

Property Index number: «UKEY»

ENFIELD
Council

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**TRADING STANDARDS (WEIGHTS AND MEASURES) REVIEW APPLICATION:
ADDITIONAL INFORMATION**

This review application is made by the Enfield's Trading Standards Service (inspectors of Weights & Measures) and is made in consultation with and on behalf of the Health & Safety authority, the Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Health & Safety authority, the Environmental Health authority, the Child Protection Board and Enfield's Trading Standards Service (inspectors of Weights & Measures).

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

Type of Application: Review of Licence (Trading Standards)

The Review Application

I am confident that you have read the report that has been provided to you in relation to this Trading Standards review application.

I would like to take this opportunity to summarise and emphasise the main areas of concern which has led us here today, for the revocation of Hertford Food Centre premises licence.

The report shows that Mr Govtepe, the premises licence holder and DPS has been involved with the premises since 2007, which indicates that Mr Govtepe has had plenty of experience in running an off licence.

However, a number of alleged non compliances have been highlighted in the report.

The premises has breached 7 of their licence conditions on 7 occasions since December 2008, despite advice and warnings being issued, a total of 23 breaches of conditions – which is an alarmingly frequent figure.

One previous seizure of counterfeit alcohol at this premises was carried out by LBE, in 2009.

More recently, two allegations that tax free cigarettes were being sold from the premises, which were actually observed by an LBE Enviro Crime Officer.

As a result of this previous history, on 1st February 2011, the premises was targeted for a visit during the joint operation with Trading Standards, the Police and HMRC. HMRC identified 33.75 litres of assorted wines and 39.45 litres of assorted spirits as being non duty paid, and were subsequently 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 also owned by Mr Govtepe. 235.2 litres of Vodka, 121.5 litres of various wines, 109.2 litres of Brandy and 41.7 litres

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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.

Despite all these seizures on 1st February 2011, a revisit was carried out at Hertford Food Centre as a continuation of the joint operation. HMRC officers seized 13.6kg of shisha tobacco, and 3.15 litres of various spirits, as they were found to be non duty paid. The goods seized amounted to total duty evaded of £1503.44.

Paul Cumberland from HMRC has produced two statements relating to these seizures – see Appendix A and B. However to sum up, no receipts were produced for the goods at the time any of 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 total revenue due on goods for sale by Mr Govtepe is £7,354.44 – an extortionate amount! It raises even further concerns that Mr Govtepe persisted in selling non duty paid goods, even after the first large seizure, when he was fully aware of the law.

However, on 1st June 2011, I received an email from NARTS on behalf of Mr Govtepe, who stated that he will voluntarily impose some of the conditions proposed by Trading Standards in the review application, as from 3rd June 2011. The wording of voluntary conditions were slightly different to those as given by Trading Standards, however, we still believe the wording of our conditions to be appropriate.

Conditions offered:

- 1. No alcoholic goods will ever be purchased from sellers calling to the shop.*
- 2. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.*
- 3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.*
- 4. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.*
- 5. 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 Department and HMRC as soon as possible.*
- 6. Any alcohol and tobacco purchases will be kept in the stock room and will be checked by the premises licence holder or DPS for compliance of conditions number 2, 3, 4 & 5 stated above.*

On 10th June 2011, licensing enforcement officers were tasked to carry out a check of the current licence and to check whether the voluntary conditions actually had been imposed. The officers spoke to Mr Mehmet Govtepe, part owner, and were able to

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establish that the voluntary conditions offered had been implemented. No other outstanding conditions were established, and officers checked bottles for authenticity – no problems found. Officers saw receipts dated 4, 5 and 10 June 2011 from Dhamecha Foods Ltd, 28 Crown Road, Enfield EN1 1TH that had a list of different alcoholic spirits including vodka, Jack Daniels, whisky and named wine on it. The officers also tested the ultra violet light against a bottle of spirits on the shelf and again, no problems found.

Should the committee be minded to amend conditions, please bear in mind that the Trading Standards review application initially proposed a condition relating to deliveries. In light of the Planning representation, Trading Standards now seek to amend this proposed condition to bring it into line with Planning:

Deliveries and collections to and from the premises shall only take place between the hours of 0800hrs to 1900hrs Monday to Saturday and none at all on Sundays or Bank Holidays.

The report directs us to the Home Office Guidance (11.26) which 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).

Home Office guidance (11.27) goes on to say that it is envisaged that responsible 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.

The committee may comment that the police did not support the Trading Standards review application. I would like to take this opportunity to remind you that the Home Office Guidance states that the police are the main source of advice on Crime and Disorder matters, but not the only authority. It also states that the police are expected to have a key role in advising premises on the prevention of crime and disorder, but Trading Standards, as a responsible authority, may also take measures to deter criminal activity, it is not restricted to the police only. Therefore we urge you not to give any less consideration in your decision making process as the police did not support the review application on this occasion.

Conclusion:

A significantly large quantity of non duty paid products has been seized from Hertford Food Centre and a related property, not once but twice. There have also been continuous breaches of licence conditions, even after plenty of officer advice. Therefore Trading Standards believe that the crime prevention objective is being seriously undermined, and we are not confident with the current management of the premises that such activities will cease.

Trading Standards therefore believe that it is necessary to revoke the premises licence in its entirety in order to fully support the prevention of crime and disorder licensing objective.

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Old Licence

This is a simple revocation application on the grounds that this licence is out of date in that the plan does not match the layout, therefore cannot be legally used.

**LONDON BOROUGH OF ENFIELD LICENSING AUTHORITY
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
DECISION NOTICE**



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



TRADING STANDARDS (WEIGHTS AND MEASURES) REPRESENTATION

This representation is made by the Enfield's Trading Standards Service (inspectors of Weights & Measures) and is made in consultation with and on behalf of the Planning authority, the Health & Safety authority, the Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Planning authority, the Health & Safety authority, the Environmental Health authority, the Child Protection Board and Enfield's Trading Standards Service (inspectors of Weights & Measures).

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

Type of Application: New Premises Licence

I certify that I have considered the application shown above and I wish to make **representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This is a new application to allow the premises, which is a supermarket to be open and sell alcohol (off sales) for 24 hours daily.

The premises was until recently already licensed for these activities and for these times, however the licence (LN/200800470) was revoked by the licensing committee on 13/7/2011 following a Trading Standards review application. However, on 2nd August 2011, Hertford Food Centre submitted an appeal of this decision to Enfield Magistrates Court. Due to the short period of time between the revocation decision and the new application (14/7/2011), Trading Standards feel that it is necessary to refer to their review application for further background information – see Appendix A. The decision notice is also attached as Appendix B. *NB - In this 2015 review these documents are Appendix 1 & 2.*

In the new application, the premises licence holder and Designated Premises Supervisor (DPS) are both named as Mr Suleyman Erdogan. Trading Standards are not aware of his involvement with the premises under the old licence.

Since 13/7/11, Council records show no trading standards or licensing complaints in relation to this premises.

The appeal period for the revocation decision expired on 5/8/11. The last date for representations for the new application is 11/8/11. Therefore there is a period when the premises are not lawfully permitted to sell alcohol.

On Tuesday 9th August 2011, an officer (EVG) visited the premises. It was noted that the blue notice was displayed correctly. EVG spoke to Mr Mehmet Govtepe, the person in charge at the premises, and Ms Besime Koker, who interpreted on behalf of Mr Govtepe. Ms Koker stated that she has been an employee at the premises for nearly three years, and that Mr Suleyman Erdogan is the night time manager at the premises,

and has been working there approximately one year. Ms Koker stated she did not know Mr Sefer Govtepe, the named premises licence holder and designated premises supervisor under the revoked premises licence.

Prevention of Nuisance:

The premises is located on a commercial stretch of Hertford Road close to the junction with Green Street. There are many licensed premises in the vicinity including:

- Co-op - alcohol (latest 23:00)
- Hertford Food Centre – alcohol (24 hours)
- Hare Wines - alcohol (latest 23:00)
- Hertford Discount £ Store – alcohol (latest 23:00)
- Highway Supermarket - alcohol (latest 23:00)
- TFC - alcohol (latest 23:00)
- Hare Wines - alcohol (latest 23:00)
- Efe Food and Wine House - alcohol (latest 01:00)
- Sirwan - alcohol (latest 23:00)
- Favourite Chicken and Ribs – LNR (latest 01:00)
- Speedo Pizza – LNR (latest 01:00)
- Akar Kebab – LNR (latest 01:00)
- Mega Pizza – LNR (latest 00:00)
- Sporting Green – alcohol, indoor sporting events, recorded music (latest 01:00), live music, facilities for making music (latest 00:30).
- The Black Horse - alcohol, films, recorded music (latest 03:00), late night refreshment (latest 03:30), facilities for making music, live music, indoor sporting events (latest 01:00)
- The Offy and General Stores – alcohol (latest 01:00)

Residents:

There is a mixture of residential and commercial premises in this location, with residential streets running off Hertford Road. There are also residential premises above some of the shops.

In summary I wish to make representation on the following:

- Prevention of Public Nuisance
- The Protection of Children from Harm

I have no objection to the activities applied for. However, I do object in part to the hours applied for, and recommend the following times:

Activity	Applied for Hours	TS Suggested Hours
Open	24 hours daily	08:00 – 01:00 daily
Alcohol (off sales)	24 hours daily	08:00 – 01:00 daily

I would also recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions amend the proposed conditions in Annex 2 as indicated.

	Proposed Conditions – Annex 2	TS Agree	Amended to Read / Suggestion
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 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	N	Amend the following section: (14) Police and authorised officers of the council will have access to images at any reasonable time;

	standard computer. Copies must be made available to Police on request.		
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 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.	Y	
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 two members of staff shall be present on the shop-floor of the premises between 22:00 and 01:00. NB. This end time reflects the TS recommendation for the reduction of hours.
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.	Y	
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.	Y	
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.	Y	
17	Deliveries shall not cause a noise nuisance to local residents.	Y	
18	No alcohol goods shall be purchased from sellers calling to the shop.	N	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.
19	Invoices/Copies for alcohol goods shall be kept at the Premises and will be made available to Officers from the Council, Police or HMRC upon request.	N	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.
20	Stock control shall be introduced, so that the licensee can identify when/where alcohol goods were purchased.	Y	
21	An ultra-violet light shall be available at the Premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.	N	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.
22	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.	Y	

Additional Conditions to be Added in Annex 3	Applicant Agree	
N/A		

Trading Standards reserve the right to provide further information to support this representation.

If these conditions and hours were accepted in full I WOULD withdraw my representation.

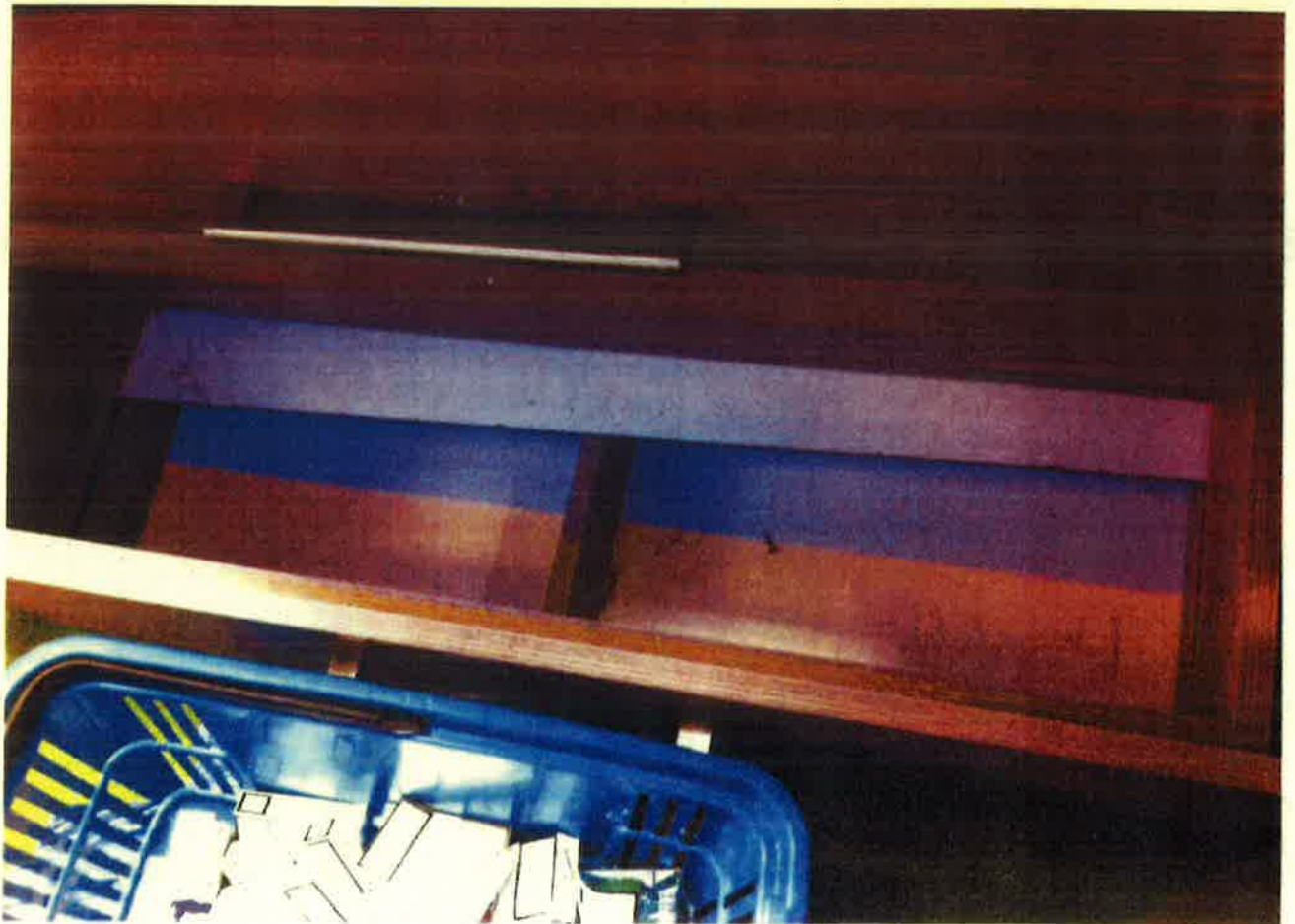
Duly Authorised: Ellie Green, Principal Trading Standards Officer – Licensing Enforcement



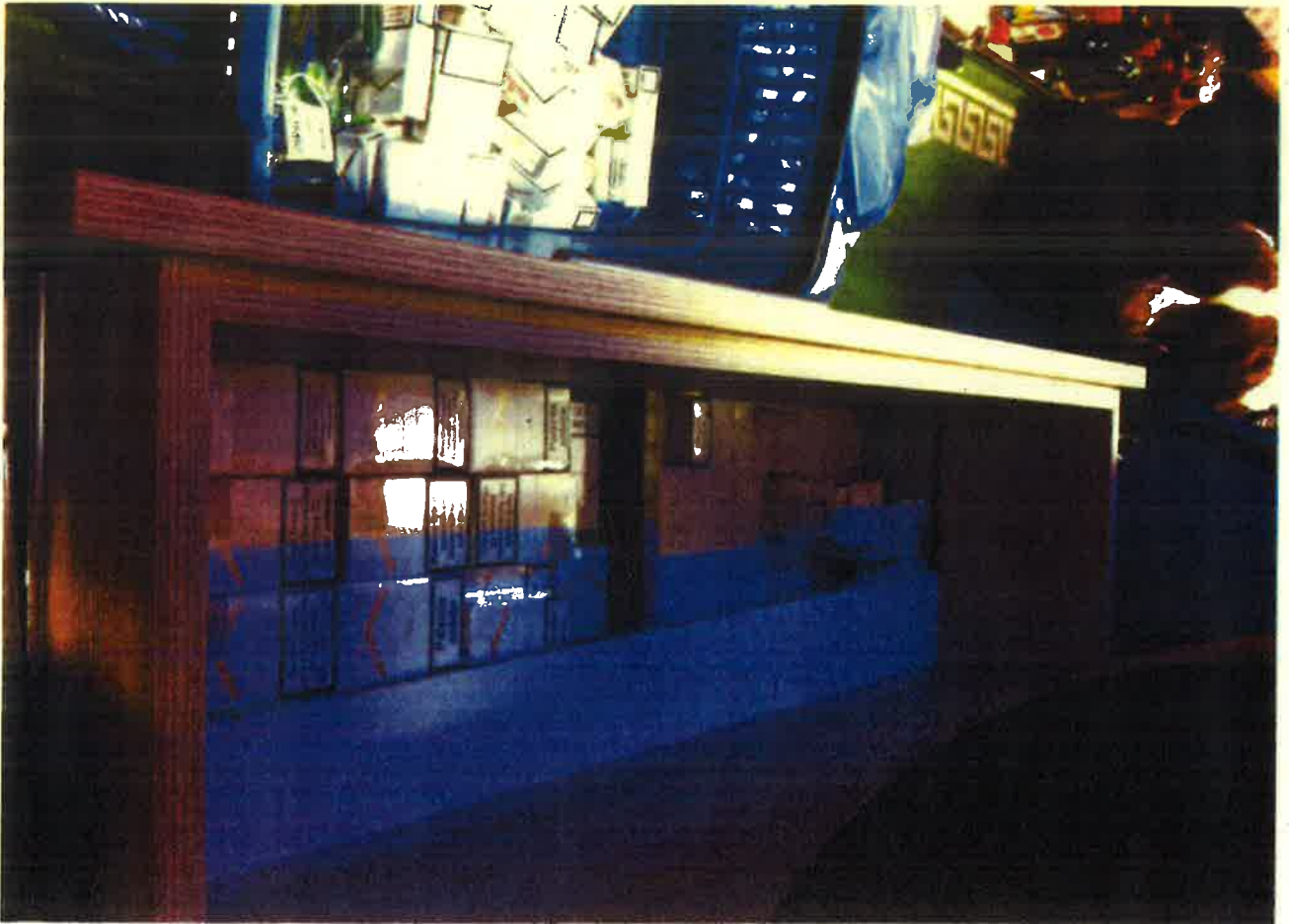
Signed:

Date: 09/08/2011

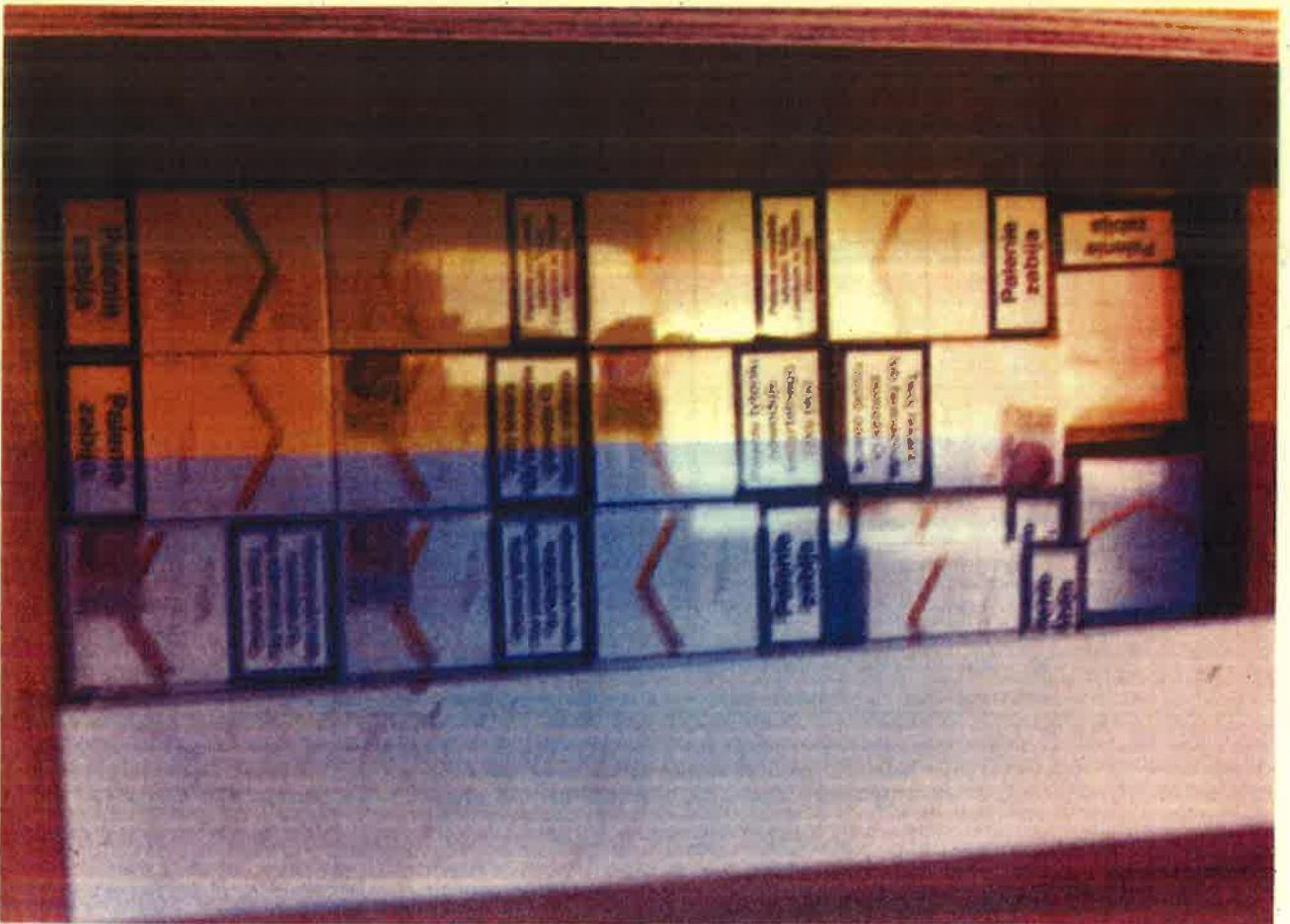
Tel: 0208 379 8543 / ellie.green@enfield.gov.uk

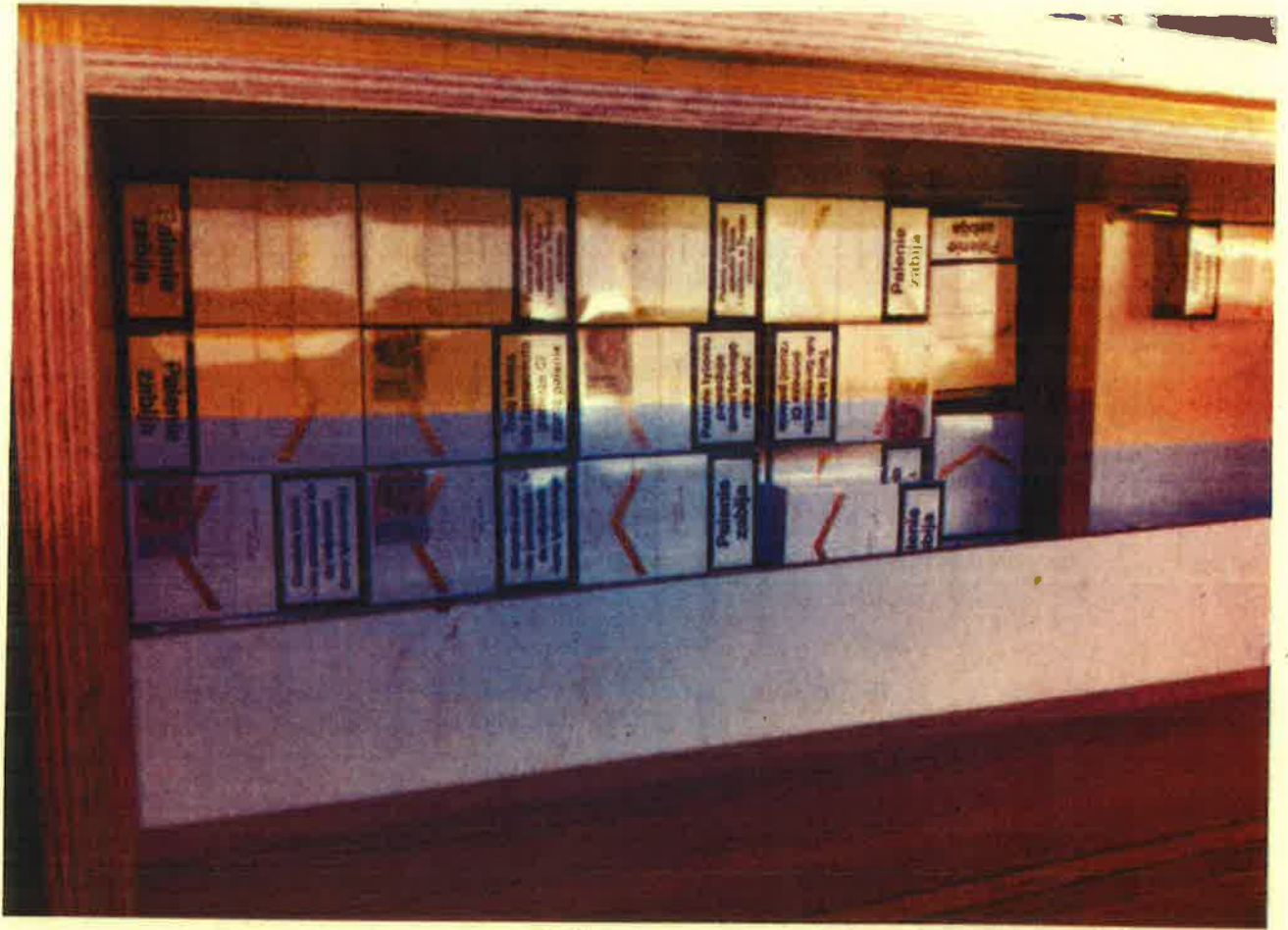














Companies House

**Current Appointments Report for:
HERTFORD FOOD CENTRE LIMITED
07216126**

Created: 04/03/2015 16:08:35

Companies House is a registry of corporate information. We carry out basic checks to make sure that documents have been fully completed and signed, but we do not have the statutory power or capability to verify the accuracy of the information that corporate entities send to us. We accept all information that such entities deliver to us in good faith and place it on the public record. The fact that the information has been placed on the public record should not be taken to indicate that Companies House has verified or validated it in any way.

Company Register Information

Company Number:	07216126	Date of Incorporation: 08/04/2010
Company Name:	HERTFORD FOOD CENTRE LIMITED	
Registered Office:	236 HERTFORD ROAD ENFIELD EN3 5BL	
Company Type:	Private Limited Company	
Country of Origin:	United Kingdom	
Status:	Active	
Nature Of Business (SIC):	47240 - Retail sale of bread, cakes, flour confectionery and sugar confectionery in specialised stores	
Number of Charges:	(0 outstanding / 0 part satisfied / 0 satisfied)	

Previous Names

No previous name information has been recorded over the last 20 years.

Key Filing Dates

Accounting Reference Date:	31/03
Last Accounts Made Up To:	31/03/2014 (TOTAL EXEMPTION SMALL)
Next Accounts Due:	31/12/2015
Last Return Made Up To:	08/04/2014
Next Return Due:	06/05/2015
Last members list:	08/04/2014
Last Bulk Shareholders List:	Not available

Current Appointments

Number of current appointments: 1

DIRECTOR:	GOVTEPE, SEFER MR	
Appointed:	01/04/2014	Date of Birth: 10/10/1973
Nationality:	BRITISH	
No. of Appointments:	1	
Address:	236 HERTFORD ROAD ENFIELD UNITED KINGDOM EN3 5BL	
Country/State of Residence:	ENGLAND	

This Report excludes resignations

Recent Filing History

Documents filed since 05/07/2013

DATE	FORM	DESCRIPTION
30/10/2014	AA	31/03/14 TOTAL EXEMPTION SMALL
22/05/2014	AR01	08/04/14 FULL LIST
22/05/2014	LATEST SOC	22/05/14 STATEMENT OF CAPITAL;GBP 20000
20/05/2014	AP01	DIRECTOR APPOINTED MR SEFER GOVTEPE
20/05/2014	TM01	APPOINTMENT TERMINATED, DIRECTOR SULEYMAN ERDOGAN
04/11/2013	AA	31/03/13 TOTAL EXEMPTION SMALL
05/07/2013	AR01	08/04/13 FULL LIST

This Report excludes 99(2) Share Allotment documents

Mr S. Erdogan
Hertford Food Centre
236 Hertford Road
Enfield
EN3 5BL

Please reply to: **Sheila Lahey**
Trading Standards
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8527
Fax:
Textphone:: 020 8379 4419
Email: Sheila.lahey@enfield.gov.uk
My Ref: WK/214047247
Your Ref:
Date: 9th September 2014

Dear Mr Erdogan

In March 2014, Enfield Trading Standards and HMRC visited the premises and seized a quantity of alcohol showing counterfeit back labels. This is a criminal offence.

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.

If you have any further queries. Please feel free to contact me on 020 8379 8527

Yours sincerely,

Sheila Lahey
Fair Trading Officer



Mr Suleyman Erdogan
256A Hertford Road
ENFIELD
EN3 5BL

Regeneration & Environment

Please reply to : Licensing Team
: PO Box 57
: Civic Centre, Silver Street
: Enfield, Middx. EN1 3XH
Tel : 020 8379 3578
Fax : 020 8379 2190
Minicom : 020 8379 4419
Email : licensing@enfield.gov.uk
My ref : Mandatory Conditions
Your ref : LN/201100396
Date : From 28 May 2014

IMPORTANT – PLEASE READ

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

Dear Mr Suleyman Erdogan

Re: Hertford Food Centre, 236 Hertford Road, ENFIELD, EN3 5BL

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

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

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

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

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

The Mandatory Conditions are set out below:

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

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

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

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

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

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

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

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

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

- in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);
- (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;
 - (d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –
 - (i) the outcome of a race, competition or other event or process, or
 - (ii) the likelihood of anything occurring or not occurring;
 - (e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.
3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.
- (2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
6. The responsible person shall ensure that—
- (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
 - (i) beer or cider: ½ pint;
 - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
 - (iii) still wine in a glass: 125 ml; and
 - (b) customers are made aware of the availability of these measures.

NB. The “responsible person” means—

- (a) in relation to licensed premises—
 - (i) the holder of a premises licence in respect of the premises,
 - (ii) the designated premises supervisor (if any) under such a licence, or
 - (iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,
- (b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

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

TRADING STANDARDS ADVICE :

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

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

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

Yours sincerely



pp. The Licensing Team