

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

CPX/03

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 **Ellie Green, Principal Trading Standards Officer - Licensing Enforcement**

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

Hertford Food Centre

Postal address of premises or, if none, ordnance survey map reference or description	
236 Hertford Road	
Post town Enfield	Post code (if known) EN3 5BL.

Name of premises licence holder or club holding club premises certificate (if known)
Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ.

Number of premises licence or club premises certificate (if known)
LN/200600789

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)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ellie Green Enfield Trading Standards (Weights and Measures) London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 8543
E-mail address: ellie.green@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 Trading Standards is seeking to review this premises licence on the grounds that the premises layout is substantially different to the plan attached to the licence. Following an extension at the premises a new licence with new plans was applied for and granted for the same address (LN/200800470) and was issued on 13th August 2008 with the extension included on the plan. However, the original licence has not been surrendered. The premises licence holder has been paying the annual fee for two licences unnecessarily. Due to the new layout the original licence can no longer legally be used.

This review is based on the prevention of crime and disorder licensing objective.

This review application is to revoke this premises licence. Trading Standards are also reviewing the new premises licence (LN/200800470) with a view to revocation.

Background Information:

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

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

Not applicable.

Trading Standards (Weights and Measures) reserve the right to give evidence on any further incidents relating to breaches of the licensing objectives which may take place at, or in the vicinity of the premises, between the submission of this representation and the hearing or during the time allowed for any appeal proceedings. Additionally, Trading Standards reserve the right to present details of the outcome of any Court hearings between the submission of this representation and the hearing.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
Reasons for Revocation	
This premises licence cannot legally be used as the plan is incorrect. A new licence showing the correct plans has already been issued and this licence is therefore of no value.	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

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

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 10th May 2011

Capacity **Principal Trading Standards Officer - Licensing Enforcement**
Trading Standards (Weights and Measures)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

CPX/04

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under the Licensing Act 2003**

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Hertford Food Centre

Postal address of premises or, if none, ordnance survey map reference or description	
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Post town Enfield	Post code (if known) EN3 5BL.

Name of premises licence holder or club holding club premises certificate (if known)
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Number of premises licence or club premises certificate (if known) LN/200800470

Part 2 - Applicant details

I am

Please tick yes

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 - b) a body representing persons living in the vicinity of the premises
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(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr

Mrs

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Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
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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 Ellie Green Enfield Trading Standards (Weights and Measures) London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 8543
E-mail address: ellie.green@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 | <input checked="" type="checkbox"/> |
| 2) public safety | |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | x |

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

Enfield Trading Standards is seeking a review of the premises licence on the grounds that the premises has been found to be selling non duty paid alcohol. The premises also has a history of offences breaching the Licensing Act 2003, namely breaching conditions.

This review is primarily based on the prevention of crime and disorder licensing objective, but also supports the protection of children from harm and prevention of public nuisance licensing objectives.

The review application is to revoke the premises licence.

Background Information:

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

A further new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13/08/2008.

To date LN/200600789 has not been surrendered although it cannot be used as the plan is no longer accurate. Trading Standards are also seeking to revoke this licence in a separate application.

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

History of Premises

The history of the premises will include information under the LN/200600789 as it is exactly the same person named on the licence, and therefore relevant to this application.

9/4/08 – Complaint alleging noise disturbance from deliveries being made late at night until early morning to the premises' storage at number 232 Hertford Road. The Enviro Crime Officer advised Mr Sefer Govtepe with assistance from an employee Besime Koker, as Mr Govtepe was unable to fully understand English. Mr Govtepe denied these allegations.

9/6/08 – Complaint received alleging shop sells out of date food and alcohol to underage children. Food officers visited and identified food displayed for sale beyond the use by dates. Advice was given.

11/8/08 – LBE became aware that the Fire Service had served a Fire Improvement Notice on the premises.

7/11/08 – Food officers checked for counterfeit vodka, none found.

12/12/08 – Licensing Enforcement officers visited premises to carry out a full compliance inspection, and spoke to Mr Govtepe. The following conditions were found to be in breach: 6 – Insufficient raid control and training; 10 - Leave quietly sign not next to exit; 11 - No refusals book; 13 - Training records need to be kept for all staff; 15 - Drinking control signs required. 21 days were given to bring breaches into compliance, and an inspection report with advice was issued.

02/01/09 - Revisit carried out to check outstanding licence, however Mr Govtepe was not on the premises and staff requested a re-visit when manager there as they do not know where records are kept. Officers noted out of date meat in the fridge and had it removed from sale.

10/01/09 – Revisit carried out to check outstanding licence conditions. The following conditions were found to be in breach: 6- raid control not in place but officers told it was on order; 13 - no training records; 11 - refusals book on site but not been used.

19/01/09 – Complaint received that the premises stays open all night, and that they also use 232 Hertford Road as storage. The storage doors are continuously opened and closed using shutters, which are very noisy and caused the complainant to lose sleep.

05/02/09 – As part of the Trading Standards Tobacco project, cigarettes were tested for authenticity – no problems found. Checked outstanding licensing conditions, the following were found to be in breach: 13 - training records unavailable; 11 - refusals book available but no entry since 10/1/09.

06/03/09 - Checked outstanding licensing conditions, 11 and 13 still found to be in breach. A warning letter was sent to the premises.

- 22/06/09 – Complaint received that raw meat from the premises is disposed of into the commercial waste bin, and creating unpleasant smells. Officers visited and established this was a problem, and advice was given.
- 06/08/09 – Complaint alleging that the disposal of raw meat continues to be a problem. Officers visited and saw that the raw meat was still disposed of into the commercial waste bin, and the premises was given a verbal warning.
- 24/08/09 – The LBE alcohol training material was sent to the premises.
- 28/08/09 – Complaint alleging noise disturbance from deliveries to the premises, very early in the morning.
- 16/10/09 – Police received information that the staff at the premises give out fake £1 coins in change and sell fake packets of rizzla. Trading Standards visited and advised. A selection of Rizla papers were purchased in order to be tested, and results showed they were genuine.
- 18/12/09 – Food officers visited the premises to check for counterfeit spirits. 5 x 70cl suspect counterfeit Glen's vodka found on shelf behind serving counter, and were seized under the Trade Marks Act. A formal sample was taken from one bottle and the owner of the business, Mr Sefer Govtepe, was served with a seizure notice. He said that he bought the Glen's from Dhamecha in Crown Road about a month ago. The officer informed him that he would be asked to produce invoice.
- 18/05/10 – Full compliance check carried out. The outstanding conditions were: 11 – no refusals book; 13 – no training records; 15 – no drinking control sign. All relevant material issued to Mr Govtepe.
- 03/06/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.
- 11/08/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.
- 26/11/10 – Complaint relating to overflowing bins at premises, and leaving overflow of rubbish which attracts rats. The waste contract was cancelled due to non payment of fees, and council officers identified the premises rubbish in residential bins. Advice given to Mr Govtepe.
- 24/01/11 – Information received from Enviro Crime Officer who suspected possible duty free cigarettes were being sold from under the counter in the premises. The officer witnessed the cashier serve a customer items from under the counter making sure they were in a black bag, which was closed.
- 01/02/11 - Trading Standards, the Police and Her Majesty's Revenue and Customs (HMRC) carried out joint visits to premises in the borough to see if non duty paid alcohol or tobacco were being sold. The visits were only made to premises with EN postcodes as the HMRC team that was involved in the operation only cover those addresses in the borough. The list was compiled using intelligence from both Trading Standards and HMRC. HMRC identified the following products as being non duty paid in Hertford Food Centre: 33.75 litres of assorted wines and 39.45 litres of assorted spirits were seized. These products were seized by HMRC. The revenue on these goods seized is £449.60.

Additionally, the premises next door but one, Internet Service, 232 Hertford Road, Enfield, EN3 5BL and its storage was also checked, as it is owned by Mr Govtepe. 235.2 litres of Vodka, 121.5 litres of various wines, 109.2 litres of Brandy and 41.7 litres of other spirits were seized as they were also identified as non duty paid. The revenue due on the goods seized at Internet Service is £5,401.40.

No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided.

11/02/11 – As a result of the recent seizures, a full licence inspection was attempted at the premises, however, the only person present at the premises could not understand the officers, so the inspection did not take place.

14/02/11 – Further information from the same Enviro Crime Officer: that the premises and internet cafe continues to sell tax free cigarettes. The owners at these two premises are also linked to Hertford Discount Store on the same parade, and that there are more storage units at the rear of all these premises.

18/02/11 – Officers visited premises to carry out the licence inspection, and met with Mr Mehmet Govtepe, employee, however on the officers' arrival, he indicated that he was Mr Sefer Govtepe, the PLH and DPS. Conditions found to be in breach were: 5 - CCTV clock was 50 minutes later than correct time; No CCTV sign displayed; Monitor had error message 'No HDD Connected'. Mr Mehmet Govtepe could not operate the system so officers were unable to establish whether the CCTV was recording or compliant; 6 - No raid control; 11 - No refusals book; 12 - No training evident; 13 - No training records available. Mr Mehmet Govtepe stated that Mr Sefer Govtepe was on the premises daily. 14 days were given to address the non compliances, and an inspection report with advice was signed by and left with Mr Mehmet Govtepe. Further verbal advice relating to raid control was given by Martyn Fisher, Police Licensing Officer following this visit.

23/02/2011 Revisit to premises carried out as part of joint operation with HMRC, Trading Standards, and the Police. HMRC officers seized 13.6kg of shisha tobacco, and 3.15 litres of various spirits, as they were found to be non duty paid. No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided. The goods seized amounted to total duty evaded of £1503.44.

Paul Cumberland from HMRC has produced two statements relating to the said seizures – see Appendix A and B.

11/03/11 – Officers carried out licensing revisit inspection with Mr Sefer Govtepe. The following conditions were still found to be in breach: 6 - Raid Control system not in place fully; 12 - No training carried out; 13 - Training records not completed. An inspection report was left advising a further 21 days to bring the outstanding issues into compliance.

08/04/2011 – Officers carried out licensing revisit. Checked outstanding conditions. Training carried out and records seen. Raid control seems to have been installed - smoke notes seen, there was a box near the door that the owner claimed was a camera but the officers were not 100% convinced, matter referred to police licensing officer.

13/04/11 – Trading Standards attempted a test purchase of cigarettes with child E. The child was asked his age and the sale was refused.

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 (ie 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.

If the licensing committee is not minded to revoke the premises licence completely, Trading Standards (Weights and Measures) asks that consideration be given to suspend the licence until such time that a vary Designated Premises Supervisor application has been submitted and issued and the Licensing Enforcement Team are confident that all licence conditions are being complied with. Trading Standards do not believe that the current DPS is a suitable person to be named as the DPS, given that non duty paid goods were found on the second visit, after such a short timeframe in between visits, and the history of non compliant conditions. If the licence is not revoked Trading Standards (Weights and Measures) also recommend modifying the times and conditions of the licence, as detailed below, to help to prevent crime and disorder associated with the sale of counterfeit and non-duty paid items on the premises in the future.

Activity	Current Times	Proposed Times
Opening	24 hours daily	07:00 – 23:00 daily
Alcohol	24 hours daily	0:00 – 23:00 daily

No.	Current Condition	TS Agree	Amended to read
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.	Y	
4	An alarm system, to BSEN50131, shall be installed, operated and maintained at the premises.	Y	
5	A digital CCTV must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people	N	A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of

	<p>entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality colour images; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention. Maintenance contracts must be made available to Police on request; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.</p>		<p>identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police and authorised officers of the council will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police and / or authorised officer of the council can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.</p>
6	<p>A Raid Control system must be installed in the premises complying with the following criteria : (1) A time delay safe is fitted under the counter; (2) A separate covert real time camera is fitted above the front door monitoring customers exiting. (Raid Cam); (3) A smoke note system is installed; (4) All staff</p>	Y	

	must be fully trained as to Raid Controls use and a signed written record of all training kept. This must be made available to Police or council officers on request; (5) Cash must be minimised in the till and the safe utilised.		
7	Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.	Y	
8	At least 2 members of staff shall be present on the shop-floor of the premises between 22:00 and 06:00.	N	At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.
9	The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.	N	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) may be accepted.
10	Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
11	A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.	N	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.
12	All staff must receive induction and refresher training, relating to the sale of alcohol.	N	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 the premises licence.
13	All training relating to the sale of alcohol shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.	N	All training relating to the sale of alcohol and times and conditions of the 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 one year.

14	Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.	N	Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
15	Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
16	Deliveries will not be made to the premises between the hours of 22:00 and 06:00.	N	Deliveries will not be made to the premises between the hours of 21:00 and 07:00.
17	Deliveries shall not cause a noise nuisance to local residents.	N	Remove – covered by other legislation
	Annex 3 Proposed Conditions - additional	Agreed by Applicant	
	The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.		
	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. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year. include. Receipts shall show the following details: i) Seller's name and address ii) Seller's company details, if applicable iii) Seller's VAT details, if applicable iv) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within one week 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.		
	The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.		
	Waste collections shall not be made from the premises between the hours of 21:00 and 07:00.		
	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.		

The posters, training material, training records and refusals book are all available from Trading Standards.

Trading Standards (Weights and Measures) reserve the right to give evidence on any further incidents relating to breaches of the licensing objectives which may take place at, or in the vicinity of the premises, between the submission of this representation and the hearing or during the time allowed for any appeal proceedings. Additionally, Trading Standards reserve the right to present details of the outcome of any Court hearings between the submission of this representation and the hearing.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
Reasons for Revocation	
<p>A significantly large quantity of non duty paid products has been sized from this premises following numerous complaints alleging that the premises sells illegal tobacco and alcohol. After two seizures within one month, the revenue due on the goods seized totals at £7,354.44.</p> <p>The Secretary of State believes that the sale of smuggled tobacco and alcohol should be treated particularly seriously and that where licence review 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.</p> <p>There is a continued history of illegal activity at the premises. Advice to compliance has been given on the number of occasions and despite this illegal activity continued. Trading Standards have no confidence in the ability of the PLH/DPS to manage the premises in accordance with the licence and other Trading Standards and HMRC</p>	

requirements.

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

n/a

If you have made representations before relating to this 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 10th May 2011

Capacity **Principal Trading Standards Officer - Licensing Enforcement**
Trading Standards (Weights and Measures)

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

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

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WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

Age if under 18:

(If over 18 insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of 1 page(s) 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 in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principal Trading Standards Officer, Environmental Protection & Regulation, London Borough of Enfield, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February and 23rd February 2011 at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5 BL, for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards.

I have examined the reports concerning the visit and can confirm that on the 1st February Officers seized a total of 33.75 litres of assorted wine and 39.45 Litres of assorted spirits, from the owner of the shop Mr Sefer Govtepe as liable to forfeiture by virtue of the Customs & Excise Acts. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The Revenue on the goods seized is £ 449.60

I have examined the reports concerning the visit and can confirm that on the 23rd February Officers seized a total of 13.60 kg Shisha flavoured tobacco and 3.15 litres of various spirits.

The revenue due on the seized goods is £1503.44

The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the Spirits and Wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date: 4th April 2011

Signature: 

(signature of witness)

Signature: 

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

WITNESS STATEMENT

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(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

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Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principle Trading Standards Officer, Enfield Trading Standards, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February 2011 at Internet Café, 232 Hertford Road, Enfield, which is associated to Hertford Food Centre 236 Hertford Road, Enfield EN3 5 BL for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards

I have examined the reports concerning the visit and can confirm that Sefer Govtepe, the owner of Hertford Food Centre was present on the 1st February 2011 when Officers seized a total of 235.2 litres of Vodka, 121.5 Litres of various wines, 109.2 litres of Brandy and 41.7 Litres of other spirits, as liable to forfeiture by virtue of the Customs & Excise Acts, from him. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £5,401.40

The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the spirits and wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date: 4th April 2011

Signature: 

(signature of witness)

Signature: 

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

LICENSING SUB-COMMITTEE – 13 JULY 2011

Applications were made by **TRADING STANDARDS SERVICE** for review of the Premises Licences held by **MR SEFER GOVTEPE** at the premises known as and situated at **HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, EN3.**

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be necessary for the promotion of the licensing objectives :

(1) Licence Number LN/200600789 – no step was necessary.

The Chairman made the following statement :

"In the first instance, we will deal with Licence Number LN/200600789. The licence holder and his representative indicated during the hearing that they acknowledge that the licence no longer carries weight, and, as in both the written and verbal representations from Trading Standards, is unlawful. As such, the representative indicated his client's preparedness to surrender this licence with immediate effect. Therefore, the Licensing Sub-Committee has no decision to make."

(2) Licence Number LN/200800470 – to revoke the licence.

The Chairman made the following statement :

"With regard to the current Licence Number LN/200800470, being still in operation, having read and then heard all the evidence, the sub-committee was not persuaded by the arguments given by the licence holder to the case brought by Trading Standards for the review of the licence. The panel has resolved to revoke the licence with immediate effect.

The answers that were provided to a range of questions from all the panel members were both inconsistent and unconvincing, and ran counter to the evidence of and presented by Trading Standards, who, we considered, made its case in full.

Over an extended period of time, dating back to December 2008, Trading Standards officers have made numerous and repeated attempts to assist the licence holder to comply with the conditions of the licence. Full inspection reports were provided, and were signed off on site, and follow-up advice given on all occasions. The advice was not heeded, which was of concern to the sub-committee, especially when bearing in mind that some of the same conditions were repeatedly being breached and not remediated. The first hint of any desire to comply with the licence conditions came forward only in March 2011.

Despite the fact that progress has started to be made by the licence holder, there is insufficient evidence to support this, and the history of the premises shows reluctance to accept, heed, or act upon advice.

The Licensing Sub-Committee was somewhat shocked that the licence holder is continuing to purchase and sell goods from a supplier they allege had supplied them in the past with counterfeit and non duty paid goods. This is in spite of having goods seized on two

occasions during February 2011, where the combined duty value of these goods exceeded £7,000.

Furthermore, the licence holder continued to sell non duty paid goods which he claims HM Revenue and Customs had failed to discover during its raid on 1 February 2011, even though by the time that such sales were made, he must have been aware that the sale of those goods was illegal.

The licence holder, through his representatives, continually asserted that the sub-committee needs to be presented with evidence that the duty was not paid. However, the sub-committee members were not actually presented with any evidence that the duty had been paid. In fact, the panel was shocked that invoices were not routinely kept and / or demanded from the supplier.

The licence holder also failed to demonstrate what steps he took or was taking to ensure he was only purchasing from reputable suppliers.

The Licensing Sub-Committee considered the summary point raised by the licence holder's representative relating to the Guidance at Section 6.7. However, the sub-committee is more persuaded by the guidance points 11.26 and 11.27, and considers that the licensing objective – the prevention of crime and disorder has been seriously undermined by the scale of the seizure of non duty paid goods; and that the licensing objectives have been further undermined by persistent breaches of the licence conditions.

As a result, Licensing Sub-Committee reaffirms that it has resolved to revoke Licence Number LN/200800470, and considers this decision to be both necessary and proportionate for the promotion of the licensing objectives."

Date Notice Sent : 15 July 2011

Signed :



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343

Please reply to Mark Galvayne
: Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail : licensing@enfield.gov.uk
Phone : 020 8379 3578
Textphone : 020 8379 4419
Fax : 020 8379 2190
My Ref : LN/201100396
Your Ref : NOT PROVIDED
Date : 6th September 2011

Sirs
Licensing Department
NARTS
55 Stoke Newington High Street
London
N16 7XB

Dear Sirs

Licensing Act 2003

Premises : Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5BL

This letter concerns the application for a New Application Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly ;
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

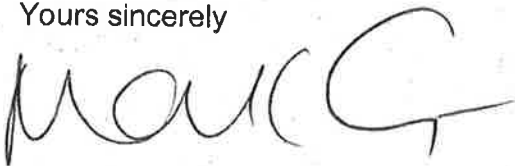
You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely



Mark Galvayne
Principal Licensing Officer

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201100396**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Hertford Food Centre**

Telephone number : **020 8804 9554**

Address : **236 Hertford Road Enfield EN3 5BL**

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 :	08:00 - 01:00
Monday :	08:00 - 01:00
Tuesday :	08:00 - 01:00
Wednesday :	08:00 - 01:00
Thursday :	08:00 - 01:00
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

(2) **Supply of Alcohol - Off Supplies**

Sunday :	08:00 - 01:00
Monday :	08:00 - 01:00
Tuesday :	08:00 - 01:00
Wednesday :	08:00 - 01:00
Thursday :	08:00 - 01:00
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

Part 2

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

Name : Mr Suleyman Erdogan

Telephone number : Not provided

e-mail : Not provided

Address : 256A Hertford Road, Enfield, EN3 5BL

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 Suleyman Erdogan

Telephone number : Not provided

e-mail : Not provided

Address : 256A Hertford Road, Enfield, EN3 5BL

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/201100192

Issuing Authority : London Borough of Enfield

Premises Licence LN/201100396 was first granted on 6 September 2011.

Signed

.....
for and on behalf of the

London Borough of Enfield

Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH

Telephone : 020 8379 3578

Date : 6th September 2011

ENFIELD
Council



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. Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.**
- 5. The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.**
- 6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.**
- 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 prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.**
- 9. Deliveries will not be made to the premises between the hours of 22:00 and 06:00.**
- 10. Deliveries shall not cause a noise nuisance to local residents.**
- 11. Stock control shall be introduced, so that the licensee can identify when/where alcohol goods were purchased.**
- 12. 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 Trading Standards and HMRC as soon as possible.**

13. A digital CCTV system must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time, and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

14. If the premises remain open after 01:00, a Raid Control system must be installed and procedures carried out : (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training carried out and signed and dated by those receiving it; (5) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

15. At least two members of staff shall be present on the shop-floor of the premises between 22:00 and 01:00.

16. 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.

17. 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 the premises licence.

18. All training relating to the sale of alcohol and times and conditions of the 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 one year.

19. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.

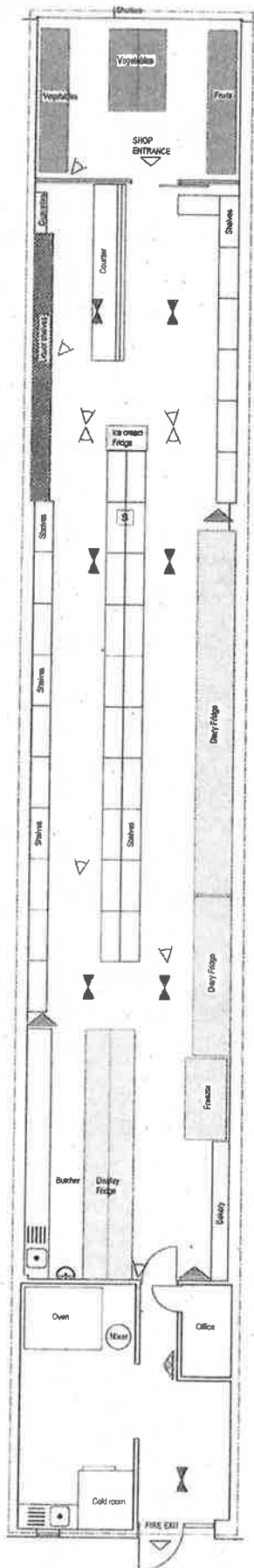
20. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. These records shall be made available to the Police, Local Authority and/or HMRC upon request and shall be kept for at least one year. 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; (4) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within five working days of the request.

21. An ultra violet light will be used at the store to check the authenticity of all stock which bears a customs stamp as soon as practical after they have been purchased.

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

Not applicable

Annex 4 - Plans



LEGEND

- FRIDGES
- VEGETABLES & FRUITS
- LIQUOR SHELVES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- 2 kg CARBON DIOXIDE FIRE EXTINGUISHER
- 6 kg POWDER FIRE EXTINGUISHER

HERTFORD FOOD CENTRE 238 HERTFORD ROAD ENFIELD, LONDON EN3 5BL

PROPOSED GROUND FLOOR PLAN

SCALE : 1/100@A3 DATE : 20/05/08

REF. NO : O200508

ACT 2003
90 Green Lanes LONDON
N16 9EJ

Tel : 020 7241 3838(4line)
www.act2003.com

PART B – PREMISES LICENCE SUMMARY

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number :

Part 1 – Premises Details

Postal address of premises :

Premises name :

Telephone number :

Address :

Where the licence is time-limited, the dates :

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 :	08:00 - 01:00
Monday :	08:00 - 01:00
Tuesday :	08:00 - 01:00
Wednesday :	08:00 - 01:00
Thursday :	08:00 - 01:00
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

(2) **Supply of Alcohol - Off Supplies**

Sunday :	08:00 - 01:00
Monday :	08:00 - 01:00
Tuesday :	08:00 - 01:00
Wednesday :	08:00 - 01:00
Thursday :	08:00 - 01:00
Friday :	08:00 - 01:00
Saturday :	08:00 - 01:00

Part 2

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

Name : Mr Suleyman Erdogan

Address : 256A Hertford Road, Enfield, EN3 5BL

Registered number of holder (where applicable) :

Not applicable

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

Name : Not applicable

Address :

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

Mr Suleyman Erdogan

State whether access to the premises by children is restricted/prohibited :

Restricted

Premises Licence LN/201100396 was first granted on 6 September 2011.

Date : 6th September 2011

London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578



CPX107

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 Hertford Food Centre, 236 Hertford Road	
Post town Enfield	Post code (if known) EN3 5BL

Name of premises licence holder or club holding club premises certificate (if known) Mr Suleyman Erdogan
--

Number of premises licence or club premises certificate (if known) LN/201100396

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)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address 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

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

A further new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to Mr Sefer Govtepe, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13/08/2008.

LN/200800470 was revoked on 13/07/11 following a review application (relating to the sale of non-duty paid alcohol) being submitted by Trading Standards – **See Appendix 1 and 2**

LN/200600789 was surrendered at the review hearing as it could not be used as the plan was no longer accurate.

A new premises licence application was submitted on 14/07/11 naming the Premises Licence Holder and Designated Premises Supervisor (DPS) as Mr Suleyman Erdogan. There did not appear to be any evidence to link Mr Erdogan with the premises under the old licence and a new licence was granted. Trading Standards did however make representation in relation to times and conditions – **see Appendix 3.**

Many of the same issues that lead to the previous revocation have reoccurred at this premises and it has become apparent that the previous Premises Licence Holder / DPS is still the owner of this premises and has admitted buying non-duty paid products to sell in this premises.

02/12/11 – 22:20 – 22:45 – Out of Hours Licensing Enforcement Officers (JF/CLB) visited the premises to carry out a full licence inspection with PLH / DPS. Several areas of non-compliance.

Condition 12/21 - New UV light needed as one on the premises was not working when tested.

Condition 16 - Refusals book not being used

C17/18 - Training book on premises not being used, reminded to carry out refresher training with all staff.

Whilst being on the premises officers witnessed an attempted age related sale by three females, which was refused. When they left the officers reminded the PLH to place the occurrence in the refusals book. As he did not appear to know what to do the officers showed him what to do.

13/12/12 – 09:20 – 09:30 (JF) Revisit inspection with PLH / DPS to check outstanding conditions. All Compliant

15/05/12 - Trading Standards responded to an allegation that the premises were selling grey import of Dove Essential Nutrients that can cause burns. Premises were non-compliant and 20 Dove cream cleansers were seized and signed over for destruction.

26/11/13 – Trading Standards received a complaint alleging that the premises was selling Lithuanian cigarette, alcohol and meat.

12/03/14 - Trading Standards & HMRC joint visit to check for counterfeit/duty diverted products.

Seized counterfeit back labels on 73 bottles:

5 x Smirnoff Vodka 100cl

5 x Smirnoff Vodka 70cl

10 x Famous Grouse 70cl

15 x High Commissioner 100cl

5 x High Commissioner 70cl

10 x Bells 70cl

3 x Barcardi 100cl

14 x E&J Brandy 70cl

1 x Wyborowa 700ml

1 x Wodka Zoladkowa 700ml

1 x Gorzka 700ml

1 x Sobieski 700ml

1 x De-lux Zoladkowa 700ml

1 x Gorzka 700ml

22/05/14 – Trading Standards received police intelligence that the premises were selling counterfeit alcohol and cigarettes and under aged sales.

23/05/14 – 13:05 – 13:30 - Full licence inspection carried out.

Condition 4: Fire exit not clear & bins obstructing exit

Condition 17: Refresher training not carried out every 3 months. Last recorded refresher training was carried out in May 2013.

Condition 21: Ultra violet light not available on premises.

Officers also advised on poster Condition 6 - leave quietly poster to be moved to where those leaving the premises can read it.

23/05/14 – Trading Standards age related sales test purchase carried out. Male volunteer aged 16 years and 66 days attempted to purchase alcohol. The sale was refused.

29/05/14 - Trading Standards received a further allegation that the owner called Sefer (surname not known by informant) of the Hertford Food Store, 236 Hertford Road, Enfield EN35BL sells imported tobacco and alcohol. The informant stated that the cigarettes and alcohol are from Poland and that the owner also sells to underage persons.

02/06/14 - Multi-agency operation involved Trading Standards, HMRC Living Wage and Immigration Enforcement. The premises were compliant on matters of interest to HMRC Living Wage and Immigration Enforcement. Trading Standards checked licence conditions. Condition 21 – ultra violet light was not available. The premises were provided with an Inspection Report and given 7 days to comply.

24/06/14 - 22.13 - 22.23 Out of Hours Licencing Enforcement Officers visited the premises to check outstanding conditions. Condition 21 ultra violet light equipment not available at time of inspection.

01/07/14 – Trading Standards received a complaint alleging that the premises was selling duty diverted and counterfeit products.

22/07/14 - Trading Standards age related sales test purchase carried out. Female volunteer aged 15 years 169 days Cigarettes and alcohol – no sale.

15/8/14 - 20:40 – Licensing Enforcement Officer (NJ) visited the premises and carried out a licence inspection. Unable to check Condition 13: CCTV present but not accessible. Condition 17 and 18 - Staff training records not available for inspection and therefore no proof of training taking place. Condition 20 - No sales receipts for alcohol. Several bottles checked using a UV device, no counterfeit found. Two packets of non-duty paid cigarettes seized.

15/08/14 – Non duty paid tobacco test purchase attempt - no sale made.

09/09/14 – A warning letter was sent to the premises licence holder in relation to the alcohol found at the premises in March 2014. The letter stated:

‘Having carefully considered the facts of the case, Trading Standards have decided not to take any formal action against you on this occasion.

However, you should take this letter as a warning as to your future conduct. Should similar matters be brought to our attention again, it is unlikely that we shall adopt such a lenient approach’.

24/02/15 – 10:52 - 11:35 - A Licensing Enforcement Officer (CPX), two HM Revenue and Customs Officers and an Officer and dog from Operation Wagtail visited the premises to check for any counterfeit or non-duty paid tobacco or alcohol. Three non-duty paid bottles of vodka were seized along with 93 packets of Marlboro Gold cigarettes (20 cigarettes per packet), 1 Marlboro Red cigarettes (20 cigarette per packet) and 7 x 50g Golden Virginia hand rolling tobacco. All of the tobacco was found concealed in a set of drawers. The drawers appeared to contain bags of plastic bags but the dog indicated that there was something there and once a wooden panel (a false bottom to the drawers) was pushed back the tobacco was found. There were two drawers like this. **See Appendix 4 – Photos** When questioned under caution a male called Sefer Govtepe claimed to own the premises. He said that his cousin was the licence holder. Sefer Govtepe admitted that he had bought the tobacco and had originally bought 20 boxes of cigarettes, each containing 10 packets of 20 (he had therefore already sold more than half of what he had bought). He also admitted that he had built and installed the drawers containing the cigarettes. Before leaving the Licensing Enforcement Officer advised him that a licence review would be submitted and that this matter could lead to the licence being revoked. The officer noted that a Think 21 poster was on display, posters advising customers not to buy alcohol for children on display, Part B on display, No ID no sale poster on display, alcohol zone poster on display, leave quietly poster on display, CCTV signage on display.

27/02/15 - A letter was hand delivered to the premises inviting the premises licence holder in for a meeting.

03/03/15 – Licensing Enforcement Officer Charlotte Palmer and Police Licensing Officer Martyn Fisher held a meeting with the Premises Licence Holder – Mr Suleyman Erdogan. Also in attendance was Mr Sefer Govtepe and Ms Umit Yigit who they had brought along as a translator. During the meeting Mr Govtepe confirmed that he and Mr Erdogan are business partners and cousins and that the company they run is called Hertford Food Centre Limited. Mr Govtepe confirmed that he is the Director and that Mr Erdogan use to be the director of the company. Mr Govtepe claimed that the 3 bottles of vodka were given to him but that he didn't want them so put them on sale. He was advised that further visits would probably be made to the shop and to ensure that there was nothing else on sale which shouldn't be. He stated that it had all been taken. He went on to say that it had been a genuine mistake but also commented that it was because 'everything was so expensive'. Charlotte Palmer stated that they obviously knew it was wrong otherwise it would not have been hidden in secret drawers. The officers explained that a review application would be submitted and that all of the paperwork would be addressed to Mr Erdogan as the premises licence holder. He was strongly advised to get independent legal advice.

04/03/15 – Company information was checked on the Companies House website. This confirms that Mr Sefer Govtepe is the current Director and Mr Suleyman Erdogan was the director until 20/05/14. **See Appendix 5.**

Cumulative Impact Policy (CIP):

These premises are located in the Enfield Highway Cumulative Impact Policy Area.

The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Sale/supply of alcohol (off supplies only): Monday – Sunday 08:00 – 24:00

The current licensed hours for this premises are:

08:00 – 01:00 Mon – Sun

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:

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling alcohol with counterfeit back labels in March 2014, non-duty paid cigarettes in August 2014 and non-duty paid alcohol and tobacco in February 2015. A previous licence has already been revoked in 2011 for similar offences. The previous licence holder and the current licence holder are business partners so the previous history of the premises is relevant to this case. Despite already having lost one licence the same illegal activity has continued to take place at this premises resulting in the Licensing Authority having no confidence in those running the premises.

The Licensing Authority therefore recommends that this licence be revoked.

Suggested additional condition:

If the Licensing Committee does not deem it necessary to revoke the licence in its entirety I would recommend the hours be reduced in line with the Cumulative Impact Policy, the DPS be removed from the licence, the licence be suspended for or 3 months and the following conditions be attached to the premises licence:

- 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 tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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):

The conditions attached to the premises licence already include most of the conditions that the Licensing Authority would seek for an off licence premises.

There is a significant history of illegal activity at this premises.

Having regard to all this information, and taking into account the DCMS guidance that, 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 alcohol 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

10th May 2011

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

Eleanor Green, Trading Standards, review application submitted and licence revoked July 2011. The prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The review was submitted on the ground that the premises had been found selling non duty paid alcohol. Premises licence holder and DPS was Sefer Govtepe at that time.

New premises licence application submitted by Suleyman Erdogan in July 2011 and Trading Standards representation made by Eleanor Green recommended strengthening conditions and reduced hours. Granted.


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: 10th March 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)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Hertford Food Centre
236 Hertford Road
Enfield
EN3 5BL

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 10th March 2015:

20/05/14 – A letter was sent to the premises setting out the new updated Mandatory Licence Conditions. At the end of the list of conditions was advice from Trading Standards stating:

‘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 6.**

08/04/15 – The Premises Licence Holder / DPS attended a meeting at his request with his agent, Barrister and council officers. They provided officers with travel documents claiming that the PLH/DPS was out of the country when the officers visited the premises and seized good in February 2015 however the documents showed that he flew to Istanbul on 11th January and returned to London on 22nd February (6 week trip). The visit by officers was made on 24th February 2015 and the PLH / DPS was seen at the premises during the visit. The Licensing Act 2003 does not require the DPS to be at the premises every day but the guidance does suggest they normally have day to day responsibility for running the premises (section 4.18). At no point during this or any other conversation with officers has the PLH/DPS claimed that he was unaware that non-duty paid goods were being sold at the premises.

24/4/15 - 22:55 hours – Licensing Enforcement Officers (EVG/CLB) visited the premises and carried out a full licence inspection with Mr Suleyman Erdogan (Designated Premises Supervisor) Areas of noncompliance. C13 (14) CCTV does not hold records for 31 days. Staff advised officers that the system is new and claimed it did not yet hold 31 days of footage. Staff were unable to supply invoices for the last months alcohol purchases. The officers requested copies of these be provided. Inspection report completed. Given 14 days to comply.

A copy of the warning letter sent on 09/09/14 which is referred to in the review application is attached as **Appendix 7**.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

A handwritten signature in cursive script, appearing to read 'Palmer', is positioned above the 'Signed:' label.

Date: 27/04/2015

**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 Ellie Green, Principal Trading Standards Officer - Licensing Enforcement

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

Hertford Food Centre

Postal address of premises or, if none, ordnance survey map reference or description	
236 Hertford Road	
Post town Enfield	Post code (if known) EN3 5BL.
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ.	
Number of premises licence or club premises certificate (if known)	
LN/200800470	

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 Ellie Green Enfield Trading Standards (Weights and Measures) London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 8543
E-mail address: ellie.green@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 | <input checked="" type="checkbox"/> |
| 2) public safety | |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | x |

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

Enfield Trading Standards is seeking a review of the premises licence on the grounds that the premises has been found to be selling non duty paid alcohol. The premises also has a history of offences breaching the Licensing Act 2003, namely breaching conditions.

This review is primarily based on the prevention of crime and disorder licensing objective, but also supports the protection of children from harm and prevention of public nuisance licensing objectives.

The review application is to revoke the premises licence.

Background Information:

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

A further new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13/08/2008.

To date LN/200600789 has not been surrendered although it cannot be used as the plan is no longer accurate. Trading Standards are also seeking to revoke this licence in a separate application.

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

History of Premises

The history of the premises will include information under the LN/200600789 as it is exactly the same person named on the licence, and therefore relevant to this application.

9/4/08 – Complaint alleging noise disturbance from deliveries being made late at night until early morning to the premises' storage at number 232 Hertford Road. The Enviro Crime Officer advised Mr Sefer Govtepe with assistance from an employee Besime Koker, as Mr Govtepe was unable to fully understand English. Mr Govtepe denied these allegations.

9/6/08 – Complaint received alleging shop sells out of date food and alcohol to underage children. Food officers visited and identified food displayed for sale beyond the use by dates. Advice was given.

11/8/08 – LBE became aware that the Fire Service had served a Fire Improvement Notice on the premises.

7/11/08 – Food officers checked for counterfeit vodka, none found.

12/12/08 – Licensing Enforcement officers visited premises to carry out a full compliance inspection, and spoke to Mr Govtepe. The following conditions were found to be in breach: 6 – Insufficient raid control and training; 10 – Leave quietly sign not next to exit; 11 – No refusals book; 13 – Training records need to be kept for all staff; 15 – Drinking control signs required. 21 days were given to bring breaches into compliance, and an inspection report with advice was issued.

02/01/09 – Revisit carried out to check outstanding licence, however Mr Govtepe was not on the premises and staff requested a re-visit when manager there as they do not know where records are kept. Officers noted out of date meat in the fridge and had it removed from sale.

10/01/09 – Revisit carried out to check outstanding licence conditions. The following conditions were found to be in breach: 6- raid control not in place but officers told it was on order; 13 – no training records; 11 – refusals book on site but not been used.

19/01/09 – Complaint received that the premises stays open all night, and that they also use 232 Hertford Road as storage. The storage doors are continuously opened and closed using shutters, which are very noisy and caused the complainant to lose sleep.

05/02/09 – As part of the Trading Standards Tobacco project, cigarettes were tested for authenticity – no problems found. Checked outstanding licensing conditions, the following were found to be in breach: 13 – training records unavailable; 11 – refusals book available but no entry since 10/1/09.

06/03/09 – Checked outstanding licensing conditions, 11 and 13 still found to be in breach. A warning letter was sent to the premises.

- 22/06/09 – Complaint received that raw meat from the premises is disposed of into the commercial waste bin, and creating unpleasant smells. Officers visited and established this was a problem, and advice was given.
- 06/08/09 – Complaint alleging that the disposal of raw meat continues to be a problem. Officers visited and saw that the raw meat was still disposed of into the commercial waste bin, and the premises was given a verbal warning.
- 24/08/09 – The LBE alcohol training material was sent to the premises.
- 28/08/09 – Complaint alleging noise disturbance from deliveries to the premises, very early in the morning.
- 16/10/09 – Police received information that the staff at the premises give out fake £1 coins in change and sell fake packets of rizzla. Trading Standards visited and advised. A selection of Rizla papers were purchased in order to be tested, and results showed they were genuine.
- 18/12/09 – Food officers visited the premises to check for counterfeit spirits. 5 x 70cl suspect counterfeit Glen's vodka found on shelf behind serving counter, and were seized under the Trade Marks Act. A formal sample was taken from one bottle and the owner of the business, Mr Sefer Govtepe, was served with a seizure notice. He said that he bought the Glen's from Dhamecha in Crown Road about a month ago. The officer informed him that he would be asked to produce invoice.
- 18/05/10 – Full compliance check carried out. The outstanding conditions were: 11 – no refusals book; 13 – no training records; 15 – no drinking control sign. All relevant material issued to Mr Govtepe.
- 03/06/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.
- 11/08/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.
- 26/11/10 – Complaint relating to overflowing bins at premises, and leaving overflow of rubbish which attracts rats. The waste contract was cancelled due to non payment of fees, and council officers identified the premises rubbish in residential bins. Advice given to Mr Govtepe.
- 24/01/11 – Information received from Enviro Crime Officer who suspected possible duty free cigarettes were being sold from under the counter in the premises. The officer witnessed the cashier serve a customer items from under the counter making sure they were in a black bag, which was closed.
- 01/02/11 - Trading Standards, the Police and Her Majesty's Revenue and Customs (HMRC) carried out joint visits to premises in the borough to see if non duty paid alcohol or tobacco were being sold. The visits were only made to premises with EN postcodes as the HMRC team that was involved in the operation only cover those addresses in the borough. The list was compiled using intelligence from both Trading Standards and HMRC. HMRC identified the following products as being non duty paid in Hertford Food Centre: 33.75 litres of assorted wines and 39.45 litres of assorted spirits were seized. These products were seized by HMRC. The revenue on these goods seized is £449.60.

Additionally, the premises next door but one, Internet Service, 232 Hertford Road, Enfield, EN3 5BL and its storage was also checked, as it is owned by Mr Govtepe. 235.2 litres of Vodka, 121.5 litres of various wines, 109.2 litres of Brandy and 41.7 litres of other sprits were seized as they were also identified as non duty paid. The revenue due on the goods seized at Internet Service is £5,401.40.

No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided.

11/02/11 – As a result of the recent seizures, a full licence inspection was attempted at the premises, however, the only person present at the premises could not understand the officers, so the inspection did not take place.

14/02/11 – Further information from the same Enviro Crime Officer: that the premises and internet cafe continues to sell tax free cigarettes. The owners at these two premises are also linked to Hertford Discount Store on the same parade, and that there are more storage units at the rear of all these premises.

18/02/11 – Officers visited premises to carry out the licence inspection, and met with Mr Mehmet Govtepe, employee, however on the officers' arrival, he indicated that he was Mr Sefer Govtepe, the PLH and DPS. Conditions found to be in breach were: 5 - CCTV clock was 50 minutes later than correct time; No CCTV sign displayed; Monitor had error message 'No HDD Connected'. Mr Mehmet Govtepe could not operate the system so officers were unable to establish whether the CCTV was recording or compliant; 6 - No raid control; 11 - No refusals book; 12 - No training evident; 13 - No training records available. Mr Mehmet Govtepe stated that Mr Sefer Govtepe was on the premises daily. 14 days were given to address the non compliances, and an inspection report with advice was signed by and left with Mr Mehmet Govtepe. Further verbal advice relating to raid control was given by Martyn Fisher, Police Licensing Officer following this visit.

23/02/2011 Revisit to premises carried out as part of joint operation with HMRC, Trading Standards, and the Police. HMRC officers seized 13.6kg of shisha tobacco, and 3.15 litres of various spirits, as they were found to be non duty paid. No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided. The goods seized amounted to total duty evaded of £1503.44.

Paul Cumberland from HMRC has produced two statements relating to the said seizures – see Appendix A and B.

11/03/11 – Officers carried out licensing revisit inspection with Mr Sefer Govtepe. The following conditions were still found to be in breach: 6 - Raid Control system not in place fully; 12 - No training carried out; 13 - Training records not completed. An inspection report was left advising a further 21 days to bring the outstanding issues into compliance.

08/04/2011 – Officers carried out licensing revisit. Checked outstanding conditions. Training carried out and records seen. Raid control seems to have been installed - smoke notes seen, there was a box near the door that the owner claimed was a camera but the officers were not 100% convinced, matter referred to police licensing officer.

13/04/11 – Trading Standards attempted a test purchase of cigarettes with child E. The child was asked his age and the sale was refused.

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 (ie 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.

If the licensing committee is not minded to revoke the premises licence completely, Trading Standards (Weights and Measures) asks that consideration be given to suspend the licence until such time that a vary Designated Premises Supervisor application has been submitted and issued and the Licensing Enforcement Team are confident that all licence conditions are being complied with. Trading Standards do not believe that the current DPS is a suitable person to be named as the DPS, given that non duty paid goods were found on the second visit, after such a short timeframe in between visits, and the history of non compliant conditions. If the licence is not revoked Trading Standards (Weights and Measures) also recommend modifying the times and conditions of the licence, as detailed below, to help to prevent crime and disorder associated with the sale of counterfeit and non-duty paid items on the premises in the future.

Activity	Current Times	Proposed Times
Opening	24 hours daily	07:00 – 23:00 daily
Alcohol	24 hours daily	0:00 – 23:00 daily

No.	Current Condition	TS Agree	Amended to read
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.	Y	
4	An alarm system, to BSEN50131, shall be installed, operated and maintained at the premises.	Y	
5	A digital CCTV must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people	N	A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of

<p>entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality colour images; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention. Maintenance contracts must be made available to Police on request; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.</p>		<p>identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police and authorised officers of the council will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police and / or authorised officer of the council can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.</p>
<p>6 A Raid Control system must be installed in the premises complying with the following criteria : (1) A time delay safe is fitted under the counter; (2) A separate covert real time camera is fitted above the front door monitoring customers exiting. (Raid Cam); (3) A smoke note system is installed; (4) All staff</p>	<p>Y</p>	

	must be fully trained as to Raid Controls use and a signed written record of all training kept. This must be made available to Police or council officers on request; (5) Cash must be minimised in the till and the safe utilised.		
7	Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.	Y	
8	At least 2 members of staff shall be present on the shop-floor of the premises between 22:00 and 06:00.	N	At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.
9	The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.	N	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) may be accepted.
10	Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
11	A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.	N	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.
12	All staff must receive induction and refresher training, relating to the sale of alcohol.	N	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 the premises licence.
13	All training relating to the sale of alcohol shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.	N	All training relating to the sale of alcohol and times and conditions of the 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 one year.

14	Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.	N	Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
15	Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
16	Deliveries will not be made to the premises between the hours of 22:00 and 06:00.	N	Deliveries will not be made to the premises between the hours of 21:00 and 07:00.
17	Deliveries shall not cause a noise nuisance to local residents.	N	Remove – covered by other legislation
Annex 3 Proposed Conditions - additional		Agreed by Applicant	
	The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.		
	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. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year. include. Receipts shall show the following details: i) Seller's name and address ii) Seller's company details, if applicable iii) Seller's VAT details, if applicable iv) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within one week 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.		
	The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.		
	Waste collections shall not be made from the premises between the hours of 21:00 and 07:00.		
	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.		

The posters, training material, training records and refusals book are all available from Trading Standards.

Trading Standards (Weights and Measures) reserve the right to give evidence on any further incidents relating to breaches of the licensing objectives which may take place at, or in the vicinity of the premises, between the submission of this representation and the hearing or during the time allowed for any appeal proceedings. Additionally, Trading Standards reserve the right to present details of the outcome of any Court hearings between the submission of this representation and the hearing.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
Reasons for Revocation	
<p>A significantly large quantity of non duty paid products has been sized from this premises following numerous complaints alleging that the premises sells illegal tobacco and alcohol. After two seizures within one month, the revenue due on the goods seized totals at £7,354.44.</p> <p>The Secretary of State believes that the sale of smuggled tobacco and alcohol should be treated particularly seriously and that where licence review 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.</p> <p>There is a continued history of illegal activity at the premises. Advice to compliance has been given on the number of occasions and despite this illegal activity continued. Trading Standards have no confidence in the ability of the PLH/DPS to manage the premises in accordance with the licence and other Trading Standards and HMRC</p>	

requirements.

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

n/a

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

- 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 10th May 2011

Capacity Principal Trading Standards Officer - Licensing Enforcement Trading Standards (Weights and Measures)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

WITNESS STATEMENT
ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

Age if under 18:

(If over 18 insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of 1 page(s) 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 in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principal Trading Standards Officer, Environmental Protection & Regulation, London Borough of Enfield, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February and 23rd February 2011 at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5 BL, for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards.

I have examined the reports concerning the visit and can confirm that on the 1st February Officers seized a total of 33.75 litres of assorted wine and 39.45 Litres of assorted spirits, from the owner of the shop Mr Sefer Govtepe as liable to forfeiture by virtue of the Customs & Excise Acts. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The Revenue on the goods seized is £ 449.60

I have examined the reports concerning the visit and can confirm that on the 23rd February Officers seized a total of 13.60 kg Shisha flavoured tobacco and 3.15 litres of various spirits.

The revenue due on the seized goods is £1503.44

The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the Spirits and Wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date: 4th April 2011

Signature: 

(signature of witness)

Signature: 

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

**WITNESS STATEMENT
ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

Age if under 18: (If over 18 Insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of 1 page(s) 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 in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principle Trading Standards Officer, Enfield Trading Standards, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February 2011 at Internet Café, 232 Hertford Road, Enfield, which is associated to Hertford Food Centre 236 Hertford Road, Enfield EN3 5 BL for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards


I have examined the reports concerning the visit and can confirm that Sefer Govtepe, the owner of Hertford Food Centre was present on the 1st February 2011 when Officers seized a total of 235.2 litres of Vodka, 121.5 Litres of various wines, 109.2 litres of Brandy and 41.7 Litres of other spirits, as liable to forfeiture by virtue of the Customs & Excise Acts, from him. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

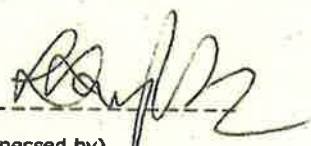
The revenue due on the seized goods is £5,401.40

The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the spirits and wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date: 4th April 2011

Signature: 
(signature of witness)

Signature: 
(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY