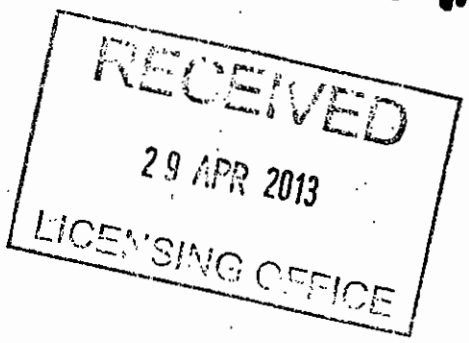
51 (Sum)

APPENDIX A

NORWICH
City Council

Citywide Services
Public Protection (Licensing)
City Hall
St Peters Street
Norwich NR2 1NH



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 David Collinson
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Norwich Mini Market & Off Licence 31 St Stephens Road Norwich	
Post town Norwich	**Post code (if known)** NR1 3SP

Name of premises licence holder or club holding club premises certificate (if known) Mr Ali Capti

Number of premises licence or club premises certificate (if known) 05/02008/PREMTR

Part 2 - Applicant details

I am

	Please tick ✓ yes
1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)	☐
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 ✓ yes

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 Norfolk County Council Trading Standards Service County Hall Martineau Lane Norwich NR1 2UD
Telephone number (if any)
E-mail address (optional)

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 2)
Over the period covering the last two years and just prior to it, Officers from Norfolk Trading Standards have witnessed a number of criminal offences being committed at a business premises known as Norwich Mini Market & Off Licence, 31 St Stephens Road, Norwich.

This Service has received complaints concerning the sale of alcohol to underage children from the premises over this period and prior to it.

This Service has invested a lot of time and effort in both dealing with any complaints and allegations of criminal offences both by way of test purchasing and also by offering support and advice to the business to enable them to trade legally.

Unfortunatly it appears that these interventions have had little effect on the way this business is being run as there has been no noticeable improvement.

During our time dealing with this business we have in the main dealt with Mr Mehmet Sert. He purports to be the owner of the business.

The most recent events that we would like to bring to the attention of the Licensing Authority are summarised below:

In 2011 Officers witnessed a sale of alcohol to a 13 year old young female volunteer going directly against licensing objective 1 - the prevention of crime and disorder and licensing objective 4 - the protection of children from harm.

Due to close partnership working with Norfolk Police Licensing Unit we became aware of a sale of vodka to a 17 year old girl from this premises at the end of 2012. This resulted in the girl being hospitalised. This sale was captured on the premises' own CCTV system.

The management of the premises has failed to ensure stafff are sufficiently trained or aware of their responsibilities under the Licensing Act 2003.

As a result of our involvement with this business and the above facts, Norfolk Trading Standards Service has no confidence in the management of this licensed premises. We wish for a review of the premises licence to be considered.

Please provide as much information as possible to support the application (please read guidance note 3)

On Thursday 25th June 2009 at 11:05 am Trading Standards Officers witnessed a 15 year old male young volunteer purchase two cans of Fosters Lager from Norwich Mini Market & Off Licence. The sales assistant at the time was Mehmet Sert who was issued a fixed penalty notice for the Section 146 Licensing Act 2003 offence.

The premises licence holder and DPS on this occasion was Mr Ali Capti.

Mr Mehmet Sert purports to be the owner of the business and it is him that received the fixed penalty notice on this date.

Prior to 2009 it is believed that the business was run by Mr Ali Capti both in his name and as Secretary in a company called Aimless Ltd. From our dealings with Mr Sert from mid 2009 onwards it is apparent that Mr Ali Capti has no involvement in the running of the business day to day.

On Wednesday 16th February 2011 at 10:50 am Trading Standards Officers carried out a joint inspection with Her Majesty's Revenue and Customers (HMRC) in relation to the alcohol kept at the premises. When the kick boards for the shelving units were removed 3 counterfeit bottles of Smirnoff Vodka were discovered that had been concealed in this location.

On the same date HMRC discovered 340 cigarettes, 250 g hand rolling tobacco, 61 litres of spirits and 82.5 litres of still wine where it was believed that the duty had been evaded.

The premises licence holder and DPS on this occasion was Mr Ali Capti.

On Tuesday 22nd February 2011 at 12:00 noon Trading Standards Officers witnessed a 13 year old female young volunteer purchase a bottle of WKD Original Blue from Norwich Mini Market & Off Licence. The sales assistant at the time was Navaneethan Ganeshalingam who was issued a fixed penalty notice for the Section 146 Licensing Act 2003 offence.

The premises licensing holder and DPS on this occasion was Mr Ali Capti.

During the course of investigating the above offences Mr Mehmet Sert was interviewed on 17th June 2011 by Norfolk Trading Standards. In interview Mr Sert gave the following responses which have been summarised and are worth noting for this application:

- Mr Sert confirmed he is sole trader owner of a business trading as Norwich Mini Market, 31 St Stephens Road, Norwich
- He stated that he had owned the business for 1 1/2 years or longer
- He advised that he employes one member of staff.
- He advised that licence holder, Ali Capti, was his relative, was the named DPS yet has nothing to do with the business or running the shop.
- There is no formal training process in place at the premises other than a little piece

of paper at the till to promt staff to check ID.
- There is no process to record refusals
- Since the sale in 2011 Mr Sert said he has reinforced the need for his staff to check ID.

On 9th March 2012 a warning letter and verbal advice was given to Mr Sert concluding both the above criminal investigations. This letter was hand delivered to Mr Sert. During this visit officers from this Service offered further advice on underage sales to Mr Sert and witnessed a sale of alcohol to what appeared to be a young person without any challenge by Mr Sert.

As a Service we should point out that on 8th June 2012 we concluded a test purchase for alcohol at the premises and our young volunteer was refused. We have seen in the past that after a period of attention from Trading Standards and Police that the situation can improve for a short period and then revert back to its original state where criminal offences are being committed. This is further illustrated below:

In January 2013 during a meeting with Norfolk Police Licensing Unit the Service became aware of another incident at the premises involving the supply of alcohol to an underage child. The Police informed us that they had received a complaint after a 17 year old girl was able to purchase a bottle of Vodka from the premises. The young girl subsequently consumer this Vodka and required medical intervention at hospital.

We understand from the Police that following an enforcement visit to the premises where CCTV footage was examined, the seller, Mr Navaneethan Ganeshalingam, was identified as having supplied the Vodka. He was isssued with a fixed penalty ticket on 7th December 2012. This is the second fixed penalty notice for the sale of alcohol to a person under the age of 18 whilst working for Mr Sert.

On behalf of Norfolk Trading Standards Service, we apply for the Licensing Authority to:

1) Suspend the sale of alcohol from the premises for three months
2) Remove the current Designated Premises Supervisor from this premises licence.
3) Impose the following additional licence conditions:

a) All staff working at the premises must undertake the National Certificate for Personal Licence Holders or similar before being allowed to serve alcohol
b) The Premises Licence Holder shall institute a Challenge 25 scheme for the sale of alcohol at the premises.
c) An electronic till prompt mechanism shall be installed at the premises within 3 months.
d) The Premises Licence Holder shall maintain an effective refusals register, to be kept available for inspection by officers of the Licensing Authority and Responsible Authorities at any resonable time.

Please tick ✓ yes

Have you made an application for review relating to the premises before ☒

If yes please state the date of that application

Day		Month		Year			
3	1	0	1	2	0	1	3

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

Identical grounds to this application for review. On the 24th April 2013 the Licensing Sub Committee deemed the application for the review had not on the balance of probabilities been properly served on the Premises Licence Holder.

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature .....

Date 25/4/13 .....

Capacity Assistant Director - Public Protection .....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6) Duncan Harris Principal Trading Standards Officer Norfolk Trading Standards North Wing County Hall Martineau Lane	
Post town Norwich	**Post Code** NR1 2UD
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN: 36 / /

Statement of: Simon Caddy

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Community Support Officer

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 anything in it, which I know to be false, or do not believe to be true.

Signature: ..... Date 19/04/2011

Tick if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am the above named person and Community Support Officer working for Norfolk Constabulary. On Thursday 25th June 2009 I was on duty and in full uniform working with Trading Standards. At 11:00hrs I was at the off-licence on St Stephens Road, I was there with Trading Standards to conduct a test purchase following reports that the off-licence regularly sold alcohol to under aged persons, at 11:05hrs a male under the age of 18 working for Trading Standards entered the store and purchased two cans of Fosters before leaving the shop, at no time was the male asked for any identification. Following this purchase I entered the shop with Trading Standards to challenge and caution Mr Sert MEHMET the person responsible for selling the alcohol to the under aged male, I then issued an £80.00 Fixed Penalty Notice section 146(1) Licensing act 2003 to Mr Sert MEHMET dob: 11/06/1974 (FPN No 80421067). I then with Trading Standards returned to Tuckswood Police Station to write statements and fax off the FPN.

Signature: ..... Signature witnessed by: ....

09

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**STUART WILLIAM KEARNS**
Age (if over 18 enter 'Over 18')	OVER 18
Occupation of witness	**TRADING STANDARDS OFFICER**

This statement, (consisting of three pages 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.

Dated the forth day of April 2011

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service based at County Hall, Martineau Lane, Norwich. I am an authorised officer for the purposes of the Trade Descriptions Act 1968, the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. At 10:50 hours on the 16th February 2011 in the course of my duties, I entered a retail shop called Norwich Mini Mart and Off Licence at 31 St Stephens Road, Norwich, NR1 3SP with my colleague Vicky Conlon and three officers from Her Majesty's Customs and Excise, Jeannette Kett, Dave Crotch and Andy Chapman. Upon my arrival I went up to the sales counter and introduced myself to the person in attendance, a man I now know to be Mr Mehmet Sert, and showed him my identification and authorisation. I explained to him that I would be carrying out an inspection of the store. I then proceeded to carry out my inspection, assisted by my colleague Vicky Conlon, checking the various products and shop displayed signage. While I was carrying out my checks I was aware that the officers present from Her Majesty's Customs and Excise were checking the various wines and spirits on display in the shop. At approximately 11:50 hours I had very nearly completed my inspection. It was at this time I noticed the officers from Her Majesty's Customs and Excise were now looking underneath the shop-floor shelving units. They would then remove the kick boards from the various shelving units and proceed to pull out various boxes of wines and spirits from the void underneath the shelving unit. One of the officers from Her Majesty's Customs and Excise, Dave Crotch, then advised me that he had just removed a box of Smirnoff Vodka from underneath one of the shelving units. He then passed the box to me by placing it in front of me on the shop floor, thus enabling me to look at its contents more closely. I opened the box and found that it contain three bottles;

labelled as Smirnoff Vodka I then checked the bottles against the "Diageo Identification of Counterfeit Smirnoff" guide which I had with me. Whilst carrying out my checks using this guide it became apparent to me that all three bottles were displaying a large font lot code on the back of the front label. I also noticed one of the bottles had different font on the closure artwork compared to that of a genuine product. According to the guide these were indications that the bottles could be possible counterfeit products. Based on this information I had reasonable cause to believe the three bottles of Smirnoff Vodka were counterfeit. I decided to seize the three bottles of Smirnoff Vodka which I believed were not genuine Smirnoff Vodka. These were all placed individually in inverted plastic bags labelled with an identifying mark and sealed with tamper evident seals with NCC tag numbers. I produce them as follows: - the first bottle of Smirnoff Vodka I produce with identifying mark SWK/1, the second bottle of Smirnoff Vodka I produce with identifying mark SWK/2, the third bottle of Smirnoff Vodka I produce with identifying mark SWK/3. I also seized the box which the bottles were found in and placed it into an inverted plastic bag labelled with an identifying mark and sealed with a tamper evident seal with an NCC tag number. I produce this box with identifying mark SWK/4.These items were recorded by Vicky Conlon on a Record of Property obtained from Premises form which I then duly signed. I then spoke to Mr Mehmet Sert to ascertain who owned the business. Mr Mehmet Sert told me that he owned the business and that he was a "sole trader". I then advised Mr Mehmet Sert that I was seizing the bottles of Smirnoff Vodka and the Smirnoff Vodka box. I advised him that I believed offences have been committed under the Trade Marks Act 1994 and as he had held himself out to be the owner of the business I was going to caution him in relation to those alleged offences. At 12:55 hours I read the caution as it is in the front of my notebook and then asked Mr Mehmet Sert if he understood the caution. Mr Mehmet Sert confirmed to me that he understood the caution. I then advised Mr Sert that he was entitled to obtain legal advice, he was free to leave and not under arrest. I then asked him for his full name, date of birth, address and some proof of identification. Mr Sert provided me with his driving licence and I recorded the details from the document in my field officer notebook. The details I obtained are as follows- Memhet Sert, date of birth 11/06/1974, Turkey, Driver Number – SERT9706114M99PL 19. Mr Sert gave his address as 78A Catton Grove Road, Norwich, NR3 3AA. He also provided me with his National Insurance card and I recorded the number from it in my field officer notebook as follows: - SE 73 22 37 B. Mr Sert then signed the Record of Property obtained from Premises form and I gave him the top copy. I produce my copy of this form with identifying mark SWK/6. I also gave him a copy of the Notice of Entry to Premises form which Mr Sert and I had

signed. I produce my copy of this form with identifying mark SWK/5. I also gave him the top copy of the visit sheet and I produce my copy of this form with identifying mark SWK/7. I advised Mr Sert that I would be contacting him again in due course pending the outcome of the trade mark holder's findings. At 13:10 hours I left the shop with the seized items and secured them in the boot of Vicky Colon's car which had been parked a short distance away. At 13:45 hours I arrived back at County Hall. I removed the seized items from the boot of the car keeping them in my possession. A short time later I transferred them to the secure custody store room in North Wing, County Hall, Norwich.

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**STUART WILLIAM KEARNS**
Age (if over 18 enter 'Over 18')	OVER 18
Occupation of witness	**TRADING STANDARDS OFFICER**

This statement, (consisting of two pages 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.

Dated the thirteenth day of July 2011

Signed

Further to my statement dated the fourth of April 2011. On the 1 March 2011 I removed from secure storage one bottle of Smirnoff with identifying mark SWK/3 secured in a bag with seal number NCC9288. This bottle was then sent to Mr I Macdonald at Diageo Plc with an accompanying letter a copy of which I produce with identifying mark SWK/8. On the 4 May 2011 I received a parcel from Diageo Global Supply Ltd, Glenochil Brand Technical CTR, Menstrie, Clackmannanshire. I opened the parcel and found one bottle of Smirnoff with identifying mark SWK/3 secured in a bag with seal number NCC9242. I returned this bottle to secure store. On Friday 17 June 2011 a Mr Mehmet Sert of 4 Denbigh House, Denbigh Road, Norwich, NR2 3HJ trading as Norwich Mini Market of 31 St Stephens Road, Norwich, NR1 3SP attended Norfolk County Council Trading Standards for a voluntary interview conducted under caution and in accordance with P.A.C.E. The interview commenced at 10.26am and concluded at 12.39pm. Present during the interview was myself and Matthew Lucking. Mr Sert was not legally represented however an interpreter by the name of Ayse Furlonger was present to provide interpreting services. The interview required three sets of tapes which were all signed and sealed in the presence of Mr Sert.

I produce **Tape 1** - master copy tape of the interview with identifying mark SWK/9, first copy tape of the interview with identifying mark SWK/10 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying mark SWK/11.

I produce **Tape 2** – master copy tape of the interview with identifying mark SWK/12, first copy tape of the interview with identifying mark SWK/13 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying

Signed

Mark SWK/14.

I produce **Tape 3** - master copy tape of the interview with identifying mark SWK/15, first copy tape of the interview with identifying mark SWK/16 which was given to Mr Sert at the conclusion of the interview process, second copy tape of the interview with identifying mark SWK/17.

Using SWK/11, SWK/14 and SWK/17 I made working copy tapes of the interview which I produce with identifying marks SWK/11A, SWK/14A and SWK/17A.

A full transcript of the interview was then completed for each tape which I produce with identifying marks SWK/11B, SWK/14B and SWK/17B

Signed

STATEMENT OF WITNESS

TO BE COMPLETED WHEN THE STATEMENT HAS BEEN WRITTEN

STATEMENT OF: JAIN MACLEOD (Name) ANTI COUNTERFEIT PROJECT MANAGER (Rank)

AGE OF WITNESS (if over 18 enter "over 18"): OVER 18

I declare that this statement consisting of 1 page, 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 at a preliminary enquiry or at the trial of any person, 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.

Dated this 11th day of March 2011

SIGNATURE OF MEMBER by whom Statement was recorded of received

SIGNATURE OF WITNESS.

PRINT NAME IN CAPS

I am the Brand Packaging Anti Counterfeit Manager, employed by Diageo plc, a drinks brand owner and manufacturer, based at the company's Brand Technical Centre at Menstrie in Scotland. I have many years expertise in the analysis and authentication of brands packaging, including that of Smirnoff vodka, one of our company brands. I have carried out a packaging analysis on the exhibit bearing Smirnoff markings, SWK/3, Tag No NCC9288,Lot code L8134CY004114PR074 seized from Norwich Road Mini Market, 31 St Stephens Road , Norwich ,NR1 3SP by Norfolk County Council Trading Standards Service.

I examined the bottle. The bottle profile, emboss detail and markings were incorrect, I concluded beyond any doubt that the bottle was counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff Vodka.

I examined the closure. The incorrect machine tooling had been used in it's manufacture. The colours and the printed Smirnoff motifs were incorrect. I concluded beyond any doubt that the closure was counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff vodka.

I examined the labelling applied to the bottle. Each label was printed on the incorrect type and quality of substrate, and printed using incorrect artwork separations. The UK Duty Stamp was incorrect and did not comply with the security print specification. The Lot code printed on back side of the front label was incorrect and had seen in other counterfeit cases. I concluded beyond any doubt that the labels were Counterfeit and not genuine product as supplied to Diageo for the packaging of Smirnoff Vodka.

Analysis of the packaging showed that the packaging was counterfeit, and that a purchaser would not be receiving the brand that the packaging suggested. The Smirnoff designs and motifs on the closure and labelling are registered trademarks owned by Diageo Trademark registration No 1295657.

SIGNATURE OF WITNESS: Iain Macleod.....

STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r.27.1(1);
Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B

STATEMENT OF: (name of witness)

David Mackie MRSC Dipl. Brew

Age: (If over 18 enter "over 18"): Over 18

Occupation: Project Scientist

This statement (consisting of 1 page, 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.

Dated the 29th day of March 2011 Signed

I am employed as a Project Scientist in the Science & Technology department of Diageo Global Supply, Technical Centre Europe, Glenochil, Menstrie, Clackmannanshire, FK11 7ES and I am able to comment on the authenticity of Smirnoff Red vodka, which is manufactured by our Company. I have been employed by Diageo and its predecessors for many years on the process, quality and analytical aspects of spirits manufacture with special emphasis on generic and brand authenticity. In this position I have full access to the Company's production records.

On the 22/03/2011 a sample sent by Stuart Kearns of Trading Standards, Norfolk, was received at the Technical Centre lab for authenticity analysis. The sample with associated paperwork, coded SWK/3 with seal NCC9288, was passed to the lab by Iain MacDonald, Diageo. The liquid purported to be Smirnoff Red Vodka. This was allocated the Reference No. IT-VCF-2011-0023 for our own records. Smirnoff Red vodka sold in the United Kingdom must have the alcohol strength of 37.5% vol stated on the label. My analysis showed that the liquid was inferior quality spirit. The alcohol strength of the sample was measured at 36.0% vol by gas chromatography. Thus, in my opinion, the suspect sample was not authentic Smirnoff Red vodka but an inferior spirit with alcohol strength similar to the specification for the product sold in the United Kingdom. Therefore it appears that the product analysed was inconsistent with the product label and would not be produced by the Company in this form.

Signed_____

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: DAVID ANTHONY CROTCH

Age if under 18: Over 18 (If over 18 insert 'over 18')

Occupation: Officer of H.M Revenue & Customs

This statement consisting of pages, 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: 10th May 2011

I am an Inland Detection officer based at Norwich. My duties include the detection of offences involving the illicit trade in non-UK duty paid alcoholic products. I have undertaken such duties for more 16 years.

On 16th February, 2011, I and other HMR&C officers were on duty at the Norwich Mini Market, St Stephen's Road, Norwich, to carry out a statutory inspection of any stocks liable to excise duty and the premises operating a business involved in the trade of such items. We were accompanied by trading standards officers. We introduced ourselves to a man I knew to be Mehmet SERT, the proprietor of the business and explained the reason for our visit. At 11:40 hours, it was brought to my attention that there were boxes visible under the shelves, behind kick boards. These boxes were found to contain various brands of spirits. A carrier bag containing tobacco products was also found. Amongst the bottles of spirits found were three bottles of Smirnoff vodka. I passed these bottles to the trading standard officers and as a result of their field test, were suspected to contain counterfeit product and therefore, retained by trading standards. After speaking with Mr. SERT, the rest of the suspect items found, namely:-

a) 340 (no) cigarettes;
b) 250 gm hand rolling tobacco;
c) 61.0 lt spirits; and
d) 82,5 lt still wine

were seized as being liable to forfeiture as it was believed that they were all non-UK duty paid.

Date: 10/5/2011

Signature

(signature of witness)

Signature: _____

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

17

ENF681A

12/2009

Norfolk County Council

QF IW1 4/4

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**Andrew Gilden**
Age (if over 18 enter 'Over 18')	OVER 18
Occupation of witness	**Trading Standards Officer**

This statement, (consisting of two pages 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.

Dated the First day of April 2011

Signed

I am a trainee Trading Standards Officer employed by Norfolk County Council Trading Standards Service. I am based at County Hall, Martineau Lane, Norwich, NR1 2UD. On the 22 February 2011 at approximately 09:35 I left County Hall, Norwich with Matthew Lucking (Senior Trading Standards Officer) and Caroline Carter (Trading Standards Officer) to carry out an Underage Sales operation in relation to alcohol in the Norwich area. At approximately 10:10 I arrived at the young volunteer's home. While there I witnessed Matthew Lucking take a number of pictures of the young volunteer, and Caroline Carter carry out an interview with the young volunteer while being filmed. We then left the young volunteers home at approximately 10:38, with Matthew Lucking, Caroline Carter and the young volunteer. We arrived at Vantage House, Norwich at approximately at 11:15 to meet with PC Jeremy Brown, who was also attending the visits that day. At approximately 12:00 I left the car in order to carry out a test purchase at Norwich Mini Market, St Stephens Road, Norwich. I entered the store and located the alcohol then I took a position further down the store browsing the soft drinks on the shelves. I then witnessed the young volunteer enter the premises and select a bottle of WKD from the shelves and walk to the counter. I selected a bottle of cherry coke and a mint aero and followed the young volunteer to the counter where I queued behind her. From this position I had a clear and unobstructed view of the till and could hear everything that was said between the young volunteer and the cashier. The young volunteer placed the bottle of WKD on the counter, I now know this bottle to be WKD Original Blue Alcohol 4% volume. A gentleman, who I now know to be a Mr Navaneethan Ganeshalingam without looking at the volunteer proceeded with the transaction and asked the volunteer for £1.69. The cashier did not ask the volunteer their age or any other

Signed

questions in order to verify their age. The volunteer handed Mr Navaneethan Ganeshalingam a note, and he passed change to her, and the bottle was placed into a blue carrier bag. The sale took place at approximately 12:05. The volunteer then left the store with the bottle of WKD in the blue bag. I can confirm that I had no verbal or physical contact with the volunteer while I was in the store. I then paid for my products and left the store. I returned to the car, where I met up with the young volunteer, Matthew Lucking, Caroline Carter and Jeremy Brown. When I returned to the car, Caroline Carter had taken possession of the bottle of WKD. I witnessed Caroline remove the bottle from the blue plastic bag and place it in a secure evidence bag with seal number P00069798. The information on the bag was completed by Caroline Carter and the bag sealed. I signed the evidence bag, and I produce the bottle of WKD Original Vodka Blue as AGI/1. At approximately 12:17 I went back into Norwich Mini Market with the bottle of WKD sealed in evidence bag P00069798 (AGI/1) with Matthew Lucking and PC Jeremy Brown. I witnessed Matthew introduce us to Mr Navaneethan Ganeshalingam, who I confirmed to be the seller. Matthew then explained the offence to Mr Ganeshalingam and showed Mr Ganeshalingam the bottle that had been sold, along with a picture of the young volunteer. I then witnessed Matthew caution Mr Ganeshalingam and obtain some details from him. Matthew offered Mr Ganeshalingam the opportunity to be reported by Trading Standards or accept a penalty notice. Mr Ganeshalingam opted for the £80 penalty notice. I then witnessed PC Jeremy Brown also go through the offence with Mr Ganeshalingam and take further details from Mr Ganeshalingam. I then left the premises at approximately 12:24 to return to the car for a letter regarding the sale. However, the letter was not available at that time, so I returned to the store, entering at approximately 12:31. I then witnessed Matthew Lucking caution a gentleman who I now know to be the owner of the store a Mr Mehmet Sert. I witnessed Matthew then explain the nature of the offence to Mr Sert, and what would happen next. Mr Sert asked whether the sale would affect his liquor license, to which I witnessed Matthew answer that he was unable to answer that question but that a licence review was an option that could be considered. Myself and Matthew then along with PC Brown and Mr Ganeshalingam moved to the back of the store, where I witnessed PC Brown continue to carry out a contemporaneous interview with Mr Ganeshalingam and then issue Mr Ganeshalingam the £80 penalty notice. Myself, Matthew Lucking and PC Brown then left the premises at approximately 12:55. I then secured the bottle of WKD (AGI/1) in the car.

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**Caroline Carter**
Age (if over 18 enter 'Over 18')	OVER 18
Occupation of witness	**Trading Standards Officer**

This statement, (consisting of 1 page 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.

Dated the 14th day of April 2011

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service and am a duly authorised officer under The Licensing Act 2003. I am based at County Hall, Martineau Lane, Norwich, NR1 2UD.

On the 22 February 2011 I was involved in an underage sales operation conducted by Norfolk Trading Standards Service in the company of my colleagues Matthew Lucking and Andrew GILDEN.

At approximately 12:10 I carried out the role of chaperone to the young volunteer when she entered the Norwich Mini Market, located in St Stephens Road, Norwich.

At approximately 12:15, the volunteer came out of the store and handed me a blue plastic carrier bag that contained a bottle of WKD Original and confirmed that this had been sold to her for £1.69 within the store.

The volunteer and I walked back to the vehicle together and I removed the bottle of WKD Original from the blue carrier bag and placed it in seizure bag P00069798. I completed the details on the seizure bag and then handed this to Andrew Gilden.

RESTRICTED (when complete)

WITNESS STATEMENT

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; MC Rules 1981, r.70)

URN: 36A/8055063/

Statement of: Jeremy Brown

Age if under 18: O 18 (if over 18 insert 'over 18') Occupation: Police Officer

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 anything in it, which I know to be false, or do not believe to be true.

Signature: ....Date 07/04/2011

Tick if witness evidence is visually recorded ☐ *(supply witness details on rear)*

I am Pc 1376 Jeremy Brown of Norfolk Constabulary, currently based in the Licensing Regulation Team, Norwich.

At approx 1225 hours on the 22nd February 2011 I was on duty, in full uniform, in company with Matthew LUCKING from Norfolk Trading Standards, along with other members of his organisation, the names of which I do not recall. Also in my presence was a volunteer young person (under 18 years of age).

At this time I received information stating that a male inside the NORWICH MINI MARKET, ST STEPHENS RD, NORWICH had sold intoxicating liquor to the young person. I therefore entered the venue with LUCKING and approached the identified male, who, at the time was the only member of staff in the shop. The male gave his name as Navaneethan GANESHALINGHAM (31/8/59).

Based on information received from members of staff from Norfolk Trading Standards I commenced a contemporaneous interview with GANESHALINGHAM where he admitted selling

alcohol to a minor. I therefore issued GANESHALINGHAM with a Fixed Penalty Notice for an offence under Section 146 Licensing Act 2003, 36/A8055063 refers.

I explained the process in full to GANESHALINGHAM and I was happy that he completely understood his responsibility.

These notes form part of my original notes, in conjunction with those made in my Pocket Note Book.

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**MATTHEW BRIAN LUCKING**
Age (if over 18 enter 'Over 18')	**OVER 18**
Occupation of witness	**SENIOR TRADING STANDARDS OFFICER**

This statement, (consisting of two pages 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.

Dated the 7th day of June 2011

Signed

I am a Senior Trading Standards Officer and am employed by Norfolk County Council Trading Standards Service. I am authorised for the purposes of the Licensing Act 2003 and an Inspector under the Weights and Measures Act 1985.

On Tuesday 22 February 2011 I was involved in a planned alcohol test purchasing exercise in the Norwich area.

At approximately 10.10am on Tuesday 22 February 2011 I arrived at the young volunteer's home address along with my colleagues, Caroline Carter and Andrew Gilden.

I authorised the young volunteer to make test purchases of alcohol under section 154(2) of the Licensing Act 2003. I recorded this authorisation in my notebook.

I measured the young volunteer using height measure HM1 (Ref No MP5352, Date of Calibration 14 July 2010, Calibration due 14 July 2011). I found the young volunteer to be 164.2cm without their shoes on.

Prior to leaving County Hall I had confirmed that the memory card in my Canon Ixus digital camera was empty.

I took 3 photographs of the young volunteer and produce these photos as detailed below:-

- photograph of side head plus HM1 - identified and produced as MBL1P
- photograph of front face – identified and produced as MBL2P
- photograph of young volunteer plus Caroline Carter – identified and produced as MBL3P

I took a short video clip of the young volunteer which I identified as MBL4V.

I then left the premises with my colleagues and the young volunteer.
At approximately 11.15am we met up with PC1376 Jeremy Brown at Vantage House, Pottergate, Norwich.
At approximately 11.50 we arrived near a premises called Norwich Mini Market and Off Licence, 31 St Stephens Road, Norwich. I witnessed Andrew Gilden, Caroline Carter and the young volunteer leave the car. I then saw them return a few minutes later and Caroline Carter was holding a blue carrier bag.
Upon closer examination the blue carrier bag was found to contain a bottle of WKD Original Blue (alc 4.0% vol). I witnessed Caroline Carter place the bottle into an evidence bag. The bag and bottle inside were identified as AGI/1.
At approximately 12.20 I visited Norwich Mini Market and Off Licence with my colleague, Andrew Gilden and PC1376 Jeremy Brown.
A man was working behind the till. Andrew Gilden confirmed to me that the man behind the till was the same man that sold the bottle of WKD to the young volunteer.
I introduced myself to the man who I now know to be Navaneethan Ganeshalingham.
I explained that it was an offence under the Licensing Act 2003 to sell alcohol to a person under 18. I showed him the photograph of the young volunteer identified as MBL2P and explained that this was the person he had just sold alcohol to. I showed Mr Ganeshalingham the bottle in the evidence bag identified as AGI/1.
At approximately 12.25 I cautioned Navaneethan Ganeshalingham. I asked him for his name, address and date of birth and the man gave his details as:-

Mr Navaneethan Ganeshalingham
No.9 Anthony Drive
Norwich
NR3 4EN
Date of birth 31 August 1959

I explained to Mr Ganeshalingham that he could either be reported by Trading Standards for this offence or he could accept an £80 fixed penalty notice from PC1376 Jeremy Brown.
Mr Ganeshalingham elected to accept the £80 fixed penalty notice and be interviewed by PC1376 Jeremy Brown in relation to this matter.

Signed

I was present in the shop during the interview. I showed Mr Ganeshalingham a photograph of the young volunteer identified as MBL2P again during the interview. I had to temporarily leave the interview at approximately 12.30 because a man arrived at the premises who identified himself as the business owner and gave his name as Mehmet Sert and address as 4 Denbigh House, Denbigh Road, Norwich, NR2 3HJ. He gave his date of birth as 11 June 1974. At approximately 12.31 I cautioned Mehmet Sert.
Mr Sert confirmed to me that he was the sole owner of the business trading as Norwich Mini Market and Off Licence. Mr Sert asked me if the sale would affect his licence. I advised him that we would be in contact at a later date. I then returned to the interview of Mr Ganeshalingham which was being continued at the rear of the shop. Once the interview was concluded we left the premises.
At approximately 16.20 we returned to County Hall. I placed evidence bag POOO69798 identified as AGI/1 in my secure drawer. I removed the memory card from the Canon Ixus camera I had used for the video clip. I placed the memory card into the memory card reader slot and moved the video clip MBL4V onto the G:Drive. The memory card was then deleted.
On Wednesday 30 March 2011 at approximately 15.45pm I took an empty memory card and transferred MBL4V to the card. I then placed the card into an APACER machine and created a master disc. I placed this disc into an evidence bag reference M01847711. I now produce this master disc as MBL4VM. I then created a working disc from the same memory card. I now produce this working disc as MBL4VW.

Signed

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**MATTHEW BRIAN LUCKING**
Age (if over 18 enter 'Over 18')	**OVER 18**
Occupation of witness	**LOCAL GOVERNMENT OFFICER**

This statement, (consisting of page 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.

Dated the 30 day of JUNE 2011

Signed

Further to the statement I made on Tuesday 7 June 2011 I would like to add the following:

On Friday 17 June 2011 I assisted my colleague Stuart Kearns with conducting a tape recorded interview of Mehmet Sert of Norwich Mini Market and Off Licence, 31 St Stephens Road, Norwich. A Turkish interpreter, Ayse Forlonger, was present during the interview. At the conclusion of the interview I witnessed Stuart Kearns hand Mehmet Sert 3 copy tapes. Stuart Kearns retained the remaining tapes and his witness statement refers accordingly.

Signed

Statement of Witness

Criminal Justice Act 1967 s. 9
Magistrates Courts Act 1980 ss. 5A(3)(a) and 5B
Criminal Procedures Rules, Rule 27.1(1)

Statement of (Name of witness)	**STUART WILLIAM KEARNS**
Age (if over 18 enter 'Over 18')	OVER 18
Occupation of witness	**TRADING STANDARDS OFFICER**

This statement, (consisting of two page 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.

Dated the thirtieth day of January 2013

Signed

I am a Trading Standards Officer employed by Norfolk County Council Trading Standards Service based at County Hall, Martineau Lane, Norwich. I am an authorised officer for the purposes of the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008.

On the 9th March 2012 at approximately 10:50 hours, I entered a retail shop called Norwich Mini Mart and Off Licence at 31 St Stephens Road, Norwich, NR1 3SP with my colleague Maureen Cleall. The purpose of my visit to the shop was to see the business owner, a man known to me as Mehmet Sert, and to provide him with advice and letters.

Upon entering the business I noticed two male youths, in my opinion of a challengeable age in relation to alcohol sales, approach the counter. I observed what I believed was the older of the two purchase two cans of Stella lager from the shop assistant present, a man I now know to be Ganesh Navaneethan. I did not observe Mr Navaneethan challenge either of the individuals as to their age or ask them for any proof of age. This surprised me as I considered them both to be possibly under 18 years of age. After the two youths left the shop I introduced myself and spoke to Mr Navaneethan. I showed him my identification and authorisation. I asked him if Mr Sert was available. Mr Navaneethan told me that he was at the Cash and Carry and would be back at 3pm. I then discuss with Mr Navaneethan under age sales and signed the refusal book present. I left the shop at approximately 11:12 hours.

At 15:01 hours that same day I returned to Norwich Mini Mart and Off Licence at 31

Signed

St Stephens Road, Norwich accompanied by my colleague Maureen Cleall I spoke to the male present, a man I know to be Mr Mehmet Sert. I provided Mr Sert with two copies of a prepared letter, one in English and one in Turkish. I produce a copy of the letter in English which I provided to Mr Sert with identifying mark SWK/01. I produce a copy of the letter in Turkish which I provided to Mr Sert with identifying mark SWK/02. I read aloud the English copy of the letter that I had given to Mr Sert at his request. Mr Sert then signed two "transfer of property" documents, one in English and one in Turkish. I produce a copy of the "transfer of property" document which I provided in English with identifying mark SWK/03. I produce a copy of the "transfer of property" document which I provided in Turkish with identifying mark SWK/04. Before Mr Sert signed the "Transfer of property" document I read it aloud to him at his request.

I then provided Mr Sert with a two copies of a prepared warning letter, one in English and one in Turkish. I produce a copy of the warning letter in English which I provided to Mr Sert with identifying mark SWK/05. I produce a copy of the explainer letter in Turkish which I provided to Mr Sert with identifying mark SWK/06. I read aloud the English copy of the warning letter at Mr Sert's his request.

I then told Mr Sert that he should expect to be re-inspected in the future therefore he should check his stock and dispose of any fake or counterfeit stock. I went onto tell him that he should buy his stock from reputable retailers and keep the invoices. I told him that he should not buy from the back of a van. In relation to under age sales I told him that he must check identification and keep a record of refusals, for the benefit of his business. I advised Mr Sert that further sales may result in a prosecution and/or licence review which may result with him no longer being able to sell alcohol. I asked Mr Sert if he had any questions and he replied "no". At approximately 15:20 hours I left the premises.

Signed

COPY COPIES

Norfolk County Council
at your service

Trading Standards Service
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Tel: (
Business advice helpline
Tel:
All new consumer enquiries
Fax:
DX: 135926 Norwich 13
Email:
www.norfolk.gov.uk

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: SWK/ARC/IF1329/1338
5 March 2012

Dear Mr Sert

Re: Investigation 1329 – Smirnoff Vodka
Investigation 1338 – underage sale (alcohol)
- Trade Marks Act 1994
- General Food Regulations 2004
- Licensing Act 2003

Further to the seizure of three bottles of Smirnoff Vodka on the 16 February 2011 from Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich.

The above bottles of vodka (as listed on the enclosed Transfer of Property document) were found in your shop. They were seized because there was reasonable cause to believe that they were counterfeit/fake. The brand owner/trade mark holder for Smirnoff has examined one of the bottles and confirmed the product to be counterfeit/fake.

I therefore believe offences have been committed by you under the above legislation with regards to the unauthorised use of a registered trade mark and food traceability.

On the 22 February 2011 Norfolk County Council Trading Standards sent a volunteer aged 13 years into Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich in an attempt to purchase alcohol.

A Norfolk County Council Trading Standards Officer witnessed an employee of Norwich Mini Mart and Off Licence sell a bottle of WKD Blue (an alcoholic drink) to the aforementioned volunteer. It has been alleged that an offence has been committed by you under the Licensing Act 2003 in relation to the sale of alcohol to an individual aged under 18.

Contd....

Norfolk County Council
at your service

Trading Standards Service
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Tel:
Business advice helpline
Tel: (
All new consumer enquiries
Fax:
DX: 135926 Norwich 13
Email:
www.norfolk.gov.uk

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: SWK/ARC/IF1329/1338
5 March 2012

Sayın Bay Sert,

Konu: Soruşturma 1329 – Smirnoff Vodka
Soruşturma 1338 – Yaşı tutmayana (alkol) satışı
- 1994 Ticari Markalar Yasası
- 2004 Genel Gıda Yönetmelikleri
- 2003 Ruhsatlandırma Yasası

16 Şubat 2011 tarihinde Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich'te üç şişe Smirnoff Vodka'ya el konulmasıyla ilgilidir.

Yukarıda bahsi geçen vodka şişeleri (ekteki Mülkün Devri belgesinde belirtildiği şekilde) dükkanınızda bulunmuştur. Şişelerin sahte olduğuna dair makul gerekçeler bulunduğundan bunlara el konulmuştur. Smirnoff'un marka sahibi/ticari marka sahibi, şişelerden birini incelemiş ve ürünün sahte olduğunu teyit etmiştir.

Dolayısıyla, tescilli bir ticari markanın yetkisiz kullanımı ve gıda izlenebilirliği açısından yukarıdaki mevzuat kapsamında suçların işlendiği kanaatindeyim.

Ayrıca, 22 Şubat 2011 tarihinde Norfolk İlçe Meclisi Ticaret Standartları, Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich'e alkol satın alması amacıyla 13 yaşında bir gönüllü göndermiştir.

Norfolk İlçe Meclisi Ticaret Standartları Memuru, Norwich Mini Mart and Off Licence'ta bir çalışanın yukarıdaki gönüllüye bir şişe WKD Blue (alkollü bir içki) sattığına tanık olmuştur. Dolayısıyla, 18 yaşın altında birine alkol satmakla ilgili olarak 2003 Ruhsatlandırma Yasası altında suç işlediğiniz iddia edilmektedir.

Contd.....

INVESTORS IN PEOPLE

Görüşüldüğü gibi bu olayda konuyu çözmek için size yukarıdaki iki olayla ilgili yazılı bir uyarı sunulmasına karar verilmiştir. Bu öneri kapsamında üç şişe Smirnoff Vodka, imha edilmek üzere bize teslim edilmelidir.

Bu eylem yöntemini kabul ediyorsanız, ekteki formu imzalayarak, tarih atınız ve Norfolk Ticaret Standartlarına geri gönderiniz.

Ardından, aleyhinizde bir suç kaydi teşkil etmeyecek ancak sistemimize girilerek, ileride bir uygunsuzluk tespit edildiğinde delil olarak kullanılabilecek yazılı bir uyarı gönderilecektir.

Önerdiğim eylem yöntemi ile ilgili sorularınız varsa, lütfen sormaktan çekinmeyiniz.

Saygılarımla,

Stuart Kearns
Ticaret Standartları Memuru
Toplum Güvenliği ve Soruşturma Ekibi

Norfolk County Council
at your service

IF 1329

Transfer of Property

Dear Sir/Madam

I herewith transfer to Norfolk County Council, Trading Standards Service all rights and property in the following articles which were in my possession, custody or control

At: **Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich, NR1 3SP**

On: **16 February 2011**

I am authorised to waive all rights from this date being the date of seizure by an officer of Norfolk Trading Standards Service.

Human Rights Act 1998: Under Article 1 of the First Protocol of the European Convention on Human Rights every legal or natural person is entitled to peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. In waiving all rights in the articles listed above I recognise that I have no rights in the intellectual property in any copyright and/or registered trade marks contained in or on those items and that the items would be liable to be forfeited by the courts if an application was so made.

Description: -

- three bottles of Smirnoff Vodka

Signed: ..... Name: .....

[Please Print]

Date: 09/08/12

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INVESTORS IN PEOPLE

Norfolk County Council
at your service

IF: 1329

Mülkün Devri

Sayın Bay/Bayan,

Sahipliğim, gözetimim veya kontrolüm altında bulunan aşağıdaki maddelerin tüm haklarını ve mülkiyetini Norfolk İlçe Meclisi, Ticaret Standartları Servisine devrediyorum.

Yer: **Norwich Mini Mart and Off Licence, 31 St Stephens Road, Norwich, NR1 3SP**

Tarih: **16 Şubat 2011**

Norfolk Ticaret Standartları Servisi memuru tarafından el koyma tarihi olan bu tarihten itibaren tüm haklardan feragat etme hakkına sahibim.

1998 İnsan Hakları Yasası: Avrupa İnsan Hakları Sözleşmesi, Birinci Protokol, Madde 1 altında her tüzel veya gerçek kişilik kendi mülkiyetinden rahat bir şekilde yararlanma hakkına sahiptir. Kamu çıkarı durumları hariç ve yasaların getirdiği şartlar ve uluslararası hukukun genel ilkelerine tabi olmak üzere hiç kimsenin mülkü elinden alınamaz. Yukarıdaki maddelere ilişkin tüm haklardan feragat ederek, bu maddelerdeki telif hakkı ve/veya tescilli ticari markalara ilişkin herhangi bir fikri mülkiyet hakkım olmadığını ve başvuru yapılması halinde mahkemenin bu maddeleri elimden alabileceğini kabul ediyorum.

Açıklama: -

- üç şişe Smirnoff Vodka

İmza: ..... Adı: .....
[Lütfen Girin]

Tarih: ..09/02/12.....

0250 INVESTORS IN PEOPLE

Norfolk County Council
at your service

Trading Standards Service
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel:
Business advice helpline
Tel: 0
All new consumer enquiries
Fax:
DX: 135926 Norwich 13
Email:
www.norfolk.gov.uk

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: SWK/ARC/IF1329/1338
5 March 2012

Warning Letter

Dear Mr Sert

Re: Investigation 1329 – Smirnoff Vodka
Investigation 1338 – underage sale (alcohol)
- Trade Marks Act 1994
- General Food Regulations 2004
- Licensing Act 2003

In relation to the above investigations, having carefully considered the facts of the case Norfolk Trading Standards Service has decided not to take formal action against you on this occasion.

To assist you with meeting your legal obligations in the future I provide you with some advice on the relevant legislation.

Trade Marks Act 1994
Section 92 of the Trade Marks Act 1994 provides that it is an offence to sell, let, hire or expose for sale goods that bear a sign identical or likely to be mistaken for a registered trade mark without the consent of the registered trade mark holder. A trade mark can be any words, designs, letters, numerals or shapes.

If you are found to be selling or exposing for sale goods which bear a registered trade mark which are not genuine, then you could be liable for an offence.

Contd....

INVESTORS IN PEOPLE

Furthermore, it is an offence to have in your possession in the course of a business any infringing goods with a view to selling them.

The Trade Marks Act 1994 provides for a maximum sentence of ten years or an unlimited fine, or both. It is therefore important to recognise, that if convicted, these are serious offences which can carry a substantial penalty.

The Trade Marks Act does provide a defence for businesses which provides that if the person charged believed on reasonable grounds that the use of the sign was not an infringement of the registered trade mark.

To help demonstrate this, you would need to be able to provide evidence to show that you purchased the goods from a reputable/legitimate supplier and/or had made checks to ensure the products were genuine. Keeping detailed records of your suppliers together with the checks you carried out will help you provide evidence for a defence.

You should be aware that this Service regularly undertakes projects focusing on counterfeit products and will visit a number of premises throughout the year, including those where counterfeit goods have been found in the past.

Therefore you will almost certainly be visited in the future by this Service to check that you do not have counterfeit products in your possession. If counterfeit products are found in your possession you may face prosecution.

Please find enclosed a Business Advice Fact Sheet on 'Retailer Guidance on Illegal Tobacco and Alcohol', for your information.

General Food Regulations 2004
"Food business operator's" (i.e. food shops/retailers) are under a legal obligation to have in place systems and procedures which will enable them to identify any person from whom they have been supplied with a food. This is often referred to as "traceability requirements".

The systems and procedures put in place by the "food business operator" should enable supplier information to be made available to the competent authority i.e. Trading Standards, on demand. It is a criminal offence to contravene or fail to comply with the requirements of the regulations and if found guilty of such an offence you could be fined a maximum of £5000 or be sentenced to a term of imprisonment.

Retaining the invoices/receipts of the foods you have purchased from wholesalers etc is a possible traceability system which may enable you to identify your suppliers easily.

Licensing Act 2003 – underage sales - alcohol
I remind you of the importance of keeping a refusals book, providing training and refresher training and keeping records of such training regarding alcohol and other age related sales i.e. tobacco, knives and solvents etc.

Contd....

You have already been provided with a "Minor Sales Major Consequences" pack; however in case this has been mis-placed, I provide a further pack with this letter.

Unfortunately, I am unable to provide you with a translated pack, however, if you believe you need further support regarding under age sales, please contact this Service.

This Service views under age sales of alcohol and all other age-restricted products, as extremely serious. You should therefore be aware that further test purchases will almost certainly be made in the future by this Service for which you could be personally liable and face prosecution.

Note that the advice I have provided is only a summary of the legislation and it is intended as a guide only. Only the courts can interpret the legislation with authority and the availability of a defence will be determined by the individual circumstances.

Unlike a prosecution or caution, this warning letter will not form part of a criminal record against you. We will, however, maintain a copy of this letter on our system to enable it to be produced as evidence should formal action be required in the future.

If you have any questions or you need any information or assistance from the Trading Standards Service to help you to comply with the law, then please contact us on 0344 8008013.

Yours sincerely

Stuart Kearns
Trading Standards Officer
Community Safety and Investigations Team

Enc

Norfolk County Council
at your service

Trading Standards Service
County Hall
Martineau Lane
Norwich
Norfolk
NR1 2UD

Mr Mehmet Sert
T/A Norwich Mini Mart and Off Licence
31 St Stephens Road
Norwich
NR1 3SP

Tel:
Business advice helpline
Tel:
All new consumer enquiries
Fax:
DX: 135926 Norwich 13
Email:
www.norfolk.gov.uk

Please ask for: **Stuart Kearns**
Contact No:

Your ref:
My ref: SWK/ARC/IF1329/1338

5 March 2012

Uyarı Mektubu

Sayın Bay Sert,

Konu: Soruşturma 1329 – Smirnoff Vodka
Soruşturma 1338 – Yaşı tutmayana (alkol) satışı
- 1994 Ticari Markalar Yasası
- 2004 Genel Gıda Yönetmelikleri
- 2003 Ruhsatlandırma Yasası

Yukarıdaki soruşturmalarla ilgili olarak, vakaya ilişkin hususlar dikkatli bir şekilde göz önünde bulundurulduğunda Norfolk Ticaret Standartları Servisi bu olayla ilgili olarak aleyhinizde resmi bir işlem başlatmama kararı almıştır.

Gelecekte yasal yükümlülüklerinizi yerine getirmenize yardımcı olmak amacıyla ilgili mevzuat hakkında bazı bilgiler sunuyorum.

1994 Ticari Markalar Yasası
1994 Ticari Markalar Yasası, Bölüm 92'ye göre, tescilli bir ticari markayla aynı işareti taşıyan veya bu tür bir markayla karıştırılabilecek ürünleri, tescilli ticari marka sahibinin izni olmadan satmak, kiraya vermek, kiralamak veya satışa sunmak suçtur. Ticari marka; kelime, tasarım, harf, sayı veya şekil olabilir.

Gerçek olmayan bir tescilli ticari marka işareti taşıyan ürünleri sattığınız veya satışa sunduğunuz tespit edilirse, suç işlemiş olabilirsiniz.

Ayrıca bir iş süresince ihlal eden ürünleri satış amaçlı olarak elinizde bulundurmanız da suçtur.

Contd....

INVESTORS IN PEOPLE

1994 Ticari Markalar Yasası, en fazla on yıl hapis cezası veya sınırsız ceza ya da her ikisini birden öngörmektedir. Dolayısıyla suçlu bulunmanız halinde, bunların önemli cezalarla sonuçlanabilecek ciddi suçlar olduğunu bilmeniz önemlidir.

Ticari Markalar Yasası, suçu bulunan kişinin makul gerekçelerle işaretin kullanılmasının tescilli ticari markaya ilişkin bir ihlal olmadığına inanması halinde, işletmeler için savunma imkanı tanımaktadır.

Bunu göstermek için, ürünleri itibarlı/meşru bir tedarikçiden satın aldığınızı ve/veya ürünlerin gerçek olduğunu kontrol ettiğinizi gösteren deliller sunmanız gerekmektedir. Tedarikçilerinize ve yaptığınız kontrollere ilişkin ayrıntılı kayıtlar tutmak, savunma için delil sunmanıza yardımcın olacaktır.

Bu Servisin sahte ürünlere ilişkin düzenli projeleri olduğunu ve geçmişte sahte ürünlerin bulunduğu işletmeler de dahil olmak üzere yıl boyunca çeşitli işletmeleri ziyaret edeceğini bilmelisiniz.

Dolayısıyla, elinizde sahte ürünler olup olmadığını kontrol etmek amacıyla bu Servis tarafından ileride ziyaret edileceksiniz. Elinizde sahte ürünlerin bulunması halinde, hakkınızda kovuşturma başlatılabilir.

Ekte bilgi amacıyla "Yasadışı Tütün ve Alkol Hakkında Perakendeci Kılavuzu"na ilişkin İş Tavsiye Belgesi sunulmuştur.

2004 Genel Gıda Yönetmelikleri
"Gıda işletmecileri"nin (gıda dükkanları/perakendeciler), kendilerine gıda sağlayan kişilerin tanımlanmasına olanak sağlayan sistem ve prosedürlere sahip olma konusunda yasal yükümlülükleri vardır. Buna "izlenebilirlik gereklilikleri" denir.

"Gıda işletmecisi" tarafından kullanılan sistem ve prosedürler, talep halinde tedarikçi bilgilerinin yetkili kuruluşa, ör: Ticaret Standartları Servisine sunulmasına olanak tanımalıdır. Yönetmelik gerekliliklerini ihlal etmek veya bunlara uymamak ceza gerektiren bir suçtur ve bu suçtan suçlu bulunmanız halinde, en fazla £5000 ceza alabilir veya hapse atılabilirsiniz.

Toptan satıcılardan satın aldığınız gıdaların faturalarını/makbuzlarını saklamak, tedarikçileri kolayca tanımlamanıza olanak sağlayan olası bir izlenebilirlik sistemi olabilir.

2003 Ruhsatlandırma Yasası - reşit olmayanlara satış - alkol
Size bir reddetme defteri tutmanızı, eğitim ve hatırlatma eğitimleri vermenizi ve alkol ve tütün, bıçak, solvent, vb. gibi yaşla ilgili sınırlandırma gerektiren satışlarla ilgili eğitimlerin kayıtlarını tutmanızı öneririm.

Size "Küçük Satışlar Büyük Sonuçlar" paketi sunulmuştur, ancak bunun kaybolması ihtimaline karşı bu mektubun ekinde başka bir paket daha gönderiyorum.

Ne yazik ki size tercüme edilmiş bir paket gönderemiyorum, ancak yaş sınırı hakkında daha fazla desteğe ihtiyacınız varsa, lütfen bu Servisle irtibata geçiniz.

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Yaş sınırının altına alkol satışı ve diğer yaş sınırı konuları bu Servis tarafından çok ciddiye alınmaktadır. Dolayısıyla bu Servis tarafından ileride de deneme amaçlı satın almalar yapılacaktır ve siz, şahsi olarak bundan sorumlu olabilecek ve kovuşturma ile karşı karşıya kalabileceksiniz.

Verdiğim bilgiler sadece mevzuatın özetidir ve sadece yönlendirme amaçlı olarak sunulmuştur. Mevzuatı tercüme etmeye sadece mahkemeler yetkilidir ve savunmanın mevcut olup olmadığı bireysel koşullara göre belirlenecektir.

Kovuşturma ve ikazdan farklı olarak bu uyarı mektubu, suç kayıtlarınızın bir parçası olmayacaktır. Ancak, ileride resmi bir işleme ihtiyaç duyulması halinde delil olarak kullanılmak üzere bu mektubun bir kopyası sistemimizde tutulacaktır.

Sorularınız varsa veya Ticaret Standartları Servisinden yasaya uymanıza yardımcı olacak bilgi veya desteğe ihtiyaç duyarsanız, lütfen 0344 8008013 no.lu telefondan bizimle irtibata geçiniz.

Saygılarımla,

Stuart Kearns
Ticaret Standartları Memuru
Toplum Güvenliği ve Soruşturma Ekibi

Enc

APPENDIX B

Annex 1 – Mandatory conditions

1 No supply of alcohol may be made under a 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.

3 Where previous licence is "off licence" or "off sales" alcohol shall not be sold or supplied except during permitted hours.

. The following restrictions are not prohibited:

a) During the first twenty minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;

b) The ordering of alcohol to be consumed off the premises, or the despatch by the vendor of the alcohol so ordered;

c) The sale of alcohol to a trader or club for the purposes of the trade or club;

d) The sale or supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval, military or air forces; supplied except during permitted hours.