



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	23 May 2013	52	Caledonian

Delete as appropriate	Exempt	Non-exempt

**Subject: PREMISES LICENCE NEW APPLICATION**  
**RE: DA HAI CHINESE SUPERMARKET, 334-336 CALEDONIAN ROAD, LONDON N1 1BB**

## 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) Supply alcohol for consumption off the premises 10:00 to 23:00 Monday to Sunday;

## 2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 19 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 of the current premises licence;
  - ii) conditions prepared by the Licensing Officer which are consistent with the Operating Schedule

- iii) conditions recommended by responsible Authorities
- iv) any conditions deemed necessary by the Committee to promote the four licensing objectives.

### 3. Background

3.1 The premises currently hold a licence for the sale of alcohol for consumption on the premises Monday to Sunday from 10:00 to 23:00. The licensee and DPS is Mr Kemal Tuzen. There is a condition on the licence preventing its use until health and safety works are completed and inspected by the responsible authority for Health & Safety.

3.2 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2a: name & address details of those persons making representations;
- Appendix 2: representations;
- Appendix 3: suggested conditions and map of premise location.

3.3 The Licensing Authority has received representations from the Licensing Authority, Trading Standards, Noise Team and a ward councillor.

### 4. Planning Implications

4.1 This site was granted planning permission in 2009 for an A3 restaurant and this permission appears to have been implemented. The current use shown on the licensing application is A1 (retail). Planning permission is not required to change from and A3 to an A1 use.

### 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

Service Director - Public Protection

Date

#### Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020-7527-3031

Fax: 0207-527-3057

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

WR/201303069

Rept 54496

CHQ 100063

T.LANE

5/2/13

OK to  
Process  
TL

[Insert name and address of relevant licensing authority and its reference number (optional)]

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. WEI HAI XIE 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 <u>DA HAI CHINESE SUPERMARKET</u> <u>334-336 Caledonian Rd NI</u>	
Post town	Post code <u>NI 1BB</u>

Telephone number at premises (if any)

0207 607 5899

Non-domestic rateable value of premises

£ 5000

Part 2 - Applicant details

Please state whether you are applying for a premises licence as

Please tick ✓ yes

- a) an individual or individuals\*  please complete section (A)
- 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)

COUNCIL LICENSING	
<u>5/2/13</u>	Fee Paid <u>190</u>
<u>100063</u>	
<u>54496</u>	
<u>JWJ</u>	

- 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  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

Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

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**

**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
01	03	2013

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

Day	Month	Year

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

Please give a general description of the premises (please read guidance note 1)

The premises, situated in Central London near King's Cross station in Caledonian Rd N1. The supermarket is providing a large amount of Chinese, Korean, Japanese product 90% is food. The owner of the business plan to sell alcohol as well.

Customers are only allowed to take away product from the supermarket not consuming the product within the premises.

What licensable activities do you intend to carry on from the premises?  
(Please see sections 1 and 14 of the Licensing Act 2003 and Schedule 1 and 2 to the Licensing Act 2003)

Please tick ✓ yes

**Provision of regulated entertainment**

- 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 for:**

- 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**

<b>Plays</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of a play take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for performing plays (please read guidance note 4)</b>		
Thur						
Fri				<b>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)</b>		
Sat						
Sun						

**B**

<b>Films</b> Standard days and timings (please read guidance note 6)			<b>Will the exhibition of films take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors		
Day	Start	Finish		Outdoors		
Mon			<b>Please give further details here (please read guidance note 3)</b>	Both		
Tue						
Wed				<b>State any seasonal variations for the exhibition of films (please read guidance note 4)</b>		
Thur						
Fri				<b>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)</b>		
Sat						
Sun						



**C**

<b>Indoor sporting events</b> Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
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**

<b>Boxing or wrestling entertainments</b> 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 [Y]</u> (please read guidance note 2)	Indoors	
Day	Start	Finish		Outdoors	
Mon				Both	
Tue			<u>Please give further details here</u> (please read guidance note 3)		
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**

<b>Live music</b> Standard days and timings (please read guidance note 6)			<b>Will the performance of live music take place indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	Indoors	
Day	Start	Finish		Outdoors	
Mon			<b>Please give further details here (please read guidance note 3)</b>		
Tue					
Wed			<b>State any seasonal variations for the performance of live music (please read guidance note 4)</b>		
Thur					
Fri			<b>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 (please read guidance note 5)</b>		
Sat					
Sun					

**F**

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

## G

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

Sat			<b>Non standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)</b>
Sun			

<b>Provision of facilities for making music</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the facilities for making music you will be providing</b>							
			<b>Will the facilities for making music be indoors or outdoors or both – please tick [Y] (please read guidance note 2)</b>	<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors										
Outdoors										
Both										
Day	Start	Finish								
Mon			<b>Please give further details here (please read guidance note 3)</b>							
Tue										
Wed										
Thur										
			<b>State any seasonal variations for the provision of facilities for making music (please read guidance note 4)</b>							
Fri			<b>Non standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)</b>							
Sat										
Sun										

<b>Provision of facilities for dancing</b> Standard days and timings (please read guidance note 6)			<b>Will the facilities for dancing be indoors or outdoors or both – please tick [Y] (see guidance note 2)</b>						
			<table border="1"> <tr> <td>Indoors</td> <td></td> </tr> <tr> <td>Outdoors</td> <td></td> </tr> <tr> <td>Both</td> <td></td> </tr> </table>	Indoors		Outdoors		Both	
Indoors									
Outdoors									
Both									
Day	Start	Finish	<b>Please give a description of the facilities for dancing you will be providing</b>						

Mon			<b>Please give further details here</b> (please read guidance note 3)
Tue			
Wed			<b>State any seasonal variations for providing dancing facilities</b> (please read guidance note 4)
Thur			
Fri			<b>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</b> (please read guidance note 5)
Sat			
Sun			

## K

<b>Provision of facilities for entertainment of a similar description to that falling within I or J</b> Standard days and timings (please read guidance note 6)			<b>Please give a description of the type of entertainment facility you will be providing</b>	
Day	Start	Finish	<b>Will the entertainment facility be indoors or outdoors or both – please tick [Y]</b> (please read guidance note 2)	Indoor
Mon				Outdoor
Tue			<b>Please give further details here</b> (please read guidance note 3)	Both
Wed				
Thur				<b>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within j or k</b> (please read guidance note 4)
Fri				
Sat				
Sun				<b>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</b> (please read guidance note 5)

L

<b>Late night refreshment</b> 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 [Y] (please read guidance note 2)	Indoors				
				Outdoors				
				Both				
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 3)					
Mon								
Tue								
Wed						<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 4)		
Thur								
Fri						<b>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</b> (please read guidance note 5)		
Sat								
Sun								

M

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption (Please tick box Y) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input checked="" type="checkbox"/>			
				Both				
Day	Start	Finish	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 4)					
Mon	10:00	23:00						
Tue	10:00	23:00						
Wed	10:00	23:00				None		
Thur	10:00	23:00						
Fri	10:00	23:00				None		
Sat	10:00	23:00						
			<b>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</b> (please read guidance note 5)					

Sun	10:00	23:00	
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State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name..... MR. WEI HAI XIE  
 Address..... 52 FALCON ST.  
 PLAISTOW LONDON  
 Postcode..... E13 8DE  
 Personal Licence number(if known)..... 12/01/07/LIPERS  
 Issuing licensing authority (if known)..... Croydon

**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)

None

**O**

Hours premises are open to the public Standard timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	09:00	23:00	N/A
Tue	09:00	23:00	
Wed	09:00	23:00	
Thur	09:00	23:00	
Fri	09:00	23:00	
Sat	09:00	23:00	
Sun	09:00	23:00	
Non standard timings. Where you intend to use 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

**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)

b) The prevention of crime and disorder

CCTV installed

c) Public safety

Emergency lighting certificate  
Electrical certificate  
Smoke Alarm. Fire Extinguishers

d) The prevention of public nuisance

No delivery between 10pm-8am  
No music played

e) The protection of children from harm

Do not service children under  
Eighteen, charge 25, check  
I.D. if is necessary passport <sup>Driving</sup> <sub>license</sub>



Please tick ✓ yes

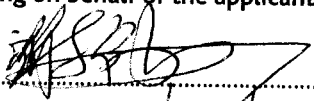
- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- 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.....

5/2/2013

Capacity

For joint applications signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> 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)	
Post town	Post code
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	

REP 1

[Empty rectangular box]

**Islington Licensing Authority  
Licensing Act 2003**

**REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES**

**Responsible Authority - Environmental Protection**

<b>Your Name</b>	Chris Imoke
<b>Job Title</b>	Environment Health Officer
<b>Postal and email address</b>	Municipal Offices 222 Upper Street Islington N1 1XR Chris.imoke@islington.gov.uk
<b>Contact telephone number</b>	0207527-3471

<b>Name of the premises you are making a representation about</b>	Da Hai Chinese Supermarket
<b>Address of the premises you are making a representation about</b>	334-336, Caledonian Road London N1 1BB.

***Please detail the evidence supporting your representation. Or the reason for your representation.  
Please use separate sheets if necessary***

**To prevent public nuisance**

We are making our representation for the minimisation and prevention of risk of noise pollution to neighbouring residential occupiers. We make the following observations:

I note there are residential properties above the licensed premises and in the vicinity. The potential for noise outbreak to the annoyance of residents in these properties is likely.

I have concerns regarding the impact from the proposed commercial activities on nearby neighbours, due to the late hours applied for.

**The Noise Team therefore object to this licence. I would add that the objection will be withdrawn provided the paragraphs below are accepted as conditions.**



**Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheet where necessary.**

- 1. No deliveries will take place on Sundays or Bank Holiday and between the hours of 10pm and 8am other days of the week.**
- 2. No rubbish including bottles will be moved, removed or placed in outside area on Sunday or Bank Holiday and between the hours of 10pm and 7am other days of the week.**
- 3. Customers of the premises shall be encouraged, by signs within the premises prominently displayed at the exit, to leave the premises quietly.**

Signed: \_\_\_\_\_ Date: \_\_\_\_\_ Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

**This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031**

**Licensing Act 2003- Representation from the Licensing Authority**  
**Application: Da Hai 334-336 Caledonian Road, London N1 1ED**

I am submitting a representation on behalf of the Licensing Authority against the new application for a Premises Licence to permit the sale of alcohol for consumption off the premises from 10:00 to 23:00 Mon-Sun

The grounds for the representation are:

- Public nuisance
- Crime and disorder

Da Hai, which is located in the Caledonian Ward, is within the Kings Cross Cumulative Impact Area and any further increase in the availability of alcohol needs to be carefully managed to ensure that there will be no negative impacts on crime, disorder and public nuisance.

There are 97 licensed premises licenced to sell alcohol in the Caledonian Ward, 58 are licenced to supply alcohol for consumption off the premises.

The area already has sufficient licensed premises to cater for demands of local residents and any additional outlets supplying alcohol will be detrimental to the local residents in terms of noise and disturbance and increase the potential for increasing alcohol related crime and disorder. In 2012 the council set up the Caledonian Community Alcohol Partnership to tackle alcohol crime and disorder associated with underage sales in licenced premises. This partnership approach between council, police, community and the off licence trade has made significant improvements but these gains could easily be undermined through an expansion of the off licenced trade in the area.

In determining this application the Licensing Committee should be mindful of Licensing Policies 2 and 4 concerning cumulative impact and shops selling alcohol respectively.

The premises will operate as a specialist Chinese food supermarket. The proposal to stop the sale of alcohol at 11pm is welcome however the area is already saturated with licenced premises and another off licence will add to the cumulative impact.

To militate against adding to the cumulative impact the Licensing Authority recommends that any premises licence granted consideration be given to restricting the sale of alcohol to specialist Chinese, Japanese Korean and other far eastern brands,

### **Recommendation**

If the licence is granted the following conditions should be added to the premises licence:

1. The sale of alcohol should be ancillary to the retail sale of Chinese food and drink
2. The sale of alcohol on the premises shall be restricted to the sale of specialist Chinese, Japanese Korean and other far eastern brands of alcohol only.

Janice Gibbons  
Service Manager  
Islington Council  
Public Protection Division  
222 Upper St  
London N1 1XR  
Janice.gibbons@islington.gov.uk

4 March 2013

**Williams, John**

---

**From:** Tomashevski, Kathleen  
**Sent:** 11 March 2013 13:07  
**To:** Williams, John  
**Subject:** FW: Premises Licence Application: -Da hai Chinese supermarket

For the file.

-----Original Message-----

**From:** Convery, Paul  
**Sent:** 11 March 2013 13:05  
**To:** Licensing; Perry, Rupert; Pullen, Charlynnne  
**Cc:** Tomashevski, Kathleen  
**Subject:** RE: Premises Licence Application: -Da hai Chinese supermarket

I object to the granting of this license.

The Council's licensing policy has established an area of cumulative impact ("saturation zone") which includes the part of Caledonian Rd where these premises are located.

Within the area of cumulative impact there is a presumption to refuse applications which are likely to add to the existing impact. I have reviewed the Operating Schedule of the application and see no evidence that the applicant has addressed the core concerns about excessive sale of alcohol in the area or submitted any case to show why there might be circumstances that are exceptional to this individual application. In relation to the first two licensing objectives, the applicant says merely they will install CCTV and have emergency detection and equipment, which is a quite normal expectation of any retail premises. The applicant has stated they will meet the 4th licensing objective by not selling alcohol to minors and adherence to Challenge 25, one of which is a legal requirement for any licensed premise.

These statements do not address the reason why a cumulative impact area is in force because crime, disorder and public nuisance are exacerbated by excessive supply of alcohol in the area and the Licensing Authority's policy is adopted in order to reduce purchase of alcohol outside normal hours. The applicant has not addressed the patterns of crime and disorder in the wider neighbourhood that are directly caused by easy access to off-sales at irregular hours.

I have visited this store and can see that a very welcome speciality food retailer is doing good business and I wish them well. However, I believe that an additional alcohol outlet is not required on the Caledonian Rd and the applicants have not presented a case for exceptional treatment.

Paul Convery

Labour Councillor for Caledonian Ward, LB Islington Executive Member for Community Safety(Policing, crime, licensing and public protection) Town Hall, Upper Street, London N1 2UD  
 020-7527-3051 (PA)

-----Original Message-----

**From:** Williams, John  
**Sent:** 05 February 2013 15:29  
**To:** Perry, Rupert; Convery, Paul; Pullen, Charlynnne  
**Cc:** Tomashevski, Kathleen  
**Subject:** Premises Licence Application: -Da hai Chinese supermarket

Dear Sir/Madam,



**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: 19/03/13

### **LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

**Wei Hai Xie, 334-6 Caledonian Road, N7 6PD**

1. The application for a licence for the above premises has been examined by the Trading Standards Section. I wish to argue that the application should be rejected.
2. I have concerns that the steps to prevent crime and disorder and to protect children from harm outlined in the application are not detailed enough. I am also very concerned that the applicant has failed to respond to two e-mails, sent on 25<sup>th</sup> February and 5<sup>th</sup> March. The first e-mail invited the applicant to consider conditions proposed by Trading Standards and to indicate whether or not these conditions were acceptable to him. The second stated that applicants were expected to engage with responsible authorities and that if contact was not made by the applicant by 14<sup>th</sup> March, then I would be objecting to the application.
3. The application itself does touch briefly on precautions to help minimise the risk of underage sales, but does not refer to illicit alcohol at all. Given the very high rate of non-compliance found in Islington's off-licences over the last three years, I believe that detailed information on how the applicant will ensure legal compliance would have been helpful.
4. The application also does not show that the applicant has comprehensive knowledge of best practice; nor that he is able to understand verbal and written advice, both of which are required by Licensing Policy 10.
5. It is possible that the applicant will make a knowledgeable and responsible licensee, but I have no way of judging this. Given this absence of evidence, my provisional recommendation is that the application is rejected.
6. Should the Licensing Sub-Committee decide to grant the application, I would request the following conditions are included.
  - 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 instructions 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.

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 10, 25 & 26.

Doug Love  
Principal Consumer Services Officer

**Suggested conditions of approval consistent with the operating schedule**

1. 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.
2. The emergency lighting, electric and fire safety equipment certificates shall be kept up to date and available for inspection by the licensing authority.
3. No music shall be played at the premises.
4. The licensee shall adopt the Challenge 25 and the BII National Standards Proof of Age Scheme.

**Suggested conditions of approval from the Noise Team**

5. No deliveries shall take place on Sundays or Bank Holidays and between the hours of 22:00 and 08:00 other days of the week.
6. No rubbish including bottles will be moved, removed or placed in outside areas on Sunday or Bank Holiday and between the hours of 22:00 and 07:00 other days of the week.
7. Customers of the premises shall be encouraged, by way of signs within the premises prominently displayed at the exit, to leave the premises quietly.

**Suggested conditions of approval from the Licensing Authority**

8. The sale of alcohol should be ancillary to the retail sale of Chinese food and drink.
9. The sale of alcohol on the premises shall be restricted to the sale of specialist Chinese, Japanese, Korean and other far eastern brands of alcohol only.

**Suggested conditions of approval from Trading Standards**

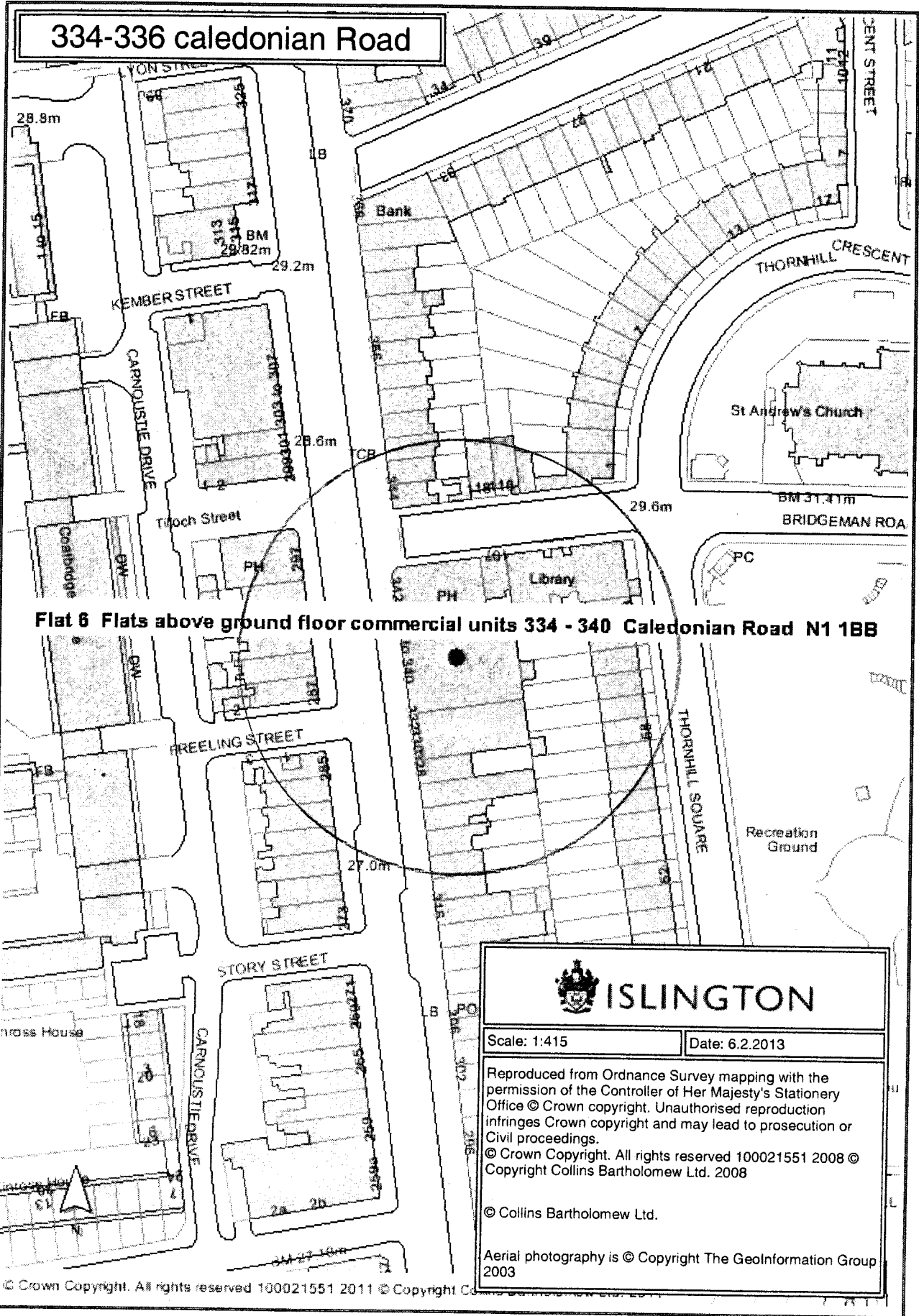
10. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
11. No spirits shall be purchased in a resealed box.
12. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
13. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
14. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
15. 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.
16. 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.
17. 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.
18. 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.

19. 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.
20. 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.
21. Noise or vibration shall not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
22. Signs should be displayed in the shop in prominent locations requesting customers to leave quietly.
23. No deliveries or waste collections shall take place between 23.00 and 07.00 Mondays to Saturdays and no deliveries or waste collections on Sundays and Bank Holidays.

334-336 caledonian Road



Flat 6 Flats above ground floor commercial units 334 - 340 Caledonian Road N1 1BB



Scale: 1:415 Date: 6.2.2013

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