



Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	8 March 2012	37	Hillrise
Delete as appropriate		Non-exempt	

**Subject: PREMISES LICENCE REVIEW APPLICATION  
RE: GOLDSTAR FOOD CENTER, 89-91 HOLLAND WALK, LONDON N19 3XU**

## 1. Synopsis

- 1.1 This is an application by David Fordham of Islington Council's Trading Standards team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
  - i) Crime and Disorder;
  - ii) Protection of Children from Harm;

## 2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
  - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
  - b) to exclude a licensable activity from the scope of the licence;

- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

### **3. Background**

3.1 The premises is currently licensed for the sale of alcohol for consumption off the premises Monday to Sundays from 08:00 to 23:00 Monday to Saturday and 10:00 to 22:30 on Sunday.

3.2 Licensing History of the premises:

- i) On 1 July 2005 an application was made to convert the alcohol licence to a Premises Licence.
- ii) On 18 May 2009 the Licensing Sub Committee (LSC) suspended the premises licence for a month following a review by Trading Standards following sales to under age children at the premises. The LSC suspended the licence for a month.
- iii) Remzi Celik submitted a new premises licence application on 5 January 2012 to sell alcohol off the premises 08:00 to 23:00 Monday to Sunday.

3.3 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: police representations;
- Appendix 4: suggested conditions and map of premise location.

3.4 The Licensing Authority has received 1 letter of representation from the Police.

### **4. Conclusion and reasons for recommendations**

4.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

#### **Background papers:**

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

**Signed by**

Service Director - Public Protection

*James Gibbons*

Date

*27/2/12*

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Katie Tomashevski

Tel: 020-7527-3882

Fax: 020-7527-3057

E-mail: [Katie.tomashevski@islington.gov.uk](mailto:Katie.tomashevski@islington.gov.uk)

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 Fordham, Service Manager Trading Standards  
(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 on 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:  <b>Goldstar Food Centre</b> <b>89-91 Holland Walk</b>	
Post town: <b>London</b>	Post code: <b>N19 3XU</b>

Name of premises licence holder or club holding club premises certificate: <b>Miss Melek Celik / Emrah Karakus / Kazim Karakus</b>
---

Number of premises licence or club premises certificate: <b>90700-A</b>
---

**Part 2 - Applicant details**

I am

**Please tick ✓/yes**

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**Please tick ✓/yes**

I am 18 years old or over

**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	
David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR	
Telephone number:	<b>020 7527 3458</b>
E-mail:	<u><a href="mailto:david.fordham@islington.gov.uk">david.fordham@islington.gov.uk</a></u>

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

This application to review relates to the objectives to protect children from harm and to prevent crime and disorder and Licensing Policies 32, 39 and 28. It particularly relates to the sale of alcohol to an underage person and the discovery of illicit alcohol in the shop, which indicates that the highest standards of management have not been exhibited by the business.

In October 2005, the premises sold a firework to an underage volunteer working with Trading Standards. This resulted in the company owning the business being prosecuted and fined.

In December 2007, there were counterfeit condoms removed from the business. A letter warning the business of buying from irreputable sources was sent and seen by Emrah Karakus, one of the licensees.

In August 2008, 6 bottles of counterfeit and harmful vodka was seized from the business. Emrah Karakus was interviewed and was unable to produce any information about where the vodka came from. He confirmed that goods were regularly bought from callers to the shop. The company owning the business and Mr Karakus, the Company Secretary, who said he was solely responsible for the running of the business, were prosecuted and fined.

In February 2009, the business sold alcohol to an underage test purchaser working with Trading Standards.

In May 2009, this premises licence was suspended for one month after Trading Standards applied for a review in respect of the counterfeit vodka and the underage sale. Conditions were added to the licence, including one (Annex 3, condition 1) that prevented use of the licence until work to improve health and safety was completed and approved. It transpires that these works have never been approved.

On 23<sup>rd</sup> March 2011, a letter was sent to the premises, addressed to 'The Licensee and Proprietor', that introduced attached guidance about smuggled alcohol and tobacco and warned that businesses found with smuggled goods in future were likely to have their licences reviewed.

On 15<sup>th</sup> September 2011, Trading Standards and HMRC officers visited the business and seized 28 bottles of cheap Italian wine. The recognised the brands as labels that had been widely distributed in the area without duty being paid on them.

On 19<sup>th</sup> November 2011, alcohol was sold by the business to a girl, aged 14 years and 11 months, who had volunteered to assist Trading Standards in a test purchasing operation designed to ensure that businesses were complying with the law prohibiting the sale of alcohol to under-18s.

Huseyin Kara sold 275 ml bottles of three types of alcopops - Bacardi Breezer Blueberry, Smirnoff Ice and WKD Vodka Blue - to the volunteer. The alcohol by volume of all of these bottles was 4.0% and they contained 2.9 units of alcohol. Mr Kara was on the phone when he was serving the volunteer. He told the observing officer that he was not employed at the business and only 'helping out'. Emrah Karakus was present in the shop at the time of the sale.

No training records could be produced (contrary to Annex 3, condition 2) and no refusals book was being used (contrary to Annex 3, condition 5). There was a till prompt in use that read "Please ask for ID" and required the till operator to press a 'Yes' or 'No' button before they could proceed.

On 09<sup>th</sup> December 2011, Mr Love of Trading Standards wrote to the Licensees asking for invoices for the seized wine or other evidence of legitimate purchase to be produced by 13<sup>th</sup> January. A reminder was sent on 6<sup>th</sup> January. Nothing has been received.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

Here is a summary of events supporting this application

May 2009	Review	1 month suspension and conditions added after counterfeit alcohol and a sale of alcohol to an underage volunteer
23/03/11	TS advice	TS sent the business guidance on smuggled alcohol as part of a mailshot to all independent off licences.
15/09/11	Seizure	28 bottles of cheap Italian wine seized by TS.
19/11/11	Alcohol sale	Volunteer, just under 15 years, sold three alcopops.
09/12/11 & 06/01/12	Requests to & supply invoices	Letters sent to the licensees requesting invoices for the wine.

Recommendations:

Unfortunately, this business seems to have a history of contravening the law.

Three of the four test purchases of age restricted goods attempted at the business since 2005 have resulted in sales to underage volunteers. (There was a refusal when a volunteer attempted to buy alcohol in August 2007). However, officers investigating the latest sale were told that training was verbal and that no records were kept and could not be shown a refusals book. The seller denied being an employee of the business, although he said he had been told something about age-restricted goods by Emrah Karakus. There was a till prompt that directed operators to ask for id, but no evidence about how operators have been trained to respond to this. When questioned, the seller mentioned driving licences and passports as acceptable ID, but did not mention PASS proof of age cards (indicating a breach of Annex 3, condition 7), so it is unlikely he will have done anything other than hit the 'YES' button every time.

There were no illicit spirits found at the premises on this occasion. There are no obvious signs to identify the wine as non-duty paid, except from the circumstances of its purchase by the business. As we have not been provided with details of the wine's origin, it is not unreasonable to assume it came from a disreputable supplier. The business should have been wary of it, had they followed the advice given in the guidance sent to the business in March 2011.

The business appears to have a cavalier attitude with regard to complying with licence conditions. Indeed, they have been selling alcohol without an effective licence since Summer 2009, as the required health and safety work was never approved.

I believe on the facts described in this application that this licence should be revoked as the licensees have been involved in two serious breaches of the law within less than four months and the business has a history of further non-compliance. Further, they have not complied with all the conditions added to the licence at the previous review. It is hard to have confidence in their ongoing ability to fulfil their responsibility to promote the licensing objectives or to exhibit the highest standards of management.



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
1	8	0 5 2 0 0 9

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

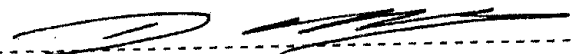
I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate   
I understand that if I do not comply with the above requirements my application will be rejected

**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 read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature



Date

23rd January 2012

Capacity

Service Manager (Trading Standards)

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)



# ISLINGTON

Trading Standards Team  
Public Protection Division  
222 Upper Street  
London N1 1XR

Tel : 020 7527 3874 / 4028  
Email : [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)

Website : [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Mailshot

Date: March 2011

GOLDSTAR FOOD CENTRE  
89/91 HOLLAND WALK.

The Licensee and Proprietor

Dear Sir/Madam,

## Important information – YOUR LICENCE IS AT RISK

In the last few months Islington Trading Standards and Her Majesty's Revenue and Customs (HMRC) have visited off-licensed businesses to look for illicit alcohol and tobacco. Seizures of the following goods – all of which have evaded excise duty and some of which is also counterfeit - have been made from 40 businesses in this time:

- Over 800 litres of spirits
- Over 5,000 bottles of smuggled wine
- Over 3,500 cigarettes and 23kg of other tobacco products

Trading Standards and HMRC are going to intensify their campaign as a result of these alarming findings which are evidence of very serious offences. As well as the **£19,000 evaded excise duty** these goods represent, there are health concerns caused by counterfeit goods, which are produced with no regard to health standards or quality control – sellers do not know what they are selling or how much harm it may do.

- **Counterfeit alcohol can cause breathing difficulties, blindness or be lethal.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits.
- **Asbestos and rats' droppings** are amongst the 'ingredients' recently found in counterfeit tobacco.

Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling them is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.



CUSTOMER SERVICE EXCELLENCE

Up to now, the businesses that have had illicit goods seized have generally been required to attend a meeting and given advice and a final warning.

**As we have found this problem to be so widespread, there will now be tougher action taken against businesses found to be selling smuggled or counterfeit alcohol or tobacco.**

Is it likely that your licence to sell alcohol will be reviewed and either suspended or taken away entirely. Licensing Panels will consider **permanently revoking the licence of businesses that sell smuggled goods**. You and the owner of the business may also be prosecuted.

You can prevent yourselves getting into trouble by understanding and **following the advice given in the attached guidance sheet**.

You can also be active in protecting your business. If you have any details – e.g. name or telephone numbers, vehicle details, or CCTV footage – of anyone calling at your shop and trying to sell you alcohol or tobacco, please let Trading Standards know. If your business is being undercut by local competitors trading unfairly by stocking illicit goods, let us know. We will treat all information in **complete confidence** – your name will not be revealed and any subsequent visits will appear to be random.

Goods that have been regularly seized are as follows:

- **Cheap Italian wine** – with a variety of brand names – sold door-to-door for unrealistically low prices. The excise duty alone payable on 6 bottles of wine will be over £10.
- **Vodka** that is counterfeit or was originally intended for export, especially **Glens** and **Smirnoff**.
- **Whisky** - counterfeit or intended for export – especially **Famous Grouse**, **High Commissioner**, **Bells** and **Teachers**.

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above. However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely

Dave Fordham  
Service Manager, Trading Standards



# Smuggled Alcohol and Tobacco Products

Trading  
Standards

## 1. Introduction

Smuggled goods are goods for which the appropriate excise duty (import tax) has not been paid. Alcohol and tobacco products are regularly smuggled as the excise duty that must be paid on them is very high. Some will also be counterfeit as well.

Smuggled goods:

- may be unsafe, if they are also counterfeit, as the normal quality standards will be ignored.
- boost the profits of organised criminals;
- cause huge losses to the UK's tax revenues.

- Islington Trading Standards have been carrying out visits in partnership with Her Majesty's Revenue and Customs (HMRC) to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked** or **suspended**.

## 2. Legislation

The main legislation that deals with smuggled goods is enforced by Her Majesty's Revenue and Customs (HMRC), although Trading Standards can also take action under some or all of the following laws:

- The **Fraud Act 2006** or the **Consumer Protection from Unfair Trading Regulations 2008** where a business sells items when they know or should know that they are, or might be, smuggled.
- The **Consumer Protection Act 1987** if tobacco products do not carry the required written and pictorial warnings.
- The **Licensing Act 2003** enables the Police or Trading Standards to apply for reviews of alcohol licences, which may lead to the licence being suspended or revoked.

## 3. How do I tell if goods are smuggled?

**Alcohol:** Alcoholic drinks with a stated alcohol by volume level of 30% or more (which will include all spirits) in containers of 35cl or more will be required to carry a UK Duty stamp, normally on the back label. The stamp will be pink in colour, but will glow green, yellow or white when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

You should also check the print quality of the stamp and that the label or stamp are not stuck onto an existing label – poor print quality and overlabelling are clear indicators that the product may be illegal.



Black & white representation  
of a UK Duty stamp



ISLINGTON

Another indicator is if spirits are sold in boxes with the 'UK Duty Paid' statement crossed through, or that have been resealed – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp.

**Tobacco products:** Any tobacco product – including shisha and chewing tobacco - that does not carry the required health warnings is illegal for sale in the UK and is almost certain to be smuggled. The warnings must be in English and include one of the following statements:

- “Smoking kills” or “Smoking seriously harms you and others around you” (on cigarettes, hand rolling tobacco and shisha). A picture warning is also required on these products.
- “This tobacco product can harm your health and is addictive” (on chewing tobacco).

Full details of the required warnings can be viewed by following the following links:

<http://www.legislation.gov.uk/ukxi/2002/3041/contents/made> (written warnings can be found in section 7 and the Schedule)

<http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthimprovement/Tobacco/Picturewarningsontobaccoproductspressimages/index.htm> (picture warnings)

#### **General:**

- **Never buy alcohol, cigarettes or tobacco from anyone who brings the goods to the shop.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.
- **Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still check purchased goods, especially if the seller is not a business you know and trust. If smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

#### **4. What are the penalties if I sell smuggled goods?**

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods.

Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

#### **5. How can I get further advice?**

If you require further information, clarification or advice on any of the above, please do not hesitate to contact the Trading Standards Service at:

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: [trading.standards@islington.gov.uk](mailto:trading.standards@islington.gov.uk)

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	90700-A		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>GOLDSTAR FOOD CENTRE 89-91 HOLLAND WALK</b>			
<b>Post town</b>	London	<b>Post code</b>	N19 3XU
<b>Telephone number</b>	020 8803 9968		

<b>Where the licence is time limited the dates</b>
*Suspended 18 June 2009 to 18 July 2009

<b>Licensable activities authorised by the licence</b>
The sale by retail of alcohol

<b>The times the licence authorises the carrying out of licensable activities</b>																												
<ul style="list-style-type: none"> <li>• The sale by retail of alcohol: <table style="margin-left: 20px;"> <tr><td>Monday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>22:30</td></tr> </table> </li> </ul> <p>Except on:  Good Friday: 08:00 to 22:30  Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p>	Monday	08:00	to	23:00	Tuesday	08:00	to	23:00	Wednesday	08:00	to	23:00	Thursday	08:00	to	23:00	Friday	08:00	to	23:00	Saturday	08:00	to	23:00	Sunday	10:00	to	22:30
Monday	08:00	to	23:00																									
Tuesday	08:00	to	23:00																									
Wednesday	08:00	to	23:00																									
Thursday	08:00	to	23:00																									
Friday	08:00	to	23:00																									
Saturday	08:00	to	23:00																									
Sunday	10:00	to	22:30																									

<b>The opening hours of the premises:</b>
Not specified

<b>Where the licence authorises supplies of alcohol whether these are on and/or off supplies</b>
Off supplies

**Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence**

Miss Melek Celik  
198 Grampian House  
North Mall  
Edmonton  
London N9 0EG  
020 8803 9968

Mr Emrah Karakus  
47 Sansom Road  
Leytonstone  
London E11 3HD  
07931 529 334

Mr Kazim Karakus  
47 Sansom Road  
Leytonstone  
London E11 3HD  
07916 128 998

**Registered number of holder, for example company number, charity number (where applicable)**

**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Emrah Karakus  
47 Sansom Road,  
Leytonstone  
London  
E11 3HO

07931 529 334

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**

Z01N1147SA/1 – London Borough of Waltham Forest

Islington Council  
Public Protection Division  
222 Upper Street  
London  
N1 1XR  
Tel: 020 7527 3031  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Assistant Director - Public Protection

  
Date of Issue

### **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the 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.

### **Annex 2 - Conditions consistent with the Operating Schedule**

- 1) The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
  - a) during the first 20 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 alcohol so ordered;
  - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - d) the sale of 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.
- 2) Alcohol shall not be sold in an open container or be consumed in the licensed premises

### **Annex 3 - Conditions attached after a hearing by the licensing authority**

1. The premises shall not be used under this licence until the requirements specified in the schedule dated 17 April 2009 have been completed and approved in writing by the responsible authority for health and safety.
2. The licensee shall promote Challenge 25 or similar scheme.
3. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
4. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards eg Citizencard, a passport, or UK driving licence bearing the photograph and date of birth of the bearer.
5. The licensee and staff should note any refusals to sell to young people in a refusals log.



6. The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
7. The licensee shall make arrangements to ensure that where age restricted goods are scanned at the till, the bar code activates a till prompt to alert staff to check the age of the purchaser.
8. The designated premises supervisor or other personal licence holders must be present on the premises to supervise all alcohol sales at all times.
9. CCTV should be installed that ensures all areas of the licensed premises are monitored including all entry and exit points and which enable frontal identification of every person entering in any light condition.

#### **Annex 4 – Plans**

Reference Number: 90700-01.08.05

### WITNESS STATEMENT

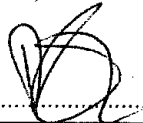
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin Clark**..... URN: 

--	--	--	--

Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 181475** .....

This statement (consisting of: .... **1**..... 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 anything in it which I know to be false, or do not believe to be true.

Signature:  **PS4SM1**..... Date: **09.02.2012**.....

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


My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises Goldstar Food Centre , 89-91 Holland Walk , N19 3XU.

Having read the information supplied by the council officials and having consulted with the Safer Neighbourhood Team for that area I have very grave concerns about this business and the management of it. It appears that it is contributing to the antisocial behaviour in that area and causing problems for the local residents. As such the management is failing in its responsibilities under the Licensing Act to promote the Licensing Objectives of preventing crime and disorder, public safety and the protection of children from harm.

The management of these premises have already submitted a new application for these premises and as part of the process as mentioned I have consulted the SNT for that area. PS39NI Rutherford has submitted a statement re that application and I include that statement in these papers as part of the Police response to the Review Hearing.

In conclusion Islington Police strongly support the request for revocation of this licence.

Signature:  **PS4SM1**..... Signature witnessed by: .....

### WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Mark Rutherford**..... URN: 

--	--	--	--

Age if under 18 **Over 18** ..... (if over 18 insert 'over 18') Occupation: **Police Officer 183858** .....

This statement (consisting of: ... **2** .... 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 anything in it which I know to be false, or do not believe to be true.

Signature: ..... Date: **7th February 2012** .....

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

I am the Safer Neighbourhood Police Sergeant for Hillrise ward in Islington. I write this statement to assist the hearing decide upon a licensing application relating to 89-91 Holland Walk, N19 this is a shop called Goldstar and will be referred to a such later in my statement.

Upon starting with the team I was briefed by the previous Sergeant and the current team members who have been working this ward for at least one year and some for five years. I was informed there had been long standing issues with a gang known as the "Busy Block" who loiter on the Elthorne Estate causing anti-social behaviour and intimidate residents by their presence. Currently many member of this gang are on police bail for the murder of Andrew JAIPAUL and have a history of carrying knives and other violent behaviour.

Since starting patrols across this ward in October 2011 on several occasions I have personally encountered members of this gang loitering directly outside Goldstar 89-91 Holland Walk, N19, this is in the centre of the Elthorne Estate. The youths who are aged from 15 years old to 24 years are often drinking spirits, usually brandy, from small plastic cups. The group usually numbers more than ten persons who are very loud and require positive policing to move on. Officers have used the designated public places order to make alcoholic seizures. However there are inherent risks when the officers are outnumbered by a potentially violent group and assistance is many minutes away. I have spoken to the staff in the Goldstar and request they call police when the youths are outside, I have informed them of the non-urgent police number "101" and provided the team mobile number. To date I have not received a call from the premises.

I have received emails from residents outlining many occasions when a large group of youths has been at this location drinking and causing a nuisance. One resident stated that it is a regular occurrence, particularly Friday and Saturday evenings but that once the shop closes they leave. They further mention that the shop staff stand with the youths chat with them and smoke cigarettes. Residents report empty bottles and cans being discarded outside the shop. I have witnessed empty brandy bottles and larger cans when I patrol in the morning evidencing

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

Continuation of Statement of **Mark Rutherford** .....

the previous evening's activities.

On 23<sup>rd</sup> November 2011 at about 3pm officers from my team saw members of the gang loitering outside the Goldstar, Holland Walk N19 with a folding pedal cycle. Enquiries revealed this pedal cycle was stolen; two of the youths were arrested for handling stolen goods.

On 6<sup>th</sup> January 2012 officers saw a large group directly outside the Goldstar and asked them to move on. They did so but one youth returned and went in the shop to collect his mobile phone which was behind the counter charging. This would suggest that the shop staff are not deterring the youths from loitering but actively encouraging them.

This group of youths like to make rap style videos and post them in social media internet sites. I have viewed some of these videos and some of the lyrics are very intimidating, using offensive words and references to using guns and knives. They clearly show they are within the Elthorne Estate area and some youths can be seen drinking from bottles of brandy.

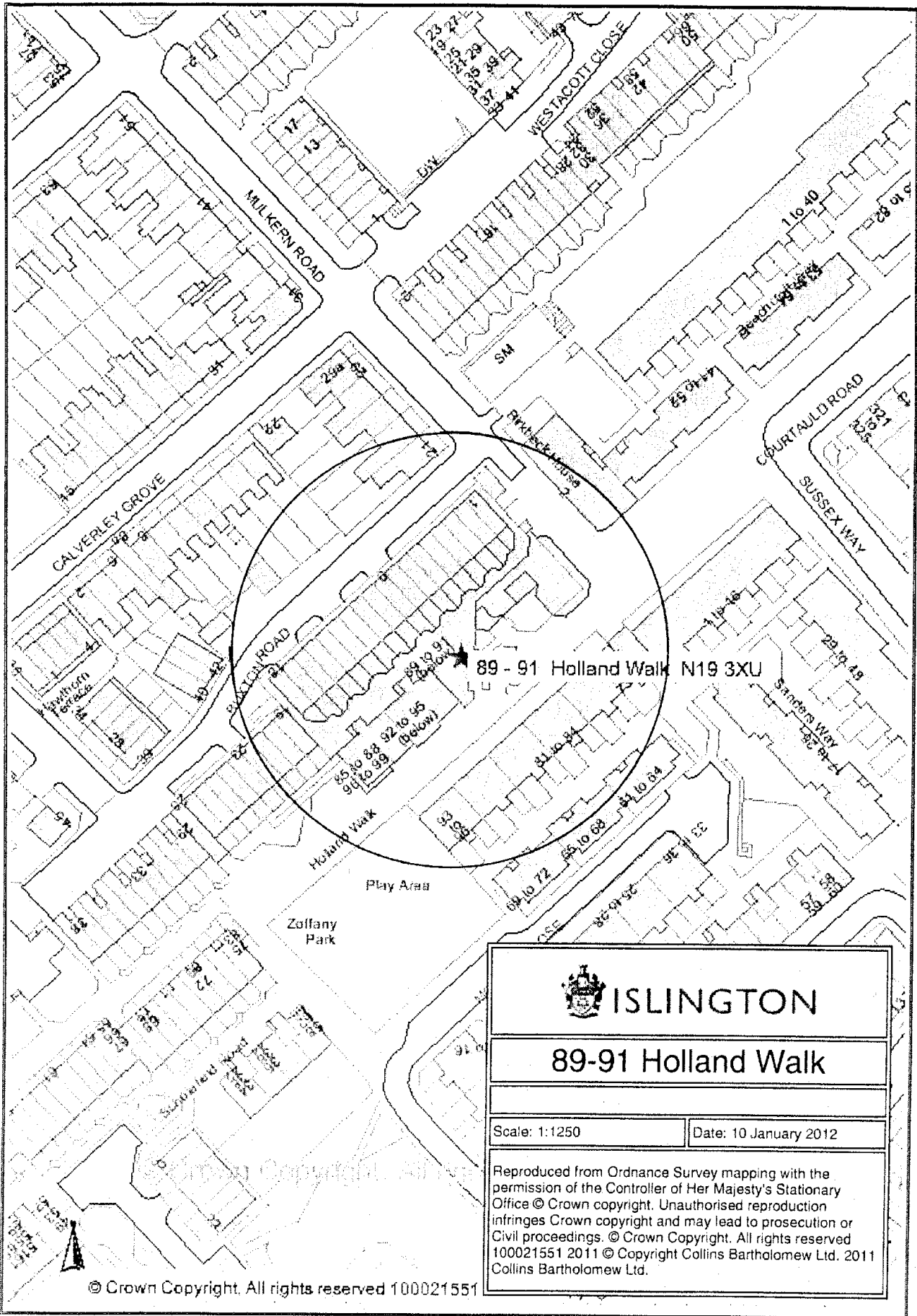
Since 14<sup>th</sup> January 2012 the Goldstar has not been selling alcohol with the screens pulled down over the alcohol sales counters. Residents report that in this time there has been no large group of youths gathering in the area.


I firmly believe that a refusal of this application will assist reduce anti-social behaviour within the Elthorne estate and improve the quality of life for those resident in close proximity to this shop.

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

**Suggested conditions**

As per current licence



 <b>ISLINGTON</b>	
<b>89-91 Holland Walk</b>	
Scale: 1:1250	Date: 10 January 2012
<small>Reproduced from Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. © Crown Copyright. All rights reserved 100021551 2011 © Copyright Collins Bartholomew Ltd. 2011 Collins Bartholomew Ltd.</small>	