**Economy, Transport and Environment** Rupert Clubb BEng (Hons) CEng MICE Director

Trading Standards Brian Johnson **BSc (Hons) DMS MTSI** 

Head of Service

Ms Kareen Plympton Licensing Team Eastbourne Borough Council 1 Grove Road Eastbourne **East Sussex BN21 4TW** 

**Trading Standards Service** St Mary's House 52 St Leonards Road Eastbourne, East Sussex **BN21 3UU** 

0345 60 80 197 Tel: Fax: 01323 463422

Email: trading.standards@eastsussex.gov.uk



When responding please ask for

Our Ref P/942 Your Ref

Date

31/01/2012

Sandra Thornton 01323 463449

sandra.thornton@eastsussex.gov.uk

Dear Ms Plympton

Re; First Choice Supermarkets Ltd trading as Premier - The Hydneye, Eastbourne

Please find enclosed a completed Licence Review Application made by East Sussex Trading Standards regarding the above premises.

As required I have sent a copy to each of the responsible authorities and the premises licence holder.

I look forward to hearing from you.

Yours sincerely

Sandra Thornton Team Manager

> EASTROURNE POROUGH 0.2 FEB 2012 ORIGINAL PARTE









## 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 Sandra Thornton - Team Manager (E Standards Service)	ast Sussex County Council Trading	
(Insert name of applicant)		
apply for the review of a premises lice review of a club premises certificate for the premises described in Part 1 b	under section 87 of the Licensing	
Part 1 – Premises or club premises d	etails	
Postal address of premises or, if non description	•	or
First Choice (Supermarkets) Ltd - trading 2 - 9 Fife Court	g as Premier	
97 The Hydneye Eastbourne		
East Sussex		
BN22 9DD		
Post town Eastbourne	Post code (if known) BN22 9D	D
Name of premises licence holder or o known) Mr Bayram Sahindal	lub holding club premises certific	ate (if
Number of premises licence or club p 030387	remises certificate (if known	
Part 2 - Applicant details		
1) an interested party (please complete	(A) or (B) below)	ick yes
a) a person living in the vicinity of th	e premises	
b) a body representing persons livin	g in the vicinity of the premises	

c) a person involved in business in the vicinity of the premises		
<ul> <li>d) a body representing persons involved in business in the vicinity of the premises</li> </ul>		
2) a responsible authority (please complete (C) below)	$\boxtimes$	
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	)	
Surname First names		
Please tid	k 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		
	ĺ	
	ļ	
Telephone number (if any)		
E-mail address (optional)		

## (C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Sandra Thornton Team Manager East Sussex County Council Trading Standards Service St Marys House 52 St Leonards Road Eastbourne East Sussex BN21 3UU
Telephone number (if any) 01323 463449
E-mail address (optional) sandra.thornton@eastsussex.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) LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER
On 25 November 2011 officers from East Sussex County Council Trading Standards Service made an inspection visit to First Choice (Supermarkets) Ltd trading as Premier at 97, The Hydneye, Eastbourne.
The visit was as a result of a complaint received from a member of the pulbic that they had purchased Drop Vodka a month or 2 ago and had became concerned after seeing it featured on a program about bootleg and counterfeit alcohol.
At the time of the visit officers found 4 bottles of Drop Vodka on display for sale at £8.99. They became suspicious as to its origin and authenticity (see details below) and took samples of the product.
Samples were analysed and has revealed that the vodka breached Thr Spirit Drink Regulations 2008, The Food Labelling Regulations 1996 and The General Food Regulations 2004.
When Mr Sahindal was asked where he had obtained the vodka from, he advised Barnaby Brown, Senior Trading Standards Officer (STSO) that he had bought them from a door to door salesman. He believed they were genuine based on the duty stamp. Mr Sahindal could provide no paperwork for the purchase such as supplier details or invoice and therefore could not fulfil traceability requirements under The General Food Regulations 2004.
East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met.

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

On 24th November 2011, East Sussex County Council Trading Standards Service received a complaint from a consumer regarding the sale of Drop Vodka by Premier at The Hydneye (First Choice (Supermarkets) Ltd. The complainant had bought 2 bottles a couple of months ago from the store on offer at 2 for £18. She had seen a recent TV documentary regarding bootleg and counterfeit vodka, including Drop Vodka and so had became concerned.

On 25th November 2011 an inspection visit was made to Premier by Barnaby Brown, STSO and Thomas Cook, Fair Trading Officer. After identifying themselves to the assistant on duty, they observed that displayed on the shelf behind the counter were 4 bottles of Drop Vodka on offer at £8.99.

On looking at the vodka the officers had cause for concern based on the following factors:

- 1. The price At present the UK excise duy is £6.70 per bottle of 70cl spirits (37.5%abv). EU customs duty and VAT at 20% must also be added to this price. The minimum duty and taxes on a 70cl bottle is £8.09. This leaves 90p to cover the costs of manufacture, packaging and distribution, the manufactures profit and the retialers profit.
  - 2. The label quality was basic and poor
  - 3. There was no business name and address or registered office for either the manufacturer or packer; or seller established in the EU as required by The Food Labelling Requaltions 1996.
  - 4. There was no batch codes or lot numbers on the labels as required by The General Food Regulations 2004
  - 5. The HM Revenue and Customs (HMRC) duty stamp did not fluoresce which suggested it may be a counterfeit duty stamp.

Two formal samples of the vodka were procurred for submission to the Public Analyst consisting of all four bottles, using powers under section 29 of The Food Safety Act 1990.

On 21st December 2011 the Public Analyst produced a report on the 2 formal samples of Drop Vodka and concluded that they were both unsatisfactory and not consistent with genuine vodka for the following reasons;

- 1. The amount of alcohol found in each sample was deficient of that declared to the extent of 9.6% vol, this deficiency being 32 times the maximum permitted tolerance of 0.3% vol as prescribed by The Food Labelling Regulations 1996. The amount of alcohol is also deficient of the minimum alcoholic strength as required by The Spirit Drink Regulations 2008.
- The sample was not marked with a business name and address nor registered office for either the manufacutuer or packer; or seller established in the EU as required by The Food Labelling Regulations 1996.
- 3. The presence of propan-2-ol is indicative of the alcohol being of industrial origin

and as such is not consistent with genuine vodka.

4. Irreguarities with the HMRC duty mark indicated that the mark may not be genuine

Barnaby Brown, STSO spoke to Mr Bayram Sahindal whilst on the premises. Mr Sahindal introduced himself to the officers as the premises license holder and director of the company. He provided his personal licence number as LN/201100042. He said his wife Mrs Mine Sahindal was also a personal licence holder and her number was LN/201100036. Both the personal licences were issued by Borough of Broxbourne in Hertfordshire.

Under The General Food Regulations 2004 traders are required to provide documentary traceability (written records) of where they sources their products from. This is to indentify the various parties in the food chain in the event of a product recall or an issue with the product being supplied.

Mr Sahindal advised Barnaby Brown he bought the bottles from a door to door salesman. He believed them to be genuine as they had a duty stamp. Mr Sahindal could provide no traceability records or paperwork with regards to the supllier.

There is certain criminal activity that may arise in connection with licensed premises which the Secretary of State considers should be particularly serious. One of these activities is the use of licensed premises for the sale of smuggled tobacco and alcohol.

Given the analysts comments regarding the authenticity of the duty stamp on the bottle, along with the price at which the goods appear to have been supplied to Mr Sahindal it is highly likely that the product has not had the correct duty paid. The circumstances of the purchase are such that Mr Sahindal should have been wary of the product which on further inspection would have aroused suspicion. Such suspicions include brand name, purchase price, no address and batch number on the product.

Based on all the information above East Sussex County Council Trading Standards Service would like to recommend that the Licensing Sub Committee gives consideration to revoking the premises licence.

Please 1	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	]
If you have made representations before relating to this premises please what they were and when you made them	state

<b>Please</b>	tick	yes
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- 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
- 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 2	
Date	01.02.2012
Capacity	

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

Miss Sandra Thornton

Team Manager

East Sussex County Council Trading Standards Service

St Marys House

52 St Leonards Road

Eastbourne

East Sussex

Post townPost CodeEastbourneBN21 3UU

Telephone number (if any) 01323 463449

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.