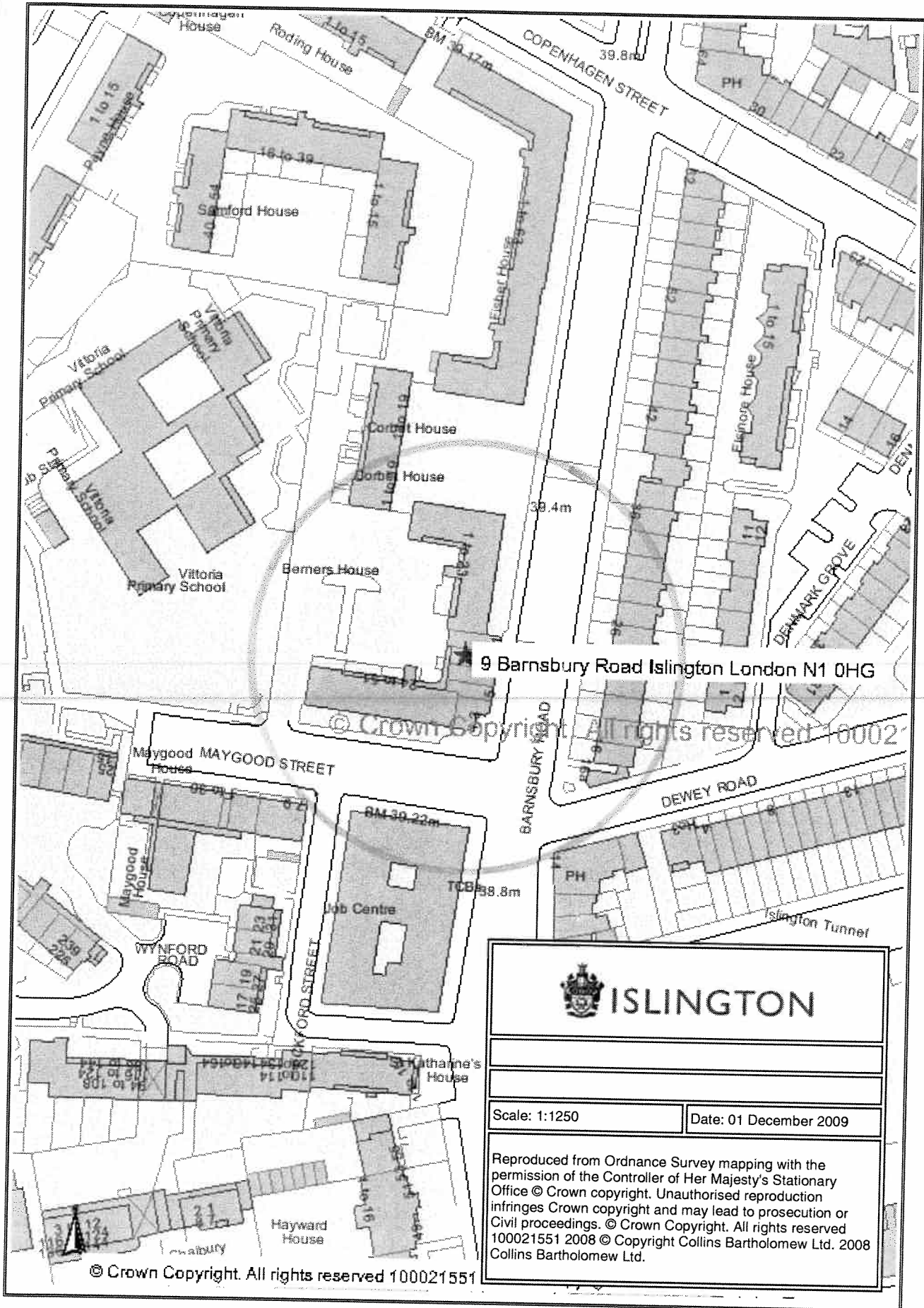
Address and telephone number if different from above:

Statement taken by (print name): **PS45NI 181475 Robin CLARK** Station: **Islington**

Time and place statement taken:

Suggested conditions of approval recommended by Trading Standards if licence not revoked

1. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
2. No spirits shall be purchased in a resealed box.
3. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
4. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
5. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
6. 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.
7. 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 Islington Trading Standards and HMRC as soon as possible.
8. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters.
9. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff, detailing the areas covered and make them available for inspection upon request by the licensing team, police or trading standards.
10. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
11. 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 licensing team, police or trading standards.



ISLINGTON

Scale: 1:1250 Date: 01 December 2009

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