

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
1 April 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|--|------|
| SUBJECT : Application to review a premises licence | |
| PREMISES : RK Supermarket 1 Empire Parade, Edmonton N18 | |
| WARD : Upper Edmonton | |

1 **LICENSING HISTORY & CURRENT POSITION :**

- 1.1 On 24 August 2005 an application to convert an existing Justices Off Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 On 1 August 2006 an application for a variation of the Premises Licence (so as to extend hours for the sale of alcohol), which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 17 December 2012 an application by **Mr Kanagasabapathy Sivasubramaniam** for transfer of the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4 On 12 December 2014 an application by **Mr Kanagasabapathy Sivasubramaniam** for a minor variation of the Premises Licence (so as to annex additional conditions to the licence), which was not subject to any representations, was granted by officers in accordance with delegated powers
- 1.5 The current Premises Licence permits :
 - 1.5.1 **Hours the premises are open to the public** : Sunday to Saturday from 07:00 to 00:00
 - 1.5.2 **Supply of alcohol (off supplies only)** : Sunday to Saturday from 07:00 to 00:00.
- 1.6 Since 17 December 2012 the Designated Premises Supervisor specified on the Premises Licence has been **Mr Kanagasabapathy Sivasubramaniam**.
- 1.7 A copy of a location map of the premises is attached as Annex 01.
- 1.8 A copy of the current Premises Licence is attached as Annex 02.

2 THIS APPLICATION :

- 2.1 On 23 January 2015 application was made by the **Licensing Authority** for the review of the Premises Licence.
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made because:
 - 2.2.1 On 15 August 2014 non-duty paid tobacco was found on the premises.
 - 2.2.2 On 22 August 2014 non-duty paid alcohol was found on the premises.
 - 2.2.3 The minor variation application (granted on 12 December 2014 – see section 1.4, above) arose because of the findings in August.
 - 2.2.4 On 9 December 2014 non-duty paid tobacco and non-duty paid alcohol were again found on the premises.
 - 2.2.5 In addition, since 24 September 2014, the premises has been found to be operating in breach of licence conditions on five separate occasions.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
- 2.4 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the application is attached as Annex 03.
- 2.7 A copy of the additional information is attached as Annex 04.

3 RELEVANT REPRESENTATION :

- 3.1 **Metropolitan Police** : Representation is made, on the grounds of the prevention of crime and disorder, in support of the review application. The authority agrees that it is appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
 - 3.1.1 A copy of the representation is attached as Annex 05.

4 RELEVANT LAW, GUIDANCE & POLICIES :

- 4.1 The paragraphs below are extracted from either :
 - 4.1.1 the Licensing Act 2003 ('Act'); or
 - 4.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2014 ('Guid'); or
 - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

General Principles :

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are :
 - 4.3.1 the prevention of crime and disorder;
 - 4.3.2 public safety;
 - 4.3.3 the prevention of public nuisance; &
 - 4.3.4 the protection of children from harm [Act s.4(2)].
- 4.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 4.4.1 the Council's licensing policy statement; &
 - 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Review :

- 4.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- 4.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].
- 4.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].
- 4.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision :

- 4.9 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 4.9.1 to modify the conditions of the licence;
 - 4.9.2 to exclude a licensable activity from the scope of the licence;
 - 4.9.3 to remove the designated premises supervisor
 - 4.9.4 to suspend the licence for a period not exceeding three months;
 - 4.9.5 to revoke the licence [Act s.52].
- 4.10 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :

None other than any identified within the report.

Contact Officer :

Mark Galvayne on 020 8379 4743



RK Supermarket, 1 Empire Parade, Great Cambridge Road, LONDON, N18 1AA.

LONDON BOROUGH OF ENFIELD
 CIVIC CENTRE, SILVER STREET,
 ENFIELD, EN1 3XE
www.enfield.gov.uk



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 Scale 1:1250
 Date 3 March 2015

Licensing Act 2003
PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

 Premises Licence Number : **LN/200501318**
Part 1 – Premises Details

Postal address of premises :

 Premises name : **RK Supermarket**

 Telephone number : **020 8807 3313**

 Address : **1 Empire Parade Great Cambridge Road LONDON N18
1AA**

 Where the licence is time-limited, the dates : **Not time limited**

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

| | | |
|------------|--|----------------------|
| (1) | Open to the Public - Whole Premises | |
| | Sunday : | 07:00 - 00:00 |
| | Monday : | 07:00 - 00:00 |
| | Tuesday : | 07:00 - 00:00 |
| | Wednesday : | 07:00 - 00:00 |
| | Thursday : | 07:00 - 00:00 |
| | Friday : | 07:00 - 00:00 |
| | Saturday : | 07:00 - 00:00 |

| | | |
|------------|---|----------------------|
| (2) | Supply of Alcohol - Off supplies | |
| | Sunday : | 07:00 - 00:00 |
| | Monday : | 07:00 - 00:00 |
| | Tuesday : | 07:00 - 00:00 |
| | Wednesday : | 07:00 - 00:00 |
| | Thursday : | 07:00 - 00:00 |
| | Friday : | 07:00 - 00:00 |
| | Saturday : | 07:00 - 00:00 |

Part 2

Name and (registered) address of holder of premises licence :

Name : Mr Kanagasabapathy Sivasubramaniam

Telephone number : 020 8807 3313

e-mail : Not provided

Address : 36 Bolton Road, Harrow, Middlesex, HA1 4SA

Registered number of holder (where applicable) :

Not applicable

Name and (registered) address of second holder of premises licence (where applicable) :

Name : Not applicable

Telephone number :

Address :

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name : Mr Kanagasabapathy Sivasubramaniam

Telephone number : 020 8807 3313

e-mail : Not provided

Address : 36 Bolton Road, Harrow, Middlesex, HA1 4SA

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

Personal Licence Number : LN/000002397

Issuing Authority : London Borough of Harrow

Premises Licence LN/200501318 was first granted on 24 August 2005.

Signed : 

Date : 12th December 2014

**for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578**



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

- 3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 4. The CCTV system shall be operated and maintained at the premises.**
- 5. The ADT security system, and panic button, shall be operated and maintained at the premises.**
- 6. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.**
- 7. Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.**
- 8. Signs shall be conspicuously displayed at all exits requesting patrons to consider local residents and leave the premises and area quietly.**
- 9. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.**
- 10. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.**
- 11. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.**
- 12. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.**

13. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of this premises licence.

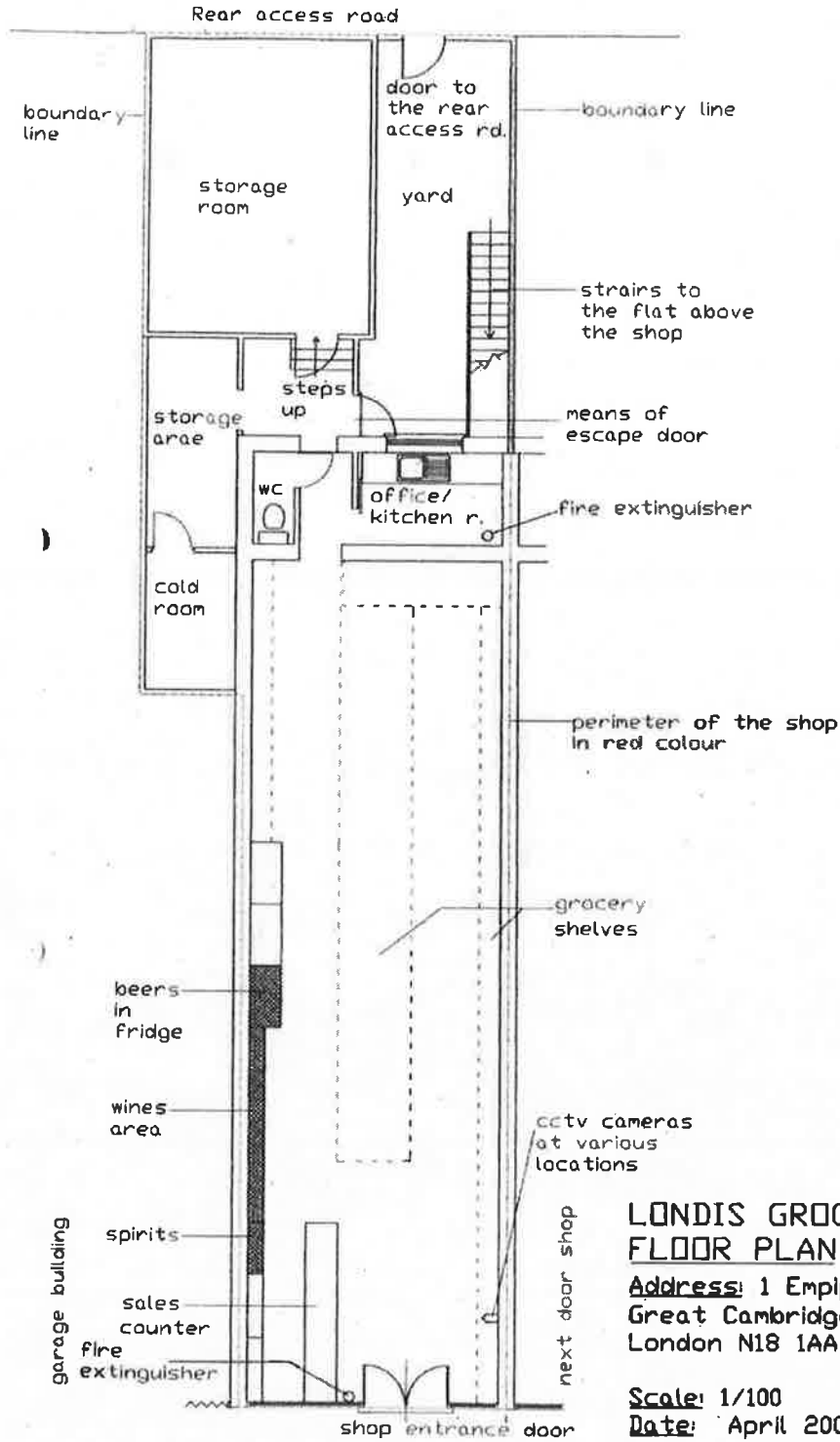
14. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least two years.

15. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans



**LONDIS GROCERY SHOP
FLOOR PLAN**

Address: 1 Empe Parade
Great Cambridge Road
London N18 1AA

Scale: 1/100

Date: April 2005

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 **Charlotte Palmer Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

| | |
|---|-----------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| RK Supermarket, 1 Empire Parade, Great Cambridge Road | |
| Post town | Post code (if known) |
| London | N18 1AA |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Mr Kanagasabapathy Sivasubramaniam |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| LN/200501318 |

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH |
| Telephone number: 020 8379 3965 |
| E-mail address: charlotte.palmer@enfield.gov.uk |

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

Please tick one or more boxes

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

Please state the ground(s) for review: (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling non duty paid alcohol and tobacco.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background Information:

Please provide as much information as possible to support the application
(please read guidance note 2)

Complaint and Visit History of Premises

The licence for this premises was transferred to the current licence holder and the DPS was varied in December 2012.

28th May 2014 - A letter was sent to the premises setting out the new updated Mandatory Licence Conditions. At the end of the list of conditions is advice from Trading Standards which states:

'You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or

any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person'.

See Appendix 1.

15th August 2014 - An employee of Environment under the direction of a Fair Trading Officer attempted to purchase 'cheap' tobacco/cigarettes from the premises. She was sold foreign labelled cigarettes which would not have been subject to UK duty and did not bear the 'UK DUTY PAID' labelling. Also the required warning label such as: smoking seriously harms you and others around you was in a foreign language. The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings were thus contravened, amounting to a criminal offence under the Consumer Protection Act 1987.

A further offence under s.144 of the Licensing Act 2003 was committed by the premises licence holder and the designated premises supervisor if they knowingly kept or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

22nd August 2014 - A multi-agency inspection (involving Trading Standards, a brand representative and tobacco detection dogs) was carried out at the premises and the following was seized: 8 x High Commissioner Whisky. At the time these were thought to be counterfeit but upon further investigation proved to be non-duty paid and had export back labels attached. **See Appendix 2 & 3**

24th September 2014 - 11:00 - 11:05 Full licence inspection carried out. Condition 8 - Leave quietly poster not on display, Condition 5 - Could not find a panic button. Part B of the licence not on display. Given 7 days to comply.

8th October 2014 - 10:05 - Revisits carried out (EVG). Met with Mr K Sivasubramaniam (DPS/PLH). Conditions 5 and 8 now compliant. Part B of the premises licence not displayed, as Premises Licence Holder thought it was the personal licence required to be displayed. The officer requested that he call to confirm once it had been displayed.

13th October 2014 - Answerphone message from PLH/DPS confirming that Part B has been found and now displayed.

4th November 2014 - A letter was sent to the premises licence holder recommending that they submit a minor variation application to strength the licence conditions following the discovery of the High Commissioner Whiskey. **Appendix 4**

26th November 2014 - A Licensing Enforcement Officers visited the premises to speak to the Premises Licence Holder as the minor variation had not been submitted. He completed the application whilst the officer was there.

9th December 2014 - A multi-agency inspection (involving Trading Standards, a brand representative, HMRC and tobacco detection dogs) was carried out at the premises and the following non duty paid products were seized by HMRC:

12 bottles of Glen's Vodka 70cl - duty diverted

17 packs x 20 (340 cigs) duty diverted Marlboro Gold

See Appendix 5 & 6.

12th December 2014 - The minor variation was issued

9th January 2015 - 21:55 - 22:05. Full Licence inspection. The following conditions were not being complied with: C10 No receipts available for alcohol, C11 No UV light

available, C12 No personal licence holder on premises, C13 & 14 No evidence of any training, C15 No refusals book available. Given 14 days to comply. **See Appendix 7.**

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Non-duty paid products have been found at this premises twice within 4 months. The premises licence holder was given the opportunity to submit a minor variation application to strengthen the licence condition rather than face a review of the licence. However despite taking up this offer and submitting the application further non duty paid products were found just 13 days after the application was submitted. This shows a total disregard for the law and has led to a lack of confidence in the management of the premises.

The Licensing Authority therefore recommends that this licence be revoked.

If the Licensing Committee does not deem it necessary to revoke the licence in its entirety I would recommend the DPS be removed from the licence and the licence be suspended for or 3 months.

The Licensing Authority reserve the right to add any additional information to support this review application.

| | |
|--|----------|
| Suspension of Licence: | N |
| Revocation of Licence: | Y |
| Recommended period of suspension (max 3 months): | |
| This is the second time non duty paid products have been found at the premises. All the relevant licence conditions are already attached to the licence. Having regard to all this information, and taking into account the DCMS guidance, this leaves little option other than for the Licensing Authority to seek total revocation of the premises licence. | |
| The Secretary of State believes that the sale of smuggled goods should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered. | |

Please tick yes

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

If yes please state the date of that application

Day Month Year

n/a

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

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 guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature:

Date: 23rd January 2015

Capacity: Licensing Enforcement Officer

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)



**Mr Kanagasabapathy
 Sivasubramaniam
 36 Bolton Road
 Harrow
 Middlesex
 HA1 4SA**

Regeneration & Environment

Please reply to : Licensing Team
 : PO Box 57
 : Civic Centre, Silver Street
 : Enfield, Middx. EN1 3XH
 Tel : 020 8379 3578
 Fax : 020 8379 2190
 Minicom : 020 8379 4419
 Email : licensing@enfield.gov.uk
 My ref : Mandatory Conditions
 Your ref : LN/200501318
 Date : From 28 May 2014

IMPORTANT – PLEASE READ

THIS LETTER CONCERNS YOUR NEW LEGAL RESPONSIBILITIES AND ANY FAILURE TO ACT ON THESE MATTERS COULD LEAD TO YOUR PROSECUTION

Dear Mr Kanagasabapathy Sivasubramaniam

Re: RK Supermarket, 1 Empire Parade, Great Cambridge Road, LONDON, N18 1AA

I refer to your Premises Licence and/or Club Premises Certificate, under the Licensing Act 2003, in respect of the above premises/club premises.

If your licence/certificate authorises the sale/supply of alcohol then you must comply with the contents of this letter. If alcohol is *not* authorised under the licence/certificate please disregard this letter.

As you are aware, you must ensure that the operation of the premises/club premises, complies with the conditions set out in Annexes 1, 2 and 3 of the licence/certificate document.

I am writing to advise that new Mandatory Conditions have been attached to your licence/certificate by Parliament. You must ensure that the operation of the premises/club premises, under the licence/certificate, *also* complies with the Mandatory Conditions, even though they are *not* printed on your licence/certificate document.

Failure to comply with the conditions of your licence/certificate and/or the Mandatory Conditions is a criminal offence with a maximum penalty, on conviction, of 6 months imprisonment and a £20,000 fine.

The Mandatory Conditions are set out below:

1. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph (1) —

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where —

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence —

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

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

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) — (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

2. (1) 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.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual

- in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
3. 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 assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
6. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.
- NB. The “responsible person” means—
- (a) in relation to licensed premises—
 - (i) the holder of a premises licence in respect of the premises,
 - (ii) the designated premises supervisor (if any) under such a licence, or
 - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,
 - (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

The Home Office have produced Guidance (on banning the sale of alcohol below the cost of duty plus VAT) and a Permitted Price Calculator. These documents may be viewed, down-loaded and printed via the following web-link: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

TRADING STANDARDS ADVICE :

You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person.

Yours sincerely



pp. The Licensing Team

*'licence' includes licences, certificates, permits, registrations, notices, notifications, approvals and authorisations

INSPECTION REPORT

2893

Name: RK Supermarket
 Address: 1 Empire Parade
Enfield
N18 1AA
 Tel: 020 8807 3313

Trading Standards & Licensing
 B Block North
 Civic Centre
 Silver Street
 Enfield
 EN1 3XA

trading.standards@enfield.gov.uk
 Enfield Direct: 020 8379 1000
 Helpline: 020 8379 8505
 Fax: 020 8379 8506

During an inspection of your premises on 22nd August 2014, the following areas were checked/examined:

- Fair Trading Hallmarking Consumer Safety
 Explosives Storage Weights & Measures Pricing Other (specify)

(a) The following matters were found to be incorrect/non-compliant: *left letter with person below
 (b) You are advised the following matters are best practice to ensure compliance:
 • Kannanabaththy Sivastubramaniam (Sri Lanka) (British)
CDOR 36 Bolton Rd, Harrow HA1 4SA. Is
DP, No one else on site.
 • Tobacco detection dog didn't pick up anything of interest.
 • John Fitzpatrick identified counterfeit High Commissioner 1 litre - 8 bottles seized.
 • Checked licensing conditions required to display notice at exit requesting patrons to consider local residents + to leave quietly. This is a mandatory condition.

(a) You are required to have the above matters attended to within days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

Authorising Officer: K. SCHULTZ Date: 22nd August 2014
 Signature: [Signature] Direct dial: 02083 792136
 Received by Signature: [Signature] Position: Manager
 Print Name: SIVA



NOTICE OF SEIZURE

No 1258



Name: RK Supermarket

Address: 1 Empire Parade
Enfield
N15 1AA

Trading Standards
Civic Centre
Silver Street
Enfield
EN1 3XH

trading.standards@enfield.gov.uk
Telephone: 020 8379 8505
Fax: 020 8379 8506

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

Trade Marks Act.

8 x 1 litre bottles of High Commissioner
Whisky - Confirmed by brand rep. to be
counterfeit. R00189245.

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: K. SCHULTZ

Date: 22/8/14

Signature: [Handwritten Signature]

Direct Dial: 020 83 792136

Received by: Manojasri bapathy Simstbramamian

Position in Business: Manager



1914 - 1918

APPENDIX 4 .

ENFIELD
Council



Mr Kanagasabapathy Sivasubramaniam
RK Supermarket
1 Empire Parade
Great Cambridge Road
London
N18 1AA

Please reply to: Charlotte Palmer
Licensing Enforcement
B Block North, Civic Centre,
SILVER Street, Enfield, EN1 3XA

E-mail : Charlotte.palmer@enfield.gov.uk

Textphone : 020 8379 4419

My Ref : LN/200501318

Your Ref :

Date : 26th November 2014

Dear Mr Sivasubramaniam

**RK Supermarket, 1 Empire Parade, Great Cambridge Road, London, N18 1AA
– LN/200501318**

I write again in relation to the premises licence that you hold for the above premises as I have not received a response from you in relation to my letter dated 4th November 2014.

The letter explained that on 15th August 2014 an employee of Environment visited your premises and was sold foreign labelled cigarettes. It also explained that on 22nd August 2014, 8 bottles of counterfeit High Commissioner were found at the premises.

Consequently, the Licensing Authority is considering reviewing the premises licence. The Licensing Authority believes that additional conditions need to be added to the premises licence to strengthen the licensing objectives.

As an alternative to having your licence reviewed, the Licensing Authority are prepared to offer you the opportunity to apply for a minor variation to voluntarily add conditions to the premises licence and / or to improve some of the current conditions.

Enclosed is a document showing suggested amendments to the conditions.

If you agree to apply for the minor variation please do so by Wednesday 3rd December 2014. A minor variation application form is enclosed.

If you do not agree to submit the minor variation, it will leave the Licensing Authority with no choice but to pursue a review of the premises licence. You will then run the risk of having the

Ian Davis
Director – Regeneration & Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY


EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT
EXCELLENT



Website: www.enfield.gov.uk

◆ For help with this document, please contact the above officer who will be able to assist in line with our accessible information policy

licensing committee impose stricter restrictions on the premises licence and possibly even suspend or revoke the licence.

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given please contact me on 0208 379 3965.

Yours sincerely

Charlotte Palmer
Licensing Enforcement Officer

cc: Mr Kanagasabapathy Sivasubramaniam, 36 Bolton Road, Harrow, Middlesex, HA1 4SA

Amended / additional conditions to be added to premises licence for:

**RK Supermarket, 1 Empire Parade, Great Cambridge Road, London, N18 1AA
– LN/200501318**

Annex 2 - Conditions consistent with the Operating Schedule

3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
4. The CCTV system shall be operated and maintained at the premises.
5. The ADT security system, and panic button, shall be operated and maintained at the premises.
6. Notices shall be displayed confirming that it is against the law to sell alcohol to children under 18-years.

Amend to:

The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.

7. Unaccompanied children under 14-years shall not be allowed to enter the premises after 21:00.

Amend to:

Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.

8. Signs shall be conspicuously displayed at all exits requesting patrons to consider local residents and leave the premises and area quietly.

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

Not applicable

Add the following conditions:

- The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.
- The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name

and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.

- An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.
- A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
- All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of this premises licence.
- All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least two years.
- A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

*LBE currently promote the "Think 25" poster

NB. In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly sign, refusals book, which can be found on the Enfield website by following this link:
http://www.enfield.gov.uk/site/scripts/home_info.php?homepageID=360. Please click on Compliance Documents and print the material relevant to the conditions and use in accordance with your licence.

INSPECTION REPORT

Name: RK SUPERMARKET

Address: 1 EMPIRE ROAD

LEWISW
N18 1AA

Trading Standards
B Block North
Civic Centre
Silver Street
Enfield
EN1 3XA

trading.standards@enfield.gov.uk
Contact Centre: 020 8379 1000

Business Email: _____

Business Telephone: _____

During an inspection of your premises on.....9th December.....2014....., the following areas were checked/examined:

- Fair Trading
- Hallmarking
- Consumer Safety
- Explosives Storage
- Weights & Measures
- Pricing
- Other (specify)

TRADE DESCRIPTIONS ACT 1968

(a) The following matters were found to be incorrect/non-compliant:
 (b) You are advised the following matters are best practice to ensure compliance:

OP RLD NOISE

CODE B NOTICE ISSUED

GLENS VODKA - DUTY DIVERTED X 12 BOTTLES

Malboro Cigarettes - duty diverted

X 20 in a pack

X 7 packs of 20

Malboro Cigarettes 'Gold'

9(m)
20 packs of 20 ALL GOODS SEIZED BY HMRC

(a) You are required to have the above matters attended to within days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

Authorising Officer: FLIPPIN MARRIAND Direct dial: 0208 379 8562

Signature: [Signature]

Received by Signature: [Signature] Position: SALES ASSISTANT

Print Name: A Subathrupan
AMBAIA & AIRAJH (FIRST NAME)



INVESTOR IN PEOPLE

Notice of the powers to search premises and the rights of occupiers
Police and Criminal Evidence Act 1984 Codes of Practice

Address of Premises: RK SUPERMARKET
1 EMPIRE ROAD, NISIAN
 Type of Premises: RETAIL
 Occupier:

THE OCCUPIER SHOULD KEEP THIS COMPLETED FORM IN A SAFE PLACE IN CASE IT IS NEEDED FOR FUTURE REFERENCE.

THE STATUTORY POWERS TO SEARCH PREMISES AND THE RIGHTS OF OCCUPIERS VARY DEPENDING UPON THE STATUTE BEING ENFORCED. THE FOLLOWING IS THE SUMMARY OF THE GENERAL POWERS, BUT FULL DETAILS OF SPECIFIC POWERS WILL BE SUPPLIED ON REQUEST.

An officer may for the purpose of ascertaining whether an offence has been committed, enter premises (other than those solely as a dwelling) and inspect goods.

If there is reasonable cause to suspect that an offence has been committed, an Officer may require the production of books and documents relating to the trade or business and may take copies of, or an entry in, any such document.

If there is reasonable cause to suspect that an offence has been committed, an Officer may seize and detain any goods for the purpose of ascertaining whether an offence has been committed.

An Officer may seize and detain any goods or documents that there is reason to believe may be required as evidence in proceedings for an offence.

In certain circumstances an Officer may require any person with authority to do so to break open any container or vending machine and if that person does not comply, the Officer may do so.

For the purpose of ascertaining whether there has been any contravention of a safety provision, an Officer may examine any procedure (including testing arrangements) connected with the production of the goods.

Officers are not required to caution persons prior to putting questions to them solely for the purpose of furthering the proper and effective conduct of a search.

The occupier has the right to demand the production of the officers' credentials.

All information relating to manufacturing process or trade secrets will be treated as confidential.

No item may be seized which is subject to legal privilege unless it is inextricably linked to material seized under 'seize and sift' powers. No item will be retained if a copy or photography would suffice.

The person who has custody or control of the goods immediately prior to seizure will be provided on request a list or description of the property within a reasonable time.

If goods or documents are seized the Officer shall inform the person from whom they were seized. That person or a representative will be allowed supervised access to the property to examine it, photograph or photocopy it, unless the Officer in charge has reasonable grounds for believing that this would prejudice the investigation of any offence.

Compensation may be payable in appropriate cases for damage caused in entering or searching the premises. In certain circumstances compensation may also be paid for losses incurred by virtue of seizure, loss, damage or deterioration of goods. Any claim should be made in writing and sent to the address below:

Head of Regulatory Services
 London Borough of Enfield
 PO Box 57
 Civic Centre
 Silver Street
 Enfield EN1 3XH

**POLICE AND CRIMINAL EVIDENCE ACT 1984
 CODES OF PRACTICE**

A copy of the "Code of Practice for the Searching of Premises" Code B, is available for you to consult at any Police Station, at the offices of the Commercial Standards Service and in main public libraries. This notice is a summary only of the provisions of the Code which should be consulted if you require further details.

TRANSLATIONS

You can obtain a free translation of this notice by sending a copy of it to the above address and stating which language you would like it translating into.

POWER UNDER WHICH SEARCH MADE

Warrant under _____ Act
 Date granted _____ by _____

STATUTORY POWER
 (These powers are summarised on the following pages)
TRADE DESCRIPTIONS Act
 Statutory Powers under _____ Act 1968

WRITTEN CONSENT

With the written consent of a person entitled to grant entry
 (Only applicable if not under warrant or statutory powers)

I HEREBY CONSENT TO OFFICERS OF THE LONDON BOROUGH OF ENFIELD SEARCHING THE ABOVE NAMED PREMISES

Signature: S. M. Cooper
 Name (Capital's): S. M. Cooper
 Status relative to premises: Cousin - Cousin

OFFICER IN CHARGE OF SEARCH

Name: PHILIP A. MARSHALL
 Position: TRADING OFFICER
 of London Borough of Enfield Regulatory Service
 PO Box 57, Civic Centre, Silver Street, Enfield EN1 3XH

Time of Search

Date: 09/12/14 Start: 14:45 Finish: _____

| Entry No | Description of Exhibits | (a) where found (b) who found by | (a) time seized (b) Exhibit Ref No | Questions and Answers | (a) where seized (b) who by (c) Seal No. | (a) place deposited (b) person depositing (c) property reference no |
|----------|--|---|---------------------------------------|---|--|---|
| 1 | MARLBORO (340) SIGS X 17 PACKS OF 20 SIGS | (a) FREEZER IN BACK STOCK ROOM (b) F. MAXIM (L. H. S. THE IX) | (a) 15:00 (b) RK/FM/1 | ONLY BEING A VI SALES STAFF MR. A. SUBATHEND NO OTHER STAFF | (a) RE SEIZURE (b) F. MAXIM (c) P0955694 | (a) (b) (c) |
| | | (a) (b) | (a) (b) | | (a) (b) (c) | (a) (b) (c) |
| | | (a) (b) | (a) (b) | | (a) (b) (c) | (a) (b) (c) |
| | | (a) (b) | (a) (b) | | (a) (b) (c) | (a) (b) (c) |

Signature of Seizing Officers

[Signature]

I AGREE THAT THIS IS A CORRECT RECORD OF WHAT WAS SAID

Signature of Person Questioned

[Signature]

Signature of Exhibits Officer

[Signature]

Signature of Officer in Charge

[Signature]

(Please also initial next to each answer in the column above)

REF: WK/ 214075927

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

| | | |
|------------------|---|---------------|
| Premises Name | 2K Supermarket | |
| Premises Address | 1 Empire Parade Great Cambridge Rd, N18 1AA | |
| Time of Visit: | Start: 21-55 | Finish: 22-05 |

During an inspection of your premises on 9/11/15 20....., the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

| No. of condition not in compliance | Evidence/Advice |
|------------------------------------|---|
| C10 | Receipts for alcohol and cigarettes need to be provided. |
| C11 | A UV Light is needed on the premises. |
| C12 | A personal licence holder must be on the premises at all times alcohol is permitted for sale. |
| C13+14 | No training records are available or refresher training |
| C15 | Written refusal book not available |

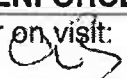
Any other matter(s) that need addressing:

.....

.....

.....

You are required to have the above matters attended to within 14 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

| LICENSING ENFORCEMENT | RECIPIENT OF NOTICE |
|---|---|
| Signature of Officer on visit:  | Signature: <u>Supern</u> |
| Print Name: <u>CLEBESQUE</u> | Print Name & Position: <u>Supern</u> |

Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 020 8379 1767
 Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or licensing@enfield.gov.uk.

Download the appropriate application forms at http://www.enfield.gov.uk/info/200007/licensing_and_registration.

Material such as leave quietly signs, training guidance and refusals book is available to download and print at http://www.enfield.gov.uk/downloads/download/2316/compliance_documents



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: RK Supermarket
1 Empire Parade
Great Cambridge Road
London
N18 1AA

Type of Application: Review of Premises Licence

This document includes additional information, not previously mentioned in the review application. It also includes all Officer Observations and Inspections carried out since the review was submitted on 23rd January 2015:

11th September 2014 – Two Trading Standards Officers interviewed Kanageasabapathy Sivasubramaniam in accordance to PACE. Kanageasabapathy Sivasubramaniam stated he is the owner of the business and purchased the business in September 2012. He previously owned a Petrol Station in London, N17. He claimed to be the sole person responsible for sourcing stock. Kanageasabapathy Sivasubramaniam stated that he has never seen the Malboro Gold packet of cigarettes sold to the officer and that the first he ever knew of foreign duty diverted cigarettes being sold from his business was on 22 August 2014, when an officer informed him. He claimed that an employee sold this packet of cigarettes without his knowledge or consent and that this employee has since been dismissed. Kanageasabapathy Sivasubramaniam claimed the High Commissioner Whisky was stock that came with the purchase of the business. Thus he was unable to provide any invoices or other documentation relating to the purchase. He claimed he had stock control go through all the stock but that these bottles were overlooked in error. The officers asked to see the CCTV footage for 15th August 2014 to determine who sold the cigarettes.

12th September 2014 – A Trading Standards Officer visited the premises to view the CCTV footage. Kanageasabapathy Sivasubramaniam was unable to operate the system.

16th September 2014 – Two Trading Standards visited the premises to view the CCTV footage. However the footage only went back as far as 20th August 2014. The current licence condition relating to CCTV does not specify how long the footage must be stored for.

23rd January 2015 - 22.20 – Out of Hours Licensing Enforcement Officers (EVG/JRS) carried out a licence inspection revisit, met with Mr Ragu Suresh, cashier.
Condition 10 - invoices seen for various dates in January for alcohol and tobacco.
Condition 11 - no UV light on premises. Advised it must be purchased and kept on premises for use.
Condition 12 - no personal licence holder on premises at time of visit
Condition 13 and 14 - Ragu Suresh had not received any training (he stated that he had been working at premises for nearly a month) and no training records were found.

Condition 15 - no refusals book available but refusals may be recorded on the till system, as has automatic prompt. Saw No ID, No Sale booklet, last refusal was 25/11/13. Advised refusals book can be printed off website, along with staff training record book and guidance.

Issued and explained review application, letter and blue notice. Advised to put up on brick wall outside due to shutters in use overnight.

7 days given to address non-compliances.

Inspection report completed and a copy signed and issued to Ragú.

12th February 2015 – 12:00 – 12:05 – Licensing Enforcement Officer (CPX) visited the premises to check the outstanding licence conditions. Condition 14 - Training to be documented - still not compliant. The owner advised that an external trainer would be coming in to train staff - date to be confirmed - possibly in the first week of March. Invoices seen for tobacco and alcohol - February dates. Given 7 days to provide any current training records.

20th February 2015 – The owner email training records to the officer.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk



Signed:

Date: 11/03/2015

**METROPOLITAN
POLICE****Working together for a safer London****POLICE REPRESENTATION**

Name and address of premises: RK Supermarket
1 Empire Parade
Great Cambridge Road
N18 1AA

Type of Application: Review application

Worksheet number: WK/214082857

The Application

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premise had been found to be selling non duty paid alcohol and tobacco.

Location

This premises is situated in a small parade of shops along the very busy A10 Great Cambridge Road.

History

I have researched Police crime and intelligence systems relating to this venue over the last twelve months with the following result;

Call to Police recorded on CAD YE/4026 19th October 2014. Member of staff called regarding an aggressive male in the shop. Staff member called back to say that the male had left prior to Police arrival.

No other reports.

Cumulative Impact Policy

London Borough of Enfield

This premise is not within one of Enfield Boroughs Cumulative Impact Policy areas.

In summary I wish to make representation on the following:

- Prevention of crime & disorder

The Metropolitan Police wish to support this application on the following grounds;

28th May 2014 - A letter was sent to the premises setting out the new updated mandatory licence conditions. At the end of the list of conditions is advice from Trading Standards which stated: 'You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.'

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person'.

15th August 2014 - An employee of Environment under the direction of a Fair Trading Officer attempted to purchase 'cheap ' tobacco/cigarettes from the premises. She was sold foreign labelled cigarettes which would not have been subject to UK duty and did not bear the ' UK DUTY PAID' labelling. Also the required warning label such as: smoking seriously harms you and others around you was in a foreign language. The Tobacco (Manufacture, Presentation and Sale) (Safety) Regulations 2002 which requires English warnings were thus contravened, amounting to a criminal offence under the Consumer Protection Act 1987.

A further offence under s.144 of the Licensing Act 2003 was committed by the premises licence holder and the designated premises supervisor if they knowingly kept or allow to be kept, on any relevant premises, any goods which have been imported without payment of duty or which have otherwise been unlawfully imported.

22nd August 2014 - A multi-agency inspection (involving Trading Standards, a brand representative and tobacco detection dogs) was carried out at the premises and the following property was seized: 8 x High Commissioner Whisky. At the time these were thought to be counterfeit but upon further investigation proved to be non-duty paid and had export back labels attached.

4th November 2014 – A letter was sent to the premises licence holder recommending that they submit a minor variation application to strength the licence conditions following the discovery of the High Commissioner Whiskey.

26th November 2014 – A Licensing Enforcement Officers visited the premises to speak to the Premises Licence Holder as the minor variation had not been submitted. He completed the application whilst the officer was there.

9th December 2014 - A multi-agency inspection (involving Trading Standards, a brand representative, HMRC and tobacco detection dogs) was carried out at the premises and the following non duty paid products were seized by HMRC:

12 bottles of Glen's Vodka 70cl - duty diverted
17 packs x 20 (340 cigs) duty diverted Marlboro Gold

12th December 2014 – The minor variation was issued

9th January 2015 - 21:55 – 22:05. Full Licence inspection. The following conditions were not being complied with: C10 No receipts available for alcohol, C11 No UV light

available, C12 No personal licence holder on premises, C13 & 14 No evidence of any training, C15 No refusals book available.

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

A significant amount of duty diverted tobacco and alcohol was seized from the premises.

The Metropolitan Police support the London Borough of Enfield Licensing Authority review application in recommending that this premises licence be revoked.

Non-duty paid products was found at these premises twice within 4 months. The premises licence holder was given the opportunity to submit a minor variation application to strengthen the licence condition rather than face a review of the licence.

However despite taking up this offer and submitting the application further non duty paid products were found just 13 days after the application was submitted. This shows a total disregard for the law and has led to a lack of confidence in the management of the premises.

The Secretary of State believes that the sale of smuggled tobacco should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.

Having regard to all this information, and taking into account DCMS guidance; this leaves no other alternative other than for the Metropolitan Police to support Enfield licensing authority in seeking the total revocation of this premises licence.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 5th February 2015