

Annex 2

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 Senior 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 Montague Supermarket, 171 - 173 Montagu Road	
Post town Edmonton	Post code (if known) N18 2NA

Name of premises licence holder or club holding club premises certificate (if known) Mr Yilmaz Celik
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Number of premises licence or club premises certificate (if known) LN/201200258

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 8132 2004

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 smuggled goods have been found on the premises i.e. non-duty paid cigarettes and hand rolling 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:

This premises was, until 20th April 2012 licensed to sell alcohol 24 hours a day. However, the licence was surrendered by the previous owner several months after the premises changed hands. This came to light in April 2012 when 38 bottle of counterfeit Jacobs Creek Wine were found at the premises and seized by Council Officers.

15/06/2012 - A new Premises Licence was granted to Mr Yilmaz Celik.

16/08/2013 – A licence review application was submitted (EVG) following two under age sales of alcohol and breaches of licence conditions. The application requested a change of DPS, suspension of the licence until full compliance had been demonstrated and a reduction in licence hours. All of this was done/agreed before the hearing. The decision notice is attached as **Appendix 1**.

27/09/2013 – DPS varied to Mr Yilmaz Celik.

03/06/2016 – Minor variation application submitted at the request of the Licensing Enforcement Team following the seizure of illicit spirits, hand rolling tobacco and cigarettes from the premises in November 2016. See **Appendix 2** for Licensing Enforcement letter recommending conditions be added to the licence. The letter included the following warning:

'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, the Licensing Authority shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance and or to prosecute you'.

10/03/2016 – Full licence inspection carried out (CPX). Training for one member of staff was due on 26/01/16 but had not been done despite him being one of the staff working at the time of the visit. Three other staff all due training on 11.03.16. UV light seen but it did not work - new batteries needed. Refusals book had 5 entries since 12.08.15 and the last one was on 18.01.16. Incident book last used on 07.09.15.

21/04/2016 – Illicit tobacco test purchase attempted – no sale.

22/07/2016 – Police Licensing Officer (MFX) carried out a full licence inspection. Compliant.

30/08/2017 – Complaint received alleging that the premises sells non-duty paid cigarettes.

30/04/2018 – Illicit tobacco visit – compliant.

25/07/2018 – Complaint from customer who alleged they purchased tobacco from the premises, the wrapper was different to the usual one and the tobacco tasted different too. The complainant later advised that they had found out that the brand packaging has been changed and was not fake.

27/08/2020 – Complaint alleging that the premises sells counterfeit cigarettes.

10/09/2021 – A cigarette test purchase was carried out. A packet of 20 Silk Cut Purple cigarettes was purchased and sent for testing to see if they were counterfeit or not. The tobacco brand representative confirmed that the cigarettes were genuine. The complainant was notified of the outcome of the investigation and went on to advise officers that the illicit cigarettes are sold from the back of the premises and that the premises was using a child with learning difficulties to deliver them.

30/03/2021 – As part of Operation CeCe (a HMRC funded national project aimed at tackling the sale of illicit tobacco) a test purchase volunteer visited the premises and asked if they sold 'cheap' cigarettes. They were sold a packet of non-duty paid Marlboro Gold for £7.50. See **Appendix 3a-b** for officer statement and notes from the visit. See **Appendix 4** for a photo of the evidence bag.

29/04/2021 – Trading Standards Officers (AB/CW) visited the premises with a dog handler and sniffer dog to check for illicit tobacco as part of Operation CeCe. The following non-duty paid items were found in a store room at the back of the premises and seized:-

1128 packets of 20 Cigarettes: -

341 packets of 20 Marlboro Touch
313 packets of 20 Marlboro Touch Blue
265 packets of 20 Parliament Light Blue
184 packets of 20 Marlboro Red
25 packets of Marlboro Gold

160 pouches (50g) of Hand Rolling Tobacco: -

89 pouches (50g) of Golden Virginia
71 pouches (50g) of Amber Leaf

See **Appendix 5** for photos and **Appendix 6** for paperwork.

The illicit tobacco sale and illicit tobacco seizure demonstrates potential breaches of the following licence conditions:

10. Alcohol and tobacco stock shall only be purchased from registered wholesalers

11. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

14. 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.

15. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

13/05/2021 - Enforcement Officers (CLB/DD) visited the premises and carried out a full licence inspection. Condition 4 - poster needed to be moved to somewhere it could be seen. Condition 16 – Incident book required. Advised no proof of annual fee payment had been received by the Licensing Team – must provide this. The officers discovered that the premises licence holder's home address had changed but this had not been changed on the licence. Given 7 days to comply. See **Appendix 7**.

19/05/2021 – Senior Licensing Enforcement Officer (CPX) phoned the premises licence holder and left him a voicemail advising that he must not sell alcohol until the annual fee is paid and proof provided. The annual fee should have been paid by 15/06/2020. The officer also advised that he must update his home address details formally and pay £10.50 for an updated licence. They also advised that he needed to update his personal licence with the borough who issued it. The officer requested that he email the officer evidence that the outstanding licence conditions were now being complied with. They advised that the Premises Licence would be reviewed as a result of the illicit tobacco that was seized and that it was in his interest to get all of these matters in order.

20/05/21 – Outstanding annual fee paid.

21/05/21 – Out of Hours Licensing Enforcement Officers (EVG/JI) carried out a licence inspection revisit. The poster still needed to be repositioned. Incident book seen – kept in back office. Officers advised that it should be kept near the till so it was easier for staff to complete. See **Appendix 8** for inspection report.

25/05/21 - Email sent to the Premises Licence Holder advising that he needed to formally notify the Licensing Team of his change of address and how to do so. See **Appendix 9**.

01/06/2021 – Premises Licence Holder address updated with Licensing Team.

Trading Standards have commenced prosecution proceedings against the premises licence holder and manager in relation to the most recent illicit tobacco sale and seizure. A formal interview under caution is scheduled for July 2021.

Additional Information:

Home Office revised guidance issued under section 182 of the Licensing Act 2003 (April 2018) (11.27), states that there are certain criminal activities that may arise in connection with licensed premises which should be treated particularly seriously. The list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (i.e. non duty paid products).

The guidance (11.28) 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.

Conclusion:

This is not the first time that smuggled goods have been found at this premises.

The Licensing Authority is of the opinion that given the large volume of cigarettes and hand rolling tobacco seized it is appropriate to recommend that this licence be revoked.

The Premises Licence Holder was warned previously that should further similar offences be committed at the premises, the Licensing Authority would take immediate action in order to have the premises licence permanently revoked, as recommended in the Home Office guidance. This does not appear to have deterred them.

If the Licensing Committee is not minded not to revoke the licence in its entirety then the Licensing Authority would recommend the following updates be made to the licence conditions:

Current Conditions:

Annex 2 - Conditions consistent with the Operating Schedule

1. 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.
2. 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 those leaving the premises can read them.
3. 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 overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images - colour during opening times; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly

maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police will have access to images at any reasonable time; (14) 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.

4. 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 taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Update to:

Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

5. 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.

6. 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.

7. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.

8. 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.

Update to:

A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

9. 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.

10. Alcohol and tobacco stock shall only be purchased from registered wholesalers

11. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months'

worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

12. An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.

13. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.

14. 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.

15. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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

16. An incident book shall be used to record all instances of public disorder. This record shall be made available to Police and/or the Local Authority upon request. This book shall be kept for one year after the last entry.

17. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

The Licensing Authority reserves 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):	
A significant quantity of smuggled tobacco has been found at this premises. Having regard to the Home Office guidance the Licensing Authority feels it is appropriate to seek total revocation of the premises licence.	

Please tick yes

Have you made an application for review relating to this premises before Yes the Licensing Authority has

If yes please state the date of that application

Day Month Year
1 6 / 0 8 / 2 0 1 3

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

2012 – New application applied for – conditions recommended.
2013 – Review (EVG) following under age sales.
2016 – Minor variation submitted at officers request to strengthen licence conditions.

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: 9th June 2021

Capacity: Senior 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.