

**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 MR MICHAEL GRIFFITHS

(Insert name of applicant)

I apply for the review of a premises licence under section 51 / apply for the review of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description DONCASTER FOOD CENTRE, 8 WOOD STREET.	
Post town DONCASTER	Post code (if known) DN1 3LH

Name of premises licence holder or club holding club premises certificate (if known) MR MELIH BOZKURT & MR BARIS AYDIN
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Number of premises licence or club premises certificate (if known) LN/201500326

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)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mr Michael Griffiths Senior Environmental Health Officer Acting as Health & Safety Responsible Authority 4th Floor Civic Office Doncaster Metropolitan Borough Council Waterdale Doncaster DN1 3BU
Telephone number (if any) 07768602797
E-mail address (optional) michael.griffiths@doncaster.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)

The licence holder is in breach of The Licensing Act 2003, The General Food Regulations 2004 & The Food Labelling Regulation 2014. The review is brought on the grounds of prevention of crime and disorder and public safety.

There is a national concern relating to high strength alcohol being sold by licensed premises at a very low price without the legal duty being paid. If high strength alcohol does not pay duty it is not only not paying taxes but allowing alcohol to be consumed in bulk by street drinkers and people with severe alcohol dependency. This in turn will potentially increase the level of anti-social behaviour and violence in an area.

The premises has only been open to the public for one year. Given the issues in the borough the initial inspection concentrated on illicit alcohol sales and the owner was made clear verbally and in writing not to purchase any alcohol without invoices.

During a recent unrelated complaint visit to the premises a large amount of illicit alcohol was found on site. The owner admitted under caution that he had purchased the alcohol for cash and no receipts have been provided. He agreed that the alcohol had not been purchased from a legitimate alcohol seller. The alcohol in question was unlabelled strong Polish Beer, Italian wine and Bulgarian Vodka.

Illicit alcohol can not be traced to the actual supplier/manufacturer and could be unfit for consumption or impossible to recall the alcohol if found to have a safety concern. The labelling is also not in English and does not comply with current food law relating to allergens and general product specifications.

Storing "smuggled goods" on a licenced premises is a direct breach of section 144 of The Licensing Act 2003. Smuggled goods are classified as entering the country without the correct duty being paid. Selling alcohol cheaply without any invoices would be considered as illicit and potentially smuggled.

The DPS or a personal licence holder was also not present during alcohol sales which, is a direct breach of the licence conditions. There was an attempt to purchase 3 cans of alcohol, which is a breach of the 4 can minimum conditions of the licence.

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

On the 18th February 2016 i carried out a routine inspection of Doncaster Food Centre, 8 Wood Street, Doncaster, DN1 3LH. I was aware of the illicit alcohol trade in Doncaster and part of my duties was to advise new off licences what not to purchase and how to avoid the illicit alcohol trade. No illicit alcohol was found on site and an inspection letter was sent to the owner stating that he must "retain all invoices and not purchase unlabelled foreign beer in particular".

On the 3rd November 2016 i visited the premises to discuss an unrelated food complaint and found a small dog in the shop, which urinated on the floor in front of me. I also found on sale a number of foreign labelled, strong Polish Beers which had no English labelling. The owner/DPS, Mr Melih Bozkurt was the only person present and i asked him to produce invoices for the alcohol and to remove the dog from the premises. He stated the alcohol had come from a "Kurdish man and that he paid cash and there was only a hand written receipt which was at home". I then contacted my colleague to assist me, Mr Greg Bristol, Alcohol & Tobacco Control Officer.

A few minutes later Mr Bristol arrived and we looked more in depth at the alcohol on sale and in the store rooms. On sale was a large number of bottles of Italian wine. These same brands had been found by myself and Mr Bristol in two separate premises over the last few months and no invoices had been provided by the owners. I asked the owner for invoices and he stated the wine also had come from the "Kurdish Man and no genuine invoices could be provided". In the store room there was only a small amount of stock with the exception of 30 cases of Bulgarian Vodka. I asked the owner if he could produce invoices for the vodka and at this point the owner admitted that all the Italian Wine, Bulgarian Vodka and Polish Beers were from the same Kurdish man.

At this point i cautioned the owner under PACE and asked the gentleman for details of the supplier. He stated the three types of alcohol had been purchased from a man called Kamal for cash and he supplied to all over the South Yorkshire area. He stated that hand written receipts were provided which did not have any company details on them and the only details he had was the gentlemen's mobile number. He stated he did not realise the alcohol was illegal and that the man in question might work with a London based supplier. I stated my concerns but the owner could not remember any details of the company or anything significant about the supplier, except for his name and phone number. The owner then voluntarily surrendered the alcohol for destruction. I stated that the alcohol would be returned if the labels could be provided for the beer and invoices could be provided for the entire consignment.

Legitimate beer would have the details of the product, the alcohol strength in vol% and the allergen information in English on each individual can, as per The requirements of The Food Labelling Regulations 2014. The General Food Regulations 2004 cover such items and states that any invoices must be produced "on demand" if an inspector requires them.

On the 4th November 2016 the alcohol was being examined and the Vodka was found to have a clear, fibrous contaminant in one of the bottles. I opened several of the cases and found the same contaminant in 5 other bottles. There was also an obvious spelling mistake on the label which highlighted the Vodka may be fake and potentially dangerous to consume. One of the bottles was sent to the Public Analyst for confirmation of its legitimacy.

On the 7th November 2016 the alcohol had been catalogued for evidence. In total 261 bottles of Italian wine, 345 cans of Polish Beer and 189 bottles of Bulgarian Vodka

had been surrendered. I revisited the premises to see if the owner could produce invoices for the alcohol, as three days had passed, and to discuss the sampling procedure and potential safety concerns with regard to the vodka. On site the owner was not present and his mother-in-law was managing the premises in his absence. I asked where the owner/DPS was and explained that he must be present if alcohol was to be served to the public. The lady stated that she knew not to sell alcohol and that her son-in-law/DPS was at the council offices trying to get the paperwork to change the specific condition, which states he must be present during all alcohol sales. At this point a member of public came from where the alcohol chillers were with three cans of strong beer and had heard the conversation. He immediately started to argue with myself and stated the lady behind the counter, that she "should not give into racist bullies". I tried to explain the situation but he would not listen and stated that "i was a racist council official, and the alcohol wasn't even for him but for a homeless person outside". He then went into verbal rant, left his cans on the counter and left the shop. I asked the lady why there were no signs stating that alcohol could not be sold at present and she did not reply. I then saw the same dog which, had urinated on the shop floor three days prior behind the counter laying on a dirty blanket.

At this point the owner/DPS came into the shop and apologised for his absence and for allowing alcohol to be sold in his absence. He also apologised for the dog being present and a conversation between his mother-in-law and himself started in their language. I stated to the owner that three days had passed since the alcohol had been found. He stated he still had no invoices and had not been able to contact the supplier, Kamal. The alcohol was then voluntarily signed over by the owner for destruction and the paperwork was completed on site. I stated my concerns with regard to the Bulgarian Vodka and explained that one bottle was going to be analysed to ensure it was a safe and genuine vodka.

On the 9th Novemeber 2016 i contacted the public analyst to obtain his opinion of what the contaminanted could be and he stated that the description of the contaminant was unusual and most likely was to be man made. An unopened sample bottle was sent that day for analyst.

On the 18th November the analysist report was submitted and the vodka was stated to be a safe and genuine vodka, but was off poor quality. The contaminants were most likely to have been caused by adding tap water to the product during the manufacturing process rather than distilled water, thus producing a natural crystal structure in the product. The report does state this is a breach of the Food Safety Act 1990.

To date no invoices have been produced by the owner/DPS of the off licence for any of the products voluntarily surrendered for destruction. I have tried on several occassions to contact the supplier on the phone number provided, with no success.

Please tick yes

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

If yes please state the date of that application

Day Month Year

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

N/A

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 05/12/2016

Capacity Senior Environmental Health 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.