



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 th March 2013	B1	Barnsbury

Delete as appropriate		Non-exempt
-----------------------	--	------------

Subject: PREMISES LICENCE NEW APPLICATION
RE: BARNSBURY EXPRESS, 9 BARNSBURY ROAD, LONDON, N1 0HG

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003.
- 1.2 The new application is to:
 - i) Allow the supply of alcohol, off sales only, Mondays to Sundays from 08:00 until 23:00.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 To consider that this address is in the Kings Cross Saturation or "Cumulative Impact Policy" of Islington. This special policy creates a rebuttable presumption that applications for new premises licences, club premises certificates, or variation applications that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

- 2.3 If the Committee grants the application it should be subject to:
- i. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 4);
 - ii. conditions recommended by responsible Authorities (see appendix 4);
 - iii. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

3.1 Papers are attached as follows:-

- Appendix 1: application form;
Appendix 2: representation;
Appendix 3: Summary of meeting with Mr Mehmet Top; and
Appendix 4: suggested conditions and map of premise location.

3.2 Brief licensing history at premises:

- 3rd February 2010, Premises Licence granted to Dilan London Ltd;
- 9th June 2010, Ibrahim Halil Boyraz becomes the Designated Premises Supervisor;
- 9th October 2012, premises licence review sought by Islington Council's Trading Standards Service as a result of illicit alcohol & cigarettes having been discovered on the premises,
- 29th November 2012, premises licence revoked at Licensing Sub-Committee 'C' meeting;
- 21st December 2012, appeal submitted and is on-going;
- 10th January 2013, new premises licence application submitted by Mr Mehmet Top;
- 20th February 2013, meeting with Mr Mehmet Top and Ms Ebru Top (assisting with interpretation). Doug Love (Trading Standards) and Dan Whitton (Licensing) in attendance.

- 3.3 The Licensing Authority has received 1 letter of representation from the Council's Trading Standards Service.

4. Planning Implications

- 4.1 None.

5. Conclusion and reasons for recommendations

- 5.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, 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

James Gibbons
Service Director - Public Protection

Date 28/2/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk

APPENDIX 1.
2013 00728

NATS diag. not banked.

**Application for a premises licence to be granted
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/We Mr Mehmet Top

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Barnsbury Express 9 Barnsbury Road			
Post town	London	Post code	N1 0HG

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£7700

COMMERCIAL/LICENSING
10 JAN 2013
PUBLIC PROTECTION DIVISION
222 UPPER ST. LONDON N1 1XR
 please complete section (A)

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick yes

- a) an individual or individuals *
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)

- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Top			First names Mehmet		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		103 Rushmore Road			
Post Town	London		Postcode	E5 0EY	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes

Current postal address if different from premises address			
Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year	
0	7	0	2	2	0
				1	3

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year	

Please give a general description of the premises (please read guidance note1)
Please refer to the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 4) n/a		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5) n/a		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

I

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed				
Thur				
Fri				
Sat				
Sun				
			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			Will the facilities for dancing be indoors or outdoors or both – please tick (see guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
			Please give a description of the facilities for dancing you will be providing		
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
Wed					
Thur					
Fri					
Sun					
			State any seasonal variations for providing dancing facilities (please read guidance note 4)		
			Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3) N/A					
Mon								
Tue								
Wed						<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4) N/A		
Thur								
Fri						<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat								
Sun								

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) N/A		
Mon	08:00	00:00			
Tue	08:00	00:00			
Wed	08:00	00:00			
Thur	08:00	00:00			
Fri	08:00	00:00			
Sat	08:00	00:00			
Sun	08:00	00:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) N/A		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Mr Mehmet Top	
Address	
Postcode	
Personal Licence number (if known) in progress LBH - PER - N - 1892 .	
Issuing licensing authority (if known) L.B. of Hackney	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) N/A
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) N/A
Mon	08:00	00:00	
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

b) The prevention of crime and disorder

At least 2 members of staff will be on the floor between 21.00 to closing time.

CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.

c) Public safety

Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H₂O and CO₂), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting. All appliances are checked annually and comply with relevant British Standards.

All fire escapes/escape routes will be clearly marked and kept free from obstructions at all times.

d) The prevention of public nuisance

Clear and legible notices will be displayed to remind customers to leave quietly.

Trade waste agreement to be maintained at all times.

There shall be no more than 4 patrons outside the premises after 22:00

e) The protection of children from harm

To protect the children from harm we have following steps taken

- 1- the premises are effectively and responsibly managed;
- 2- provision of a sufficient number of people employed or engaged
- 3- appropriate instruction, training and supervision of those employed or engaged
- 4- The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
- 5- A register of refused sales shall be kept and maintained on the premises

--


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	07 th Jan 2013
Capacity	Authorised Agent

For joint applications signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)			
Licensing Department NARTS 53 Stoke Newington High Street			
Post town	London	Post code	N16 8EL
Telephone number (if any)	020 7241 3636		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			
yuksel.uylan@narts.org.uk			

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Part A

Consent of individual to being specified as premises supervisor

I MR MEHMET TOP [full name of prospective premises supervisor]

of..

..... [home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for NEW PREMISES APPLICATION [type of application]

by MR MEHMET TOP [name of applicant] relating to a premises licence NOT KNOWN YET [number of existing licence, if any] for

BARNSBURY EXPRESS, 9 BARNSBURY ROAD, LONDON, N1 0HG

[name and address of premises to which the application relates] and any premises licence to be granted or varied in respect of this application made by

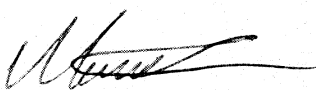
MR MEHMET TOP [name of applicant] concerning the supply of alcohol at BARNSBURY EXPRESS, 9 BARNSBURY ROAD, LONDON, N1 0HG [name and address of premises to which application relates].

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

LBH-PER-N-1892

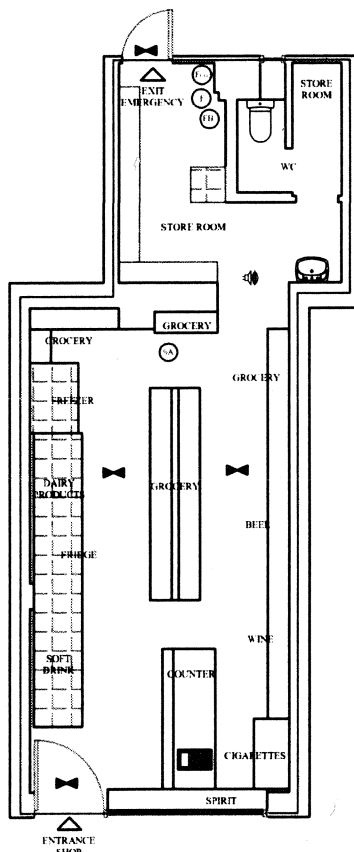
Personal licence number NOT KNOWN YET [insert personal licence number, if any]

Personal licence issuing authority London Borough of Hackney

x 

..... signed
MEHMET TOP name (please print)

09/01/2013 dated



LEGEND	
	FRIDGES OR FREEZER
	AMBIT OF LICENSED PREMISES
	SAFETY LIGHTS
	SMOKE DETECTOR
	FIRE ALARM BELL
	CARBON DIOXIDE FIRE EXTINGUISHER
	9 LT. WATER FIRE EXTINGUISHER
	FIRE BLANKETS

AMENDMENTS	
A	
B	
<p>The contents of this plan including the printed notes are copyright and reproduction in whole or part is not permitted without prior consent of Amalia Torre in writing.</p>	
<p>ODESSE FOOD & WINE 9 BARNSBUTY ROAD N1 0HE (ISLINGTON) LONDON</p>	
<p>PROPOSED -GROUND FLOOR</p>	
SCALE 1/100 @A4	Date : 7 JANUARY 13
Ref.No : OFW-P-1	
<p>ACT 2003 55 STOKE NEWINGTON HIGH STREET N16 8EL TEL: 020 72413636 FAX: 08716615283 www.act2003.com</p>	



ISLINGTON

PUBLIC PROTECTION DIVISION

Trading Standards
222 Upper Street
London N1 1XR

Tel: x 3874
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 01/02/13

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Barnsbury Express, 9 Barnsbury Road, N1 0HG

I have examined the application for a licence for the above premises on behalf of the Trading Standards Section. I wish to make the following representations as Trading Standards have serious concerns over the steps to prevent crime and disorder and to protect children from harm outlined in the application.

1. Enforcement action

1.1 The shop currently at this address is trading under appeal after the current premises licence was recently revoked. The revocation was made in response to a review application made by Trading Standards after illicit goods were found in the premises in September 2010 and again in April 2012.

2. Trading Standards' concerns

2.1 Our main concern is that the applicant has not made himself available to meet with PC Don Stewart of Islington Licensing Police Team and me, so there are many unanswered questions that need resolving before Trading Standards can possibly make a reasoned assessment of the applicant. PC Stewart has, I understand, tried to make arrangements for a meeting without a positive response.

2.2 This indicates, to me, that the applicant is already failing to engage with the Police and Trading Standards and is a cause for grave concern.

2.3 I would, of course, be slightly less concerned if the applicant's relationship with the family that was running the business at the time of the revocation (and to the best of my knowledge still do) was explained and the operating schedule was comprehensive in outlining the precautions the applicant will take to ensure that no illicit goods are found in the premises in future. Unfortunately, there is a complete absence of information that would clarify either of these issues.

3. Proposed steps to prevent crime and disorder and to promote the protection of children from harm

3.1 Whilst acknowledging that this application was made under the Licensing Policy 2011-14, which is less explicit on the need for applicants to engage with the Licensing Authority and Responsible Authorities than the new one is, the approach, so far, of this applicant is not sufficient to give me any confidence that they will be capable of maintaining a high standard of management. In these circumstances I believe that the application should be refused

I believe these representations are specific and proportionate to the known trading characteristics of this retail sector and are consistent with the Islington Council Statement of Licensing Policies 32 and 39.

Doug Love
Principal Consumer Services Officer

- No alcoholic goods will ever be purchased or taken from persons calling to the shop.
- No spirits shall be purchased in a resealed box.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
- The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters.
- 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 training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
- The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.

Meeting Summary

Present: Mehmet Top (applicant); Ebru Top (assisting with interpretation); Doug Love (TS); Dan Whitton (Licensing)

- MT confirmed that he had entered into a lease agreement allowing him to run a business at 9 Barnsbury Road, N1 0HG for five years between 06/02/13 & 05/02/18.
- The lease agreement is signed and has already taken effect. Mr Top stated that there was no condition in the agreement that allows him to escape it in the event of a licence not being granted &/or the revocation of the current licence being upheld on appeal.
- The applicant has a friend who is a friend of the current DPS, Ibrahim Boyraz. It was through this friend that Mr Top was aware of the lease being for sale.
- Mr Top is currently authorised by Mr Boyraz to sell alcohol and he is aware that he must comply with the conditions on the current premises licence.
- Mr Top currently employs two people to work in the shop.
- DL explained that he would like MT to agree to conditions relating to the prevention of underage sales and actions to prevent the sale of illicit goods. A hard copy of these conditions was given to Mr Top.
- DL stated that it was the practice of Trading Standards to allow new applications for premises where there has previously been a revocation to be heard by a Committee. Therefore, he confirmed that he would not be in a position to withdraw his representations, even were the proposed conditions agreed.
- DL explained that the new Licensing Policy sets a higher bar for applicants and drew Mr Top's attention to Licensing Policy 10, in particular. DL stated that the effect of LP 10 was likely to be that the Committee who hears the application would wish to establish that the applicant's knowledge, engagement with the authorities and ability to run a business was sufficient to meet 'High Standards of Management'.
- DL gave the applicant an Age Restricted Goods advice pack; the illicit alcohol guidance sheet; a copy of the proposed conditions; and a Turkish language summary of the advice (which is not as comprehensive as the English language version, so should not be seen as an alternative). DL advised that the Committee would expect evidence to be produced to show that the applicant was complying with the conditions and following the advice before the application is decided.
- DW made the applicant aware of Licensing Policy 8. This says that the Council would prefer the latest time off licences were open to be 11pm – there would have to be certain information in the operating schedule (detailed in the Policy) before extended hours were likely to be granted.

Suggested conditions of approval consistent with the operating schedule

1. At least two members of staff will be on the shop floor between 21:00 and closing time.
2. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
3. Clear and legible notices will be displayed to remind customers to leave quietly.
4. There shall be no more than 4 patrons outside the premises after 22:00.
5. Appropriate instruction, training and supervision of all staff in relation to age restricted products shall take place and be recorded.
6. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic Driving licence or Passport, an Official Identity Card issued by HM Forces or by an EU Country, bearing the photograph and date of birth of the bearer.
7. A register of refused sales shall be kept and maintained on the premises.

Suggested conditions of approval recommended by Trading Standards

8. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
9. No spirits shall be purchased in a resealed box.
10. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
11. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
12. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
13. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
14. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
15. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the display of posters.
16. 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 training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
17. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
18. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection upon request by the licensing team, police or trading standards.

Richmond Rd

10
19
51
20
12
10
152

