



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	18 April 2013	B4	Tollington

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: ROHAT'S FRUIT BASKET, 93A STROUD GREEN ROAD, LONDON N4 3PX

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 Sunday from 08:00 to 23:00.

- a) The original premises licence was granted on 24 November 2005 as a conversion application.
- b) On 15 December 2006 a variation application was granted for the premises to sell alcohol Monday to Sunday for 24 hours.
- c) On 12 January 2007 the licence as transferred to Mustafa Danisan.
- d) A Review application by Trading Standards was submitted on 2 August 2011 and the licence was revoked by Licensing Sub Committee on 3 November 2011.
- e) At the same Licensing Sub Committee on 3 November 2011 Licensing Sub Committee granted a new licence to Mr Ali Keles for the sale of alcohol for consumption off the premises Monday to Sunday 08:00 to 23:00.
- f) On 12 December 2011 the licence was transferred to the current licensee Mr Bulent Dogan.
- g) On 18 September 2012 a DPS variation was submitted and Mr Ibrahim Cengiz is the current DPS.
- h) On 28 March 2013 Licensing Officers carried out a routine inspection of the premises with unsatisfactory results. See Appendix 4.

3.2 Papers are attached as follows:-

- Appendix 1: application form and Trading Standards;
- Appendix 2: current premises licence;
- Appendix 3: Representations from the Police and Licensing Authority;
- Appendix 4: Licensing Officer notes of routine inspection 28 March 2013
- Appendix 5: suggested conditions and map of premise location

3.3 The Licensing Authority has received a representation from Health & Safety, the Police, a Ward Councillor and a local resident.

4. Planning Implications

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

5. 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 8/4/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

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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: Rohat's Fruit Basket a.k.a. Express Food & Wine 93a Stroud Green Road	
Post town: London	Post code: N4 3PX

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

Number of premises licence or club premises certificate: LN / 13355 / 070912

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

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

This application to review relates to the objectives to prevent crime and disorder and to protect children from harm and licensing policies 26, 25 & 10 (in the 2013-17 Licensing Policy). It particularly relates to the seizure of illicit alcohol and tobacco and a sale of single cigarettes on 23rd November 2012 and the failure to exhibit a high standard of management at the business.

Bulent Dogan is the owner of and premises licence-holder for the business trading as Express Food & Wine at 93a Stroud Green Road. Mr Dogan bought the business at the end of 2011 from Mustapha Danisan, who owned and held the licence for Rohat's Fruit Basket at this address. Mr Danisan's licence was revoked in November 2011 after a large amount of illicit alcohol was found at the shop. The other principal staff in the business are Ibrahim Cengiz, the Designated Premises Supervisor (DPS) and Sinan Cengiz, a manager.

Mr Dogan has been the licensee since 12th December 2011 after the transfer of a licence from Ali Keles. Mr Keles applied for the licence when the review of Mr Danisan's licence was still pending, as he intended to buy the business from Mr Danisan. It was granted (at the same meeting at which Mr Danisan's was revoked) with reduced hours, conditions requested by Trading Standards and a condition delaying the validity of the licence until evidence that the business had been sold by Mr Danisan was provided. Mr Keles pulled out of the purchase and Mr Dogan went on to buy the business, hence the transfer. Mr Keles remained the DPS until Ibrahim Cengiz became the DPS on 07th September 2012.

On 15th December 2011, Trading Standards sent a guidance sheet to addressed to 'The Proprietor and Licensee' to the business as part of a mailshot to all known independent off licences.

On 6th November 2012, Cllr West's office received a complaint from a local resident that Express Food & Wine was selling Polish cigarettes both by the pack and in 'singles'. The complaint was passed to Trading Standards and Doug Love was asked to investigate. Mr Love e-mailed the resident to obtain more details and he said that he had seen foreign cigarettes sold when two Turkish men who he believed ran the business were both behind the counter. Mr Love arranged to visit the shop with Police Sergeant Erica Crawshaw of the Tollington Safer Neighbourhood Team and a two of her officers.

On 23rd November 2012, Mr Love met with the police officers and briefed them on the issues. One of the officers was asked to attempt a test purchase of single cigarettes before the announced visit. He entered the shop and asked if they sold single cigarettes. The person serving, later identified as 'Mehmet', replied that they did and asked the officer how many he wanted. After establishing that the cigarettes were 50p each, the officer bought two. It is an offence under the Children and Young Persons (Protection from Tobacco) Act 1991 to sell loose cigarettes.

The officer returned to the vehicle and Mr Love looked at the cigarettes that had been purchased. They were marked with the brand 'Palace' – a name that was unfamiliar to Mr Love, but which transpired to be the name of a type of 'illicit white' cigarette. 'Illicit whites' are the name given to cigarettes made to resemble well known brands by 'unofficial' tobacco companies. They are typically very low in quality.

Mr Love and the officers returned to the shop. Mehmet was the only person working in the shop, but he immediately made a phone call and very quickly Sinan Cengiz, the manager, arrived. On the evening, Mr Love recorded that Sinan gave his name as Ibrahim Cengiz (his brother, the DPS) and that he admitted to being the owner, although it is possible that there was a misunderstanding as his English was not very strong. He did give the clear answer, "No", however, when Mr Love asked him if there was any foreign cigarettes on the premises.

Mr Love asked PS Crawshaw to look behind the counter for illicit tobacco, while he checked the alcohol. Both quickly found suspect goods and the following items were seized:

Tobacco

Palace cigarettes (408) - 20 packs of 20 with Spanish warnings. Open pack containing 8 cigarettes

Marlboro Gold Original cigarettes (360) - 18 packs of 20 with Polish warnings and tax labels

'Golden Virginia' hand rolling tobacco - 10 x 50g pouches with suspected fake Benelux tax labels.

All the tobacco was found in a plastic bag under the counter. The 'Golden Virginia' was examined on 12th December 2012 by Steve Horsey, Brand Enforcement Officer for Imperial Tobacco Ltd. and confirmed to be counterfeit.

Alcohol

Glens vodka – 9.8 litres (4 x 70cl; 7 x 1l): The duty stamps on the 70cl bottles did not fluoresce and the back labels had the incorrect style of '4' on the barcode, were self-adhesive and poorly affixed.

The litre bottles had self-adhesive labels, which were poorly affixed.

Zoladhowa vodka – 1.4 litres (2 x 70cl): There were no duty stamps on these bottles. There was a name and address for the business that imported the bottles to Germany, so presumably they were originally intended for the German Market.

Italian Rafaello wine – 121.5 litres (162 bottles): Queried by Mr Love as recognised as similar to the widely smuggled brands that Mr Love and HMRC officers are familiar with. Mr Cengiz produced an invoice, purportedly from Olio Novo Ltd, that showed 20 cases of 12 Rafaello wine had been purchased at a cost of £16 / case (£1.33 / bottle). Duty payable on a single bottle of wine is currently £1.90. Olio Novo Ltd is a company listed at Companies House, but this invoice had a future date on it (26.12.2012) and the address was spelled incorrectly (Murchinson Road instead of Murchison Road). Attempts have been made to contact the company, but they have not been successful.

All seized goods, with the possible exception of the litre bottles of Glens, would have been easily spotted if Trading Standards advice had been followed.

The duty that was payable on the seized goods totalled approximately **£678**.

While he was at the shop, Mr Love asked Mr Cengiz some questions to establish whether the business was complying with the licence conditions. Mr Love was told that no training records or refusals log was kept and that the business did not have a uv light. These are required by conditions 9, 11 and 6 of Annex 3, respectively. Mr Love also asked that Mr Cengiz contact him immediately if the wine seller, who Mr Cengiz had tried to contact, returned to the shop.

No one from the business contacted Mr Love after the seizure.

On 24th December Mr Love wrote to Ibrahim Cengiz and Bulent Dogan, who at that time he believed to be the owner and licensee, respectively, inviting them to a PACE interview.

On 10th January two people from the business arrived for the interview. Mr Love established that one was Sinan Cengiz (who Mr Love had believed to be Ibrahim on the night of the seizure) and Ibrahim Cengiz, the DPS, but not, as Mr Love had believed, the owner. Bulent Dogan was identified as the owner and as he was also the licensee, the primary legal responsibility falls upon him, so Mr Love stated that it was Mr Dogan he needed to interview. After a short time, Ibrahim Cengiz returned with Bulent Dogan and the interview took place, with Mr Cengiz assisting with interpretation where necessary. Mr Love and PS Robin Clark were the interviewing officers. Some of the main points follow:

- Bulent Dogan (BD), owner and licensee, works in the shop during the day.
- Sinan Cengiz (SC) is the Manager of the shop and it is his responsibility to buy alcohol and tobacco for the shop.
- Ibrahim Cengiz (IC) is the DPS and attends the shop for a couple of hours a day, but does not take a salary.
- Mehmet (neither BD nor IC knew his surname) is the only other employee.
- BD bought the business from Mustapha Danisan. When asked about Ali Keles, he initially said that he did not know him, but when DL explained that Mr Keles had been the DPS on the licence for the first nine months of his ownership, he remembered meeting him once.
- BD said he had trained SC, telling him to only buy from reputable businesses and not from people

calling at the shop but confirmed that he had no records of any training or instructions.

- SC was blamed for purchasing all of the seized goods from people calling at the shop. BD claimed not to know he had done this until after the goods had been taken. An invoice was provided for the wine, but nothing was provided with the vodka or the tobacco products (all came from different sellers). The tobacco was thought to have been sold for a "couple of months" before it was seized.
- BD states the the person who sold the wine, who puported to be from a company called Olio Novo, had returned to the shop to sell more and assured BD that the wine was legal. BD was asked why he did not contact Trading Standards when the seller returned and replied that because the invoice had a VAT number he thought it was 'safe' and he was promised a refund if he didn't get it back.
- BD & IC agree that wine bought for £16 for a case of 12 could not be legal. IC reported that SC had told him that he had bought the wine because customers were asking for a two bottles of wine for £5 deal. (*Nb: this is the common pricing for the non-duty paid Italian wine*).
- Mehmet was blamed for acting independently when he sold the loose cigarettes.
- IC and BD confirmed they were both familiar with the conditions on their licence, but confirmed that training records were not kept; refusals to sell were not recorded; no uv light was available for checking duty stamps.
- BD confirms that he recognised and had read the guidance sheet sent to independent off licences in December 2011.
- Mr Love advised Mr Dogan and Ibrahim Cengiz that they must comply with the conditions on the licence and suggested that they review them immediately. He also offered further assistance if they needed advice on how to comply with the conditions or compliance with the law.

At the time of writing, Mr Love has heard nothing further form anyone at the business.

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.

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

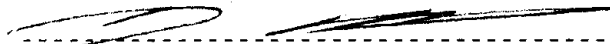
I understand that if I do not comply with the above requirements my application will be rejected

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

12th 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)

Here is a summary of events supporting this application

Early December 2011	Business purchased	Bulent Dogan buys the business from Mr Danisan. The licence is transferred into Mr Dogan's name on 12 th December 2011
15/12/11	Illicit alcohol guidance	Sent to the business by TS, addressed to 'The Proprietor and Licensee'
06/11/12	Complaint received	A local resident alleges that he has seen loose cigarettes and packs of foreign cigarettes being sold at the business
23/11/12	Test purchase and seizure	Loose cigarettes sold and vodka (11.2 litres); wine (162 bottles); cigarettes (768); and counterfeit hand rolling tobacco (0.5kg) seized. Breaches of licence conditions also observed.
10/01/13	PACE interview	Owner / Licensee Bulent Dogan interviewed. Ibrahim Cengiz (DPS) also present

Recommendations

The management at this business appears to have been seriously deficient. Even if Mr Dogan is to be believed when he blames the offences on his Manager, Sinan Cengiz and a junior member of staff, Mehmet, his management has clearly been ineffective:

- He says that he has trained staff and instructed them specifically not to buy goods from people calling at the shop, but he has not kept records and appears to have done little to ensure that the training and instructions have been followed.
- He worked in the shop during the day and it would have been reasonable for him to ask Sinan Cengiz where the wine (which was new to the shop, having only been bought once, and took up a lot of shelf-space) had come from. Also, even if he did not see the foreign tobacco, it seems unlikely that as they had been selling it for two months that no customers would have specifically asked him for the cheap, foreign tobacco.
- He said he was familiar with his licence conditions, but there is evidence that the business was not complying with Annex 3 conditions 1, 2, 6, 7, 9 & 11. A full assessment of compliance has not yet been undertaken.
- The lack of engagement with Trading Standards after the seizure – would it have been unreasonable to expect the owner to call Mr Love to find out what the situation was? – and the decision to believe the wine seller's assurances that the wine was legal when he returned to the shop, rather than call Trading Standards, do not indicate a high standard of management.

The facts as outlined by Mr Dogan do seem very questionable. The information received prior to the visit is from a local resident who is clearly familiar with the business. He states that the shop is run by "two Turkish men both aged 45-50". Mr Love believes from what he has seen and what was stated at the interview that, although the ages may be a little inaccurate, he must be referring to Mr Dogan and Sinan Cengiz when he says this. The informant also states that he has witnessed Polish cigarettes being sold when both of these men were present. Indeed the description of the man who actually handed the cigarettes over ('stocky') and the man who was also there ('taller, thinner') indicates to Mr Love, that Mr Dogan is the more likely person to have made the sale.

When Mr Keles was applying for his licence, Mr Love explained the nature of Mr Danisan's problems and made it very clear that he would be expected to comply fully with the conditions added to the licence. It is, of course, unknown whether this warning was passed on to Mr Dogan. He said in the interview that he'd only met Mr Keles once, but I note that he remained as DPS on the licence for nine months after it was transferred to Mr Dogan.

Given the evidence of poor management, along with the doubts we have over the true facts of what occurred, I believe that a revocation of the licence is an appropriate remedy. If, however, the Committee find Mr Dogan's claim that he was unaware of the offences more believable, a suspension to allow the management to be brought up to the standard demanded by Licensing Policy 10 and act as a deterrent against future lapses in management standards may be felt to be sufficient.

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

4. How do I tell if goods are illicit?



Black & white representation of a UK Duty stamp

Check the Duty stamp

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

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

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

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

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

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

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

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

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

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

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

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

5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading.standards@islington.gov.uk



**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/13355/070912		
Postal address of premises, or if none, ordnance survey map reference or description			
ROHAT'S FRUIT BASKET 93A STROUD GREEN ROAD			
Post town	London	Post code	N4 3PX
Telephone number			

Where the licence is time limited the dates
Not Applicable

Please note, some or all of the below licensable activities and the times the premises may carry out those licensable activities are currently restricted as a result of outstanding conditions as laid out in Annex 2 and 3 of this Premises Licence.

Licensable activities authorised by the licence
Ground Floor

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- 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	08:00	to	23:00

The opening hours of the premises:

Monday	00:00	to	24:00	the following day
Tuesday	00:00	to	24:00	the following day
Wednesday	00:00	to	24:00	the following day
Thursday	00:00	to	24:00	the following day
Friday	00:00	to	24:00	the following day
Saturday	00:00	to	24:00	the following day
Sunday	00:00	to	24:00	the following day

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 Bulent Dogan

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

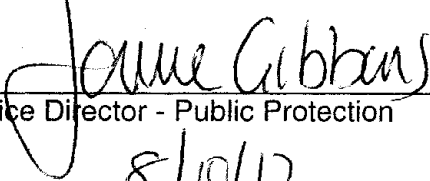
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Ibrahim Cengiz

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

Haringay – LN/00001424

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


Service Director - Public Protection

8/10/12
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.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003
5. The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
6. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without the assistance by reason of a disability)
7. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
8. The responsible person shall ensure that a proof of age policy is in place.
9. The responsible person shall ensure that the following measures are available, and advertised:
 - a) beer or cider ½ pints;
 - b) gin, rum, vodka or whisky 25ml or 35ml; and
 - c) still wine in a glass 125ml.

Annex 2 - Conditions consistent with the Operating Schedule

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The 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 the Data Protection Act 1998) within 24 hours of any request.
2. The licensee shall ensure that appropriate fire safety procedures are in place including fire extinguishers, fire blanket, internally illuminated fire signs, smoke detectors and emergency lighting. All fire safety equipment shall be tested by qualified personnel annually.
3. All emergency exits shall be kept free of obstructions at all times.
4. All customers shall be asked to leave quietly.
5. Prominent, clear and legible notices must be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
6. The licensee shall adopt the Challenge 25 and the BII National Proof of Age Scheme.
7. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards e.g. Citizencard, a

Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.

8. The licensee and staff should 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 by the licensing team, police or trading standards.
9. The licensee shall ensure that all members of staff shall be trained to make customers aware of the laws regarding sales or purchase of alcohol on behalf of children and this training shall be undertaken on a regular basis.
10. An incident book shall be maintained, checked and signed weekly by the DPS.
11. **The current premises licence (number 113239/2764) shall be surrendered prior to any new premises licence that might be granted coming into force.**

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

1. No alcoholic goods will ever be purchased or taken from sellers calling to the shop.
2. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
3. No spirits in re-sealed cases will be purchased.
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 alcohol 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 company 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 Standard Groups advice for off-licences.
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 licensee shall keep records of training and instruction given to staff.
10. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example, 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 by the licensing team, police or trading standards.
12. Mustafa Danisan, the previous premises licensee, will have no role in the new business trading at these premises.

Annex 4 – Plans

Reference Number: 0260218 Date: 15 October 2002

Licensing Act 2003- Representation from the Licensing Authority
Application: ROHATS' 93A STROUD GREEN ROAD LONDON 4 3PX

I am submitting a representation of behalf of the Licensing Authority in respect of the application to review the premises licence by Trading Standards.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

The following Licensing Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

Licensing Policy 26

The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

Licensing Policy 10

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- *can demonstrate comprehensive knowledge of best practice*
- *has sought advice from the responsible authorities*
- *has implemented any advice that been given by the responsible authorities*
- *is able to understand verbal and written advice and legal requirements*
- *can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003*
- *is able to run their businesses lawfully and in accordance with good business practices*
- *is able to demonstrate a track record of compliance with legal requirements*

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

The Premises Licence holder has not demonstrated any commitment to high standards of management as evidenced by;

- staff selling cigarettes to an underage young person
- purchasing illicit alcohol with the view to selling to customers
- failing to comply with premise licence conditions 6,9 & 11 of annex 3
- poor staff management and supervision
- blaming junior staff for errors
- lack of control over purchasing policy
- the premises licence holder claiming that he did not know the person who was the named DPS on the premises licence for 9 months
- misleading the Trading Standards Officer over the identity of the people involved in operating the premises.

In order to promote the Licensing Objectives it is appropriate to consider revocation. If the Licensing Committee is presented with sufficient evidence to indicate that the licensee is able to improve the standards of management a licence suspension could be considered.

Janice Gibbons
Service Manager (Commercial)
11 March 2013
Janice.gibbons@islington.gov.uk

WITNESS STATEMENT

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

Statement of Robin Clark..... URN: [] [] [] []

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: [Handwritten 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 Rohat's Fruit Basket, a.k.a. Express Food & Wine, 93a Stroud green Road, N4 3PX.

I have read the information provided by the Council officials in this matter and I am aware of the involvement of Police officers from the Safer Neighbourhood Team in the test purchase of tobacco products and the seizure of said goods. I was also present during the interview of Mr Bulent Dogan. I am aware of the history of the premise having been involved in the previous review of the premise licence. The visit to the premise highlights the fact that Bulent DOGAN is failing to meet the standards required to run a licensed premise and fails to uphold the licensing objectives of prevention of crime and disorder and protecting children from harm. The tobacco products found are known to be harmful and the fact that he was prepared to sell them singly which is often the method used by children to purchase them due to cost indicates he is willing to risk the health of his customers as well as depriving the UK Government of excise duty. The alcohol purchase and source of the alcohol has not been fully explained. The interview and the process leading up to the interview raised more questions than it answered. The current DPS Ibrahim Cengiz is a student who receives no money for his work; the previous DPS for the first 9 months of this ownership appears to have been in name only and not a person who was involved in the day to day running of the business. The sale of the loose cigarettes has been blamed on a member of staff who is only known by a first name, how to you keep proper records if you don't know the full details of staff, how to do cover PAYE etc. With regards to the conditions imposed by the committee to ensure good practice Bulent Dogan has either not made himself aware of them or chosen to ignore them either way this is not acceptable management of a licensed premise.

Having regard to the history of the premise and the apparent lack of proper management now ,Islington Police submit that a proportionate measure to protect the public from further harm would be to revoke this licence.

Signature: [Handwritten Signature]

Signature witnessed by:

Licensing OOH – 28th March 2013

Dan Whitton & Simon Gallacher

21:25

Rohat Fruit Basket, 93a Stroud Green Road:

Premises now called Express Food & Wine. Old licence on display, Mr Sinan Cengiz (SC), brother of DPS, is working in the premises and unable to locate the current licence.

CCTV is operational at the premises but SC states that only up until 20th March 2013 has been saved. There is no signage at exit requesting customers respect local residents when leaving the area.

Fire extinguishers are ok and last checked 10th Sept 2012.

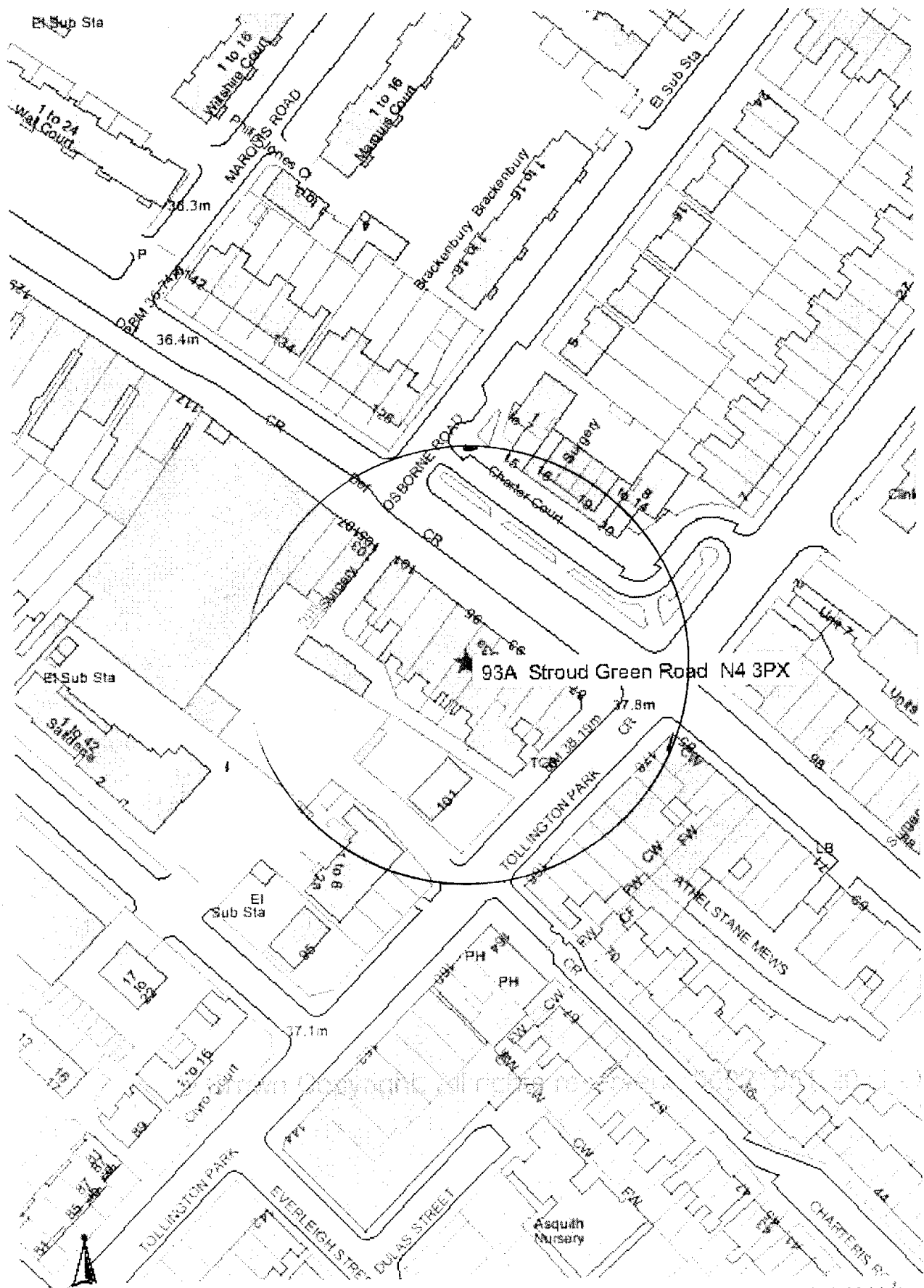
Three entries in the refusals log, log commenced in March 2013. There was no incident book.

SC had no knowledge or understanding of Challenge 25 and no posters were on display. He did however state that he would only accept a Passport or Photo Driving Licence as proof of age.

SC stated that the premises did not have access to a UV pen to check stock.

Suggested conditions

As per the current licence



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