



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	23 April 2013	34	Hillrise

Delete as appropriate		Non-exempt
-----------------------	--	------------

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: EXPRESS SUPERMARKET, 81 HAZELVILLE ROAD, LONDON N19 3NB

1. Synopsis

- 1.1 This is an application by Trading Standards 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
 - ii) Protection of Children from Harm

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 is currently licensed for the sale of alcohol for consumption off the premises Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30.
- 3.2 Papers are attached as follows:-
 - Appendix 1: application form and Trading Standards;
 - Appendix 2: current premises licence;
 - Appendix 3: Representations from Health & Safety and the Police,
 - Appendix 4: suggested conditions and map of premise location
- 3.3 The Licensing Authority has received a representation from Health & Safety and the Police.

1. Planning Implications

The lawful use of this property appears to be retail (A1).

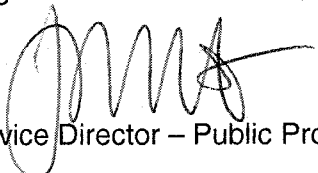
2. Conclusion and reasons for recommendations

- 4.1 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 11.4.13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

Report author: The Licensing Team

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: Licensing@islington.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I 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:	
(Express Supermarket)	
81 Hazellville Road	
Post town: London	Post code: N19 3NB

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

Number of premises licence or club premises certificate: LN / 2216 - 310810

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

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address
Telephone number (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

This application to review relates to the objectives to protect children from harm and to prevent crime and disorder and licensing policies 25, 26 & 10 (in the 2013-17 Licensing Policy). It particularly relates to the sale of alcohol to a 16 year old volunteer working with Trading Standards, a seizure of illicit wine and the failure to exhibit a high standard of management at the business.

Express Supermarket has been owned by partners Zeki Erdogan and Ibrahim Aslan since August 2010. During this time Mr Erdogan has been the premises licence holder and the Designated Premises Supervisor (DPS). There have been no Trading Standards issues in that time at the shop, except those described below. Indeed, the shop is to be credited with a prompt response to a mailshot warning of dangerous 'giant lighters': they contacted Trading Standards to confirm that they had returned theirs to the supplier, as requested.

In March and December of 2011, two letters with attached guidance on identifying illicit alcohol were sent to The Proprietor and Licensee at the shop.

On 07th December 2012, the business sold alcohol – a 660ml bottle of Becks beer (4.8%) to a boy, aged, 16y & 2m, who had volunteered to help Trading Standards. The seller, Murat Tas, had been on the shop floor, but as a queue was building up, he opened up a new till and the volunteer was the first person he served. The officer who observed the sale, Doug Love, believes that he made the decision to open the till without asking anyone first. Mr Aslan was present and Mr Love spoke with him after the sale. Mr Aslan said that Mr Tas was just assisting for the day, that he normally didn't work on the till and that he had not been trained. He also confirmed that the business did not keep refusals records. There was a 'No ID, no sale' poster displayed, but Mr Aslan did not appear to have had an advice pack from Trading Standards before, so I left one with him, advising him to read it and contact me if he needed further advice.

On 11th December 2012, Mr Love and officers from HMRC and the Police returned to the shop to check the alcohol and tobacco stock. No suspect spirits or tobacco was found, but a large quantity of Italian wine and two bottles of counterfeit Bollinger were seized.

Italian wine – 246 litres (328 bottles): Two brands – Alpa Premium and Brunin – which are recognised as being brands that are regularly smuggled.

Bollinger champagne – 1.5 litres (2 x 75cl bottles): Identified as counterfeit – thought likely to be old stock as there was known problem with counterfeit Bollinger (actually very cheap sparkling wine) in 2008/9.

The duty that is payable on these goods would have been approximately **£628**.

The issue with Bollinger was not mentioned in the letters sent in March and December 2011, but the problem with cheap Italian wine was mentioned specifically in the March letter, and both guidance sheets gave the current level of duty for a bottle and a case of 6 bottles of wine.

On 22nd January, Mr Love wrote to Mr Aslan and Mr Erdogan after a telephone conversation with the former to confirm their invitation to a PACE interview. On 07th February Mr Erdogan attended the Council offices and was interviewed by Mr Love and Police Licensing Sergeant, Robin Clark. Cefa Karabag, a friend of Mr Erdogan, also attended and helped interpret. Some main points of the interview follow:

- Keki Erdogan (ZE) and Ibrahim Aslan (IA) share responsibility for training check out staff.
- The seller, Mr Tas, does not have regular hours at the shop – he has helped out 'from time to time' since the partners bought the business. He rarely works on the till, but had previously been told to ask for id "all the time" when he did. The training was given verbally and no training records had been kept.
- ZE did not give a clear answer when asked how old people had to appear before they were asked to provide proof of their age. When asked what was acceptable as proof of age, ZE identified passports and driving licences, but did not mention PASS proof of age cards.

- ZE confirmed that the business was still not recording refusals to sell age-restricted goods.
- ZE identified IA as responsible for the purchase of alcohol in the business, but admitted that he had bought all the seized Italian wine.
- The seller of the wine was an Indian man who called at the shop at the beginning of December. ZE said that he had agreed to buy 330 bottles and agreed to pay £17.50 for 12 bottles (£1.46 per bottle), payment to be made after he had sold (some of) the wine. ZE admitted the wine was much cheaper than cheap wine that could be bought from cash and carry businesses (he said that £13 - £15 pounds for a case of 6 bottles was the cheapest you could get it in these businesses), but claimed that he did not realise that these would not be legal to sell. No paperwork was provided at the time the wine was delivered – the seller said that he would provide one when he returned to collect his money.
- ZE said that he did not mention this seller to the HMRC officers on the day, because he was not explicitly asked about where the wine had come from – he had just told them that he would be able to provide invoices.
- ZE stated that the seller returned on 24th or 25th January. He asked for his money, but ZE refused to pay him. The seller refused to give an invoice or any other documentation relating to the wine. ZE described the seller, but saw no vehicle and states he will not be on CCTV recordings (no records remain from the December visit and the conversation in January took place outside the shop).
- ZE said that he did not contact Trading Standards, the Police or HMRC when the seller returned as he had not been explicitly requested to do so.
- ZE stated the Bollinger was transferred stock when they bought the business.
- ZE said that he recognised the letter and guidance sheet sent out in March 2011. Mehmet Aslan (Ibrahim's son) often translated such letters, but ZE cannot remember this correspondence being fully explained to him.
- At the end of the interview, ZE promised to report future sellers calling at the shop, stated that he had been running businesses for 11-12 years and promised to avoid any recurrence. He asked for just a warning to be given.

The only other test purchase recorded at the shop took place days after Mr Erdogan and Mr Aslan took over in August 2010. On this occasion the business refused to sell alcohol to the Trading Standards volunteer.

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

07/12/12	Sale of alcohol	Murat Tas sold a large bottle of Becks beer to a 16 year old boy who was working with Trading Standards.
11/12/12	Illicit alcohol check	328 bottles of cheap Italian wine and 2 bottles of Bollinger seized by HMRC. The Italian wine was supplied by an Indian man who called at the shop.
Late Jan 2013	Wine supplier returns to the shop	The man who supplied the wine returned to the shop and spoke with Mr Erdogan. Mr Erdogan did not call anyone to report this visit.
07/02/12	PACE interview	Mr Erdogan attended a PACE interview.

Recommendations

Mr Erdogan is an experienced licensee, having worked in off licences for 11-12 years.

There is no record of him receiving face-to-face advice in his current shop on underage sales, but it is very unlikely that he has never been given detailed advice, or could be unaware of the availability of such advice from Trading Standards. However, he keeps no training or refusals records and he himself appears vague on the Challenge 25 rule and what makes acceptable proof of age. It is disappointing that in the two months between the sale (when Mr Aslan was left an advice pack) and the interview, Mr Erdogan does not appear to have started to follow Trading Standards advice.

The illicit alcohol is even more worrying. It is in Mr Erdogan's favour that no illicit spirits were found and it is accepted that the counterfeit Bollinger was old stock – this type of fake was distributed across the borough some time before they took the shop on – but his admission that he bought very cheap wine from someone calling at the shop, which, despite his denial, he must have suspected was not legal to sell, shows that he was prepared to break the law and profit from the offence. The fact that he did not offer information about the seller until the interview, failing even to contact anyone when he returned compounds this further. He suggested in the interview that he was not 'explicitly asked' to do this, but it is clear that Mr Erdogan is not concerned about reporting crime and promoting the licensing objectives if he did not think to do so himself.

Further, in the advice sent out in March 2011, which Mr Erdogan recognised, the problem with cheap Italian wine was specifically mentioned and a request for information about anyone calling to the shop to sell alcohol was made.

On the information set out in this application, I have no hesitation in recommending that the premises licence is revoked. Should the Committee feel at the hearing that a lesser sanction is appropriate, I recommend a lengthy suspension as a deterrent against breaking the law and poor management standards in future, as well as the addition of the conditions shown below.

Proposed conditions:

- No alcoholic goods will ever be purchased or taken from persons calling to the shop.
- No spirits shall be purchased in a resealed box.
- The licensee will immediately report to Trading Standards and the Police any instance of a caller to the shop attempting to sell alcohol.

- 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.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
- 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.
- 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.
- 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.
- 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.

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

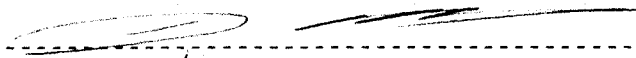
I understand that if I do not comply with the above requirements my application will be rejected

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

27th February 2013

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)



ISLINGTON

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: 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' crime that benefits your customers, but one that harms society as a whole.



MEMBER OF THE LONDON CHARTER MARK

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 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



ISLINGTON

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: trading.standards@islington.gov.uk



ISLINGTON

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

The Licensee and Proprietor

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

Website : www.islington.gov.uk

Our ref: Mailshot

Date: December 2011

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.

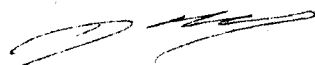
Trading Standards can supply you with a uv light for the small charge of £5 and an officer can visit your shop to give you a practical demonstration of how to use it.

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 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

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/2216-310810		
Postal address of premises, or if none, ordnance survey map reference or description	81 HAZELLVILLE ROAD UPPER HOLLOWAY		
Post town	London	Post code	N19 3NB
Telephone number	020 7561 0135		

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
<ul style="list-style-type: none">• The sale by retail of alcohol: Monday 08:00 to 23:00 Tuesday 08:00 to 23:00 Wednesday 08:00 to 23:00 Thursday 08:00 to 23:00 Friday 08:00 to 23:00 Saturday 08:00 to 23:00 Sunday 10:00 to 22:30 <p>Except on: Good Friday: 08:00 to 22:30 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p>

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 Zeki Erdogan



ISLINGTON

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


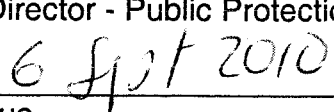
**Name, address and telephone number of designated premises supervisor where
the premises licence authorises the supply of alcohol**

Mr Zeki Erdogan

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

LBH-PER-N-1233 – London Borough of Hackney

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


Assistant Director - Public Protection

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 of 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

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

Nil

Annex 4 – Plans

Reference Number: 84841-17/05/05

WITNESS STATEMENT

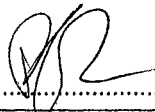
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin CLARK**..... URN:

--	--	--	--

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: **06.03.2013**

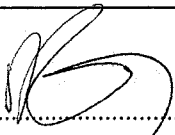
Tick if witness evidence is visually recorded (supply witness details on rear)

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 Express Supermarket, 81 Hazellville Rd, N19 3NB

I have read the information provided by Mr Fordham of Islington council and agree with his concerns over the management of the business, Mr Erdogan claims to be an experienced Licensee but his premise is responsible for an underage sale and putting the public at risk by offering for sale wine from an unauthorised source. I would say it is fairer to say he has held a licence for a long time rather than him being experienced. Having been given advice he has failed to act on it and when the supplier of the alcohol that has put his business at risk re attends his premise he does nothing to alert the authorities. During the interview regarding the matter his explanations were all a bit vague, the person selling the alcohol helps out rather than being an employee, but he has been told to ask about age although he doesn't work on the tills. The basic knowledge of age restricted good was not there so how could he train his staff. Police or trading standards not called because he hadn't been told to.

It is the contention of Islington Police that the management of the premise fails to meet the required standard to provide protection to the public and as such revocation of the licence is a proportionate outcome to this matter.

Signature: ..... Signature witnessed by:

**ISLINGTON**

Mr Zeki Erdogan
Express Supermarket
81 Hazellville Road
London
N19 3NB

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 26 March 2013

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Express Supermarket 81 Hazellville Road N19 3NB**

With reference to the recent application for the review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 25 March 2013 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)



**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Express Supermarket 81 Hazellville Road N19 3NB
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 26 March 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 26 March 2013 for
Express Supermarket 81 Hazellville Road N19 3NB**

- (1) Mechanical extract ventilation should be installed in the toilet extracting direct to external air at a rate of not less than 6 litres/second. The extract fan should have a 15 minute over-run controlled by the light switch or occupant detecting sensor. Air inlet to the toilet should be provided, e.g. 10mm gap under the door.
- (2) The existing fire alarm and fire detection system should be overhauled and put into full working order in accordance with BS 5839 – 1. Fire alarm sounders should give clear audible warning of 65 dB(A) in all areas of the premises.
- (3) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the trading area of the shop so all gangways are clearly illuminated.

Note: Non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.

- (4) One foam fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) should be provided adjacent to the entrance/exit door.

Fire extinguishers should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire extinguishers indicating the type of fire fighting appliance and the class of fire covered.

- (5) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.
 - Emergency lighting
 - Fire alarm
 - Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

For fire alarms any of the above, or

A member of the Loss Prevention Council 1014 Scheme, or a member of the British Approvals for Fire Equipment SP203 Scheme.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.

Suggested conditions

1. The premises shall not be used under the licence until the requirements specified in the schedule dated 26 March 2013 have been completed and approved in writing by the responsible authority for health and public safety.

