



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	Monday 7 October 2013	B2	Finsbury Park

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: BROTHERS SUPERMARKET, 60 FONTHILL ROAD, LONDON, N4 3HT

1. Synopsis

- 1.1 This is an application by Trading Standards 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. The review application is requesting that premises licence is revoked.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of crime and disorder

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 are currently licensed for the sale of alcohol for consumption off the premises on Monday to Saturday 08:00 until 23:00 and Sunday from 10:00 until 22:30.
- 3.2 Papers are attached as follows:-
 - Appendix 1: application form from Trading Standards;
 - Appendix 2: current premises licence;
 - Appendix 3: Representations;
 - Appendix 4: suggested conditions and map of premise location
- 3.3 The Licensing Authority has received a representation from Metropolitan Police and the Licensing authority.
- 3.4 The premises licence was reviewed by Trading Standards on 18 August 2011; this review was on the grounds of the prevention of crime and disorder and the protection of children from harm for illicit alcohol and smuggled tobacco. On the 3 November 2011 the premises licence was suspended for two weeks by the Councils licensing Sub Committee. The licence holder accepted this decision, and the licence was suspended on 25 November 2011.

4. Planning Implications

- 4.1 There are no planning issues with this premise.

5 Conclusion and reasons for recommendations

- 5.1 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

Date

27-9-13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: Licensing@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:

**Brothers Supermarket
(also known as Fonthill Mini Market)
60 Fonthill Road**

Post town: **London**

Post code: **N4 3HT**

Name of premises licence holder or club holding club premises certificate:

Haydar Koca

Number of premises licence or club premises certificate: **137513 – 8122011**

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: 020 7527 3458
E-mail: <u>david.fordham@islington.gov.uk</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

This application to review relates to the objective to prevent crime and disorder and licensing policies 26 & 10. It particularly relates to the presence on the premises of non-UK duty paid tobacco products and the failure to exhibit a high standard of management at the business. The latter is exemplified by a failure to properly supervise staff and a lack of both knowledge of the licence conditions and an appreciation of their importance.

Fonthill Mini Market is owned by Haydar Koca, who is also the Licensee and Designated Premises Supervisor (DPS). Mr Koca has been Licensee and DPS since 2008.

On 03rd November 2011, the premises licence was suspended for two weeks and conditions were added to the licence after a review had been bought by Trading Standards. The review application was made following two incidents. In May 2011 the licensee sold non-UK duty paid hand-rolling tobacco to Katherine Forrest of Trading Standards, who was posing as a customer, and eight more 50g pouches were subsequently seized. Then, in June 2011 sixty-two bottles of counterfeit Jacob's Creek wine and a bottle of non-UK duty paid whisky were seized.

On 09th July 2013, Mr Love of Trading Standards was using a test purchaser, referred to as T, to test businesses to see whether they would sell illicit tobacco or loose cigarettes. Miss Forrest was also present. Fonthill Mini-Market was visited and T was sold two Marlboro Gold cigarettes that were given to him in a foreign-language pack. T was charged £1.80 for the two cigarettes and he noted that the money was put into the till. It is an offence to sell 'loose' cigarettes to any person – only full packs are legal to sell.

Mr Love, Miss Forrest and T returned to the shop and T identified the seller, whose name was Safak Ulusoy. He appeared to be the only person working in the shop, although there was another man hanging around outside the shop, who appeared to be a friend. Mr Ulusoy confirmed that he had sold the loose cigarettes and when asked if there were any more, he produced a full pack that was similar to the one sold to T and claimed that they were his and that there was no more foreign tobacco in the shop. He said he occasionally sold loose cigarettes.

Mr Love went behind the till and quickly found a concealed drawer containing 17 further packs of 20 Marlboro Gold and 8 x 50g packs of Golden Virginia. Some of the cigarettes were Polish and carried Polish tax stamps; the others carried an unidentified tax-stamp and language (possibly Bulgarian); the Golden Virginia were Belgian and carried a Benelux tax-stamp. All goods appeared to be genuine, but non-UK duty paid. These goods were all seized.

A check of the alcohol stock did not reveal anything that Mr Love considered suspect.

After leaving the shop, T – a Turkish speaker – said that he had heard Mr Ulusoy saying in Turkish to his friend "We've had it now" in relation to the discovery of the illicit tobacco.

On 16 July Mr Koca made a visit to the Council offices having phoned Mr Love to request a meeting the previous day. Mr Love and Miss Forrest met with him. During the meeting, Mr Koca (HK), stated the following:

- Safak Ulusoy (SU) was on probation at the business and had been working there for two or three weeks.
- SU had bought the tobacco for himself from someone on the street. He was keeping it in the shop, so that he could ration it out. When asked to confirm that SU smoked both cigarettes and hand-rolling tobacco, HK said that he smoked everything, including 'hash'.
- HK did not know it was in the shop. He normally keeps his chequebook in the drawer, but this was at his accountants at the moment and he had not looked in the drawer for three to four weeks.
- SU had told HK that he sold to T only because he identified him as a fellow Galatasary supporter as he had a visible tattoo that suggested this.
- HK said that he would sack SU, but not until the end of the Summer, as everyone was on holiday and it would be impossible to get anyone else to work in the shop. When Mr Love and Miss Forrest advised him against leaving someone who is prepared to keep and sell illicit tobacco at

the shop and who he knew to be a smoker of hash, suggesting that it was better to shut the shop entirely in the hours Mr Koca had no staff for, he seemed to amend his position and agree that he would sack SU.

- In response to a question about SU's training, HK stated that he had been trained, but no records had been kept. When it was pointed out to him that this was a contravention of Annex 3, condition 8 on the licence, HK claimed that his English was not good enough to understand the licence conditions. He said that, although he had gained the qualification for prospective personal licence holders (on a course run by NARTS) and subsequently obtained a personal licence, the importance of complying with licence conditions was never explained to him.
- He said that he was very sorry about the incident and would be very careful in future.

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

- | | | |
|----------|----------------|--|
| 03/11/11 | Licence review | Called after Licensee / DPS sold non-duty paid tobacco to Miss Forrest of Trading Standards and a subsequent seizure of wine and whisky. Two week suspension and conditions added by LS-C. |
| 09/07/13 | TS seizure | 18 x 20 foreign market packs of Marlboro Gold and 8 x 50g Golden Virginia discovered in a concealed drawer and seized after loose cigarettes sold. |

Recommendations

I believe that this licence should be revoked.

A period of suspension after the previous review has clearly not deterred Mr Koca sufficiently for him to ensure that his business trades legally in future.

His claim that he was unaware of the illicit tobacco on this occasion is not believable. Even if it is true, Mr Koca has failed to apply high management standards to the business - he has admitted leaving in sole charge of the shop someone who had been employed for only two or three weeks on a probationary basis and who he knew to smoke illegal drugs.

His admission that he has fundamentally misunderstood the importance of licence conditions is also of great concern.

In its Licensing Policy, Islington Council has outlined its commitment to act if licensed premises are found to be selling illicit alcohol or tobacco. The Policy is clear about its commitment to ensure businesses and licensees operate responsibly and of their need to demonstrate a commitment to high standards of management. As identified above, this business has fallen far short of these standards, and as result, I firmly believe that the licence should be revoked.

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.

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			
0	3	1	1	2	0	1	1

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

[Handwritten Signature]

Date

24th July 2013

Capacity

Service Manager (Trading Standards)

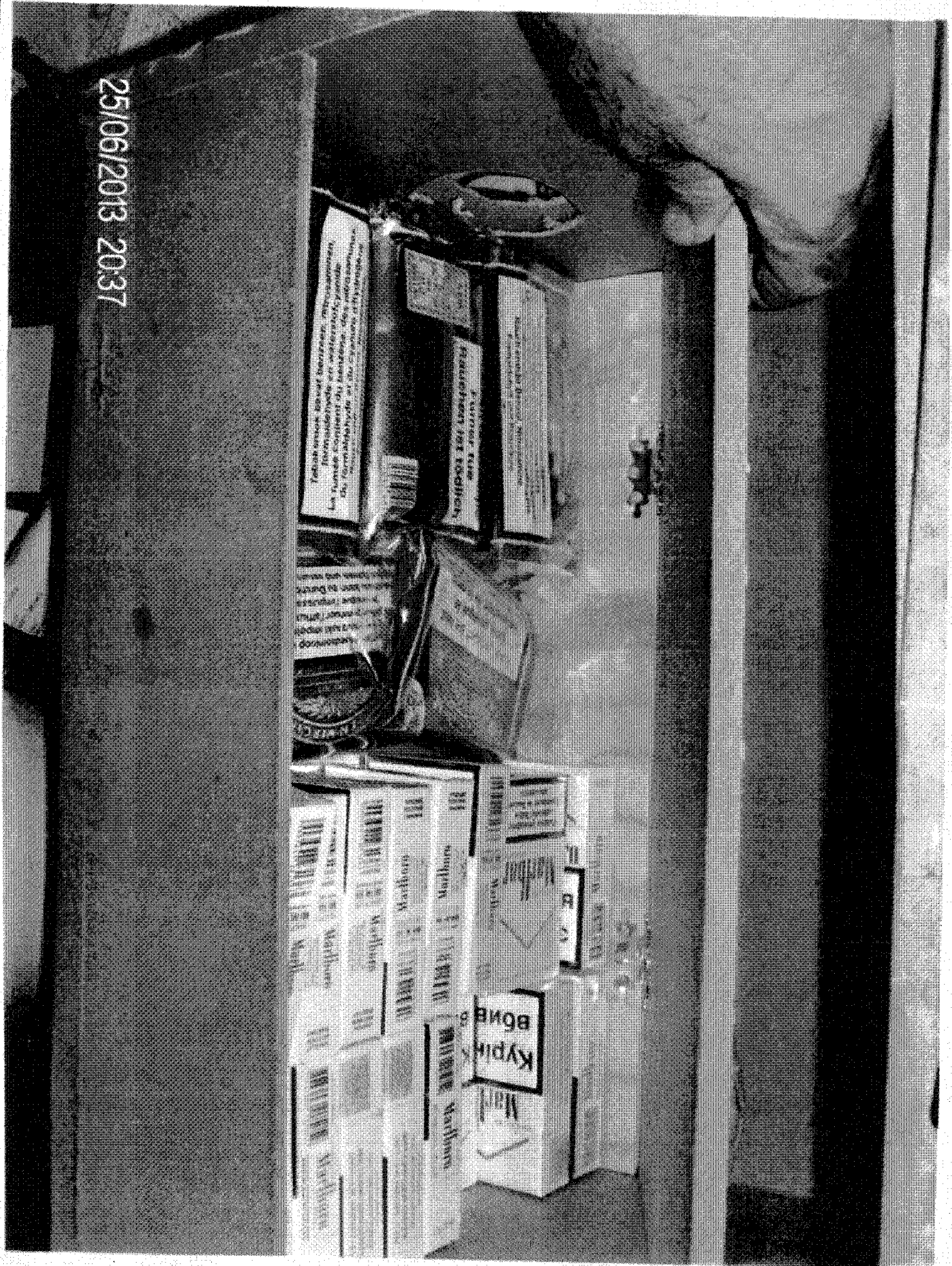
Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town	Post Code
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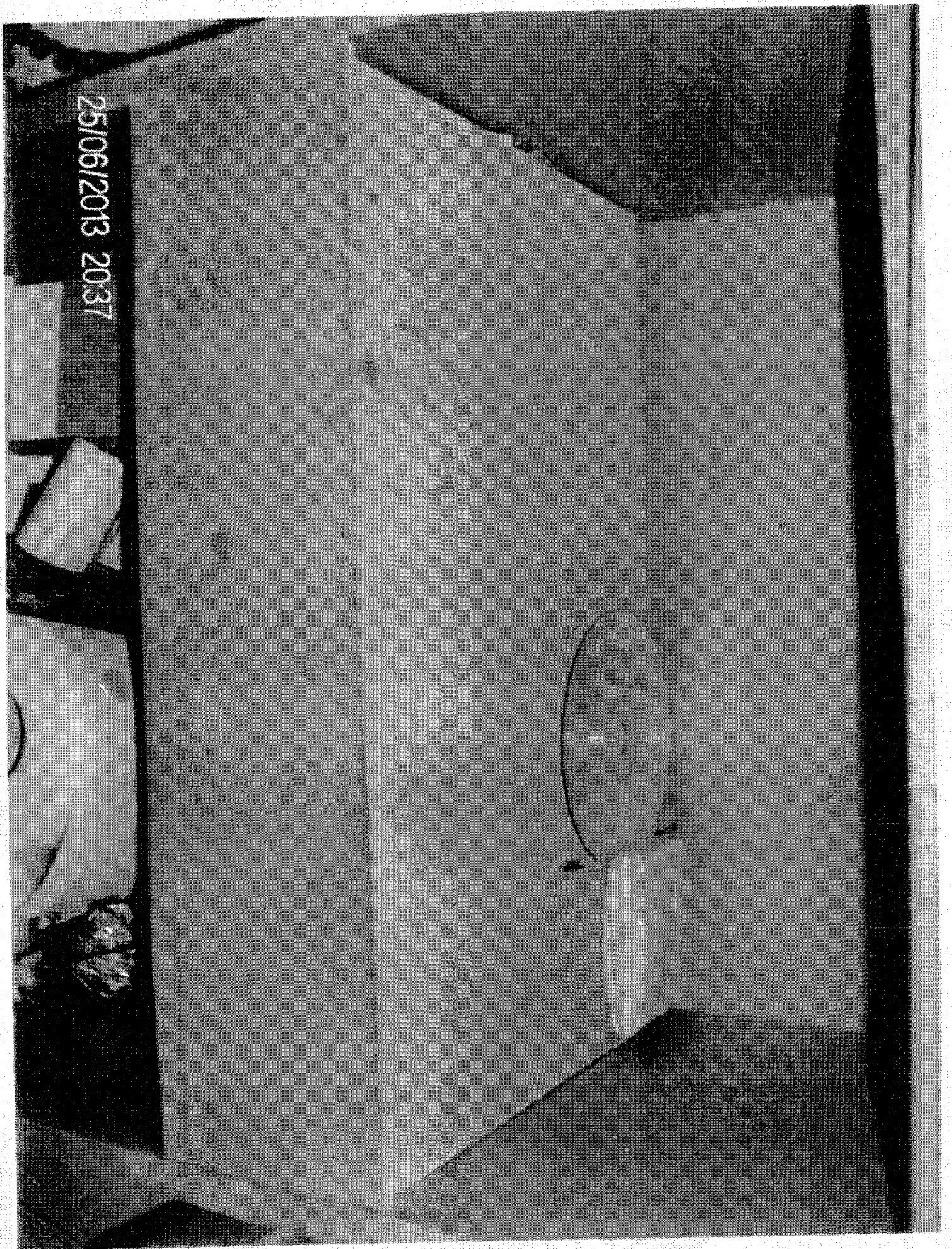
Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)





25/06/2013 20:37



25/06/2013 20:37



ISLINGTON

Environment and Regeneration

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

Licensing Team
Public Protection Division
222 Upper Street
London
N1 1XR

T 020 7527 3874
F 020 7527 3038
E doug.love@islington.gov.uk
W www.islington.gov.uk

Please reply to: Doug Love
Our ref:
Your ref:

Date: 24/07/13

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

Fonthill Mini Market, 60 Fonthill Road, N4 3HT

Islington Trading Standards wishes to apply to have the premises licence of the business trading as Fonthill Mini Market reviewed. Non-UK duty paid tobacco was discovered at the business earlier this month and a high standard of management has not been exhibited.

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

David Fordham
Service Manager Trading Standards

The Licence holder for the business
Licensing Office of Islington Police
London Fire and Emergency Planning Authority
Health & Safety Team (G Weaver)
Development Control Team, Islington Council
Noise & Pollution Team, Islington Council
The Child Protection Team, Islington Council
Public Health
Licensing Team, Islington Council

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 **Steven HARRINGTON**..... URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 193779**.....

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: *Henry C. Poyser*..... Date: **20.09.2013**.....

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

My name is Steven Harrington and I am a Police Constable 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 Brothers Supermarket, 60 Fonthill Road N4 3HT.

I have read the information provided by Mr Fordham of Islington council and agree with his concerns over the management of the business.

Previous History:

I am aware of the previous history of this premises, the license was suspended for two weeks on November 3rd 2011 after the sale of non-duty paid tobacco in May 2011 and the subsequent seizure of 8 x 50g pouches and also in June 2011 when 62 bottles of counterfeit wine and a bottle of non-duty paid whisky were seized.

On 9th July 2013 a further visit to the premises resulted in 2 x loose cigarettes being sold for £180 and a further seizure of what appeared to be non UK duty paid rolling tobacco and cigarettes. This shop is situated in an area that suffers from anti social behaviour, youth gang issues and street drinking problems, as such Islington police would expect a high standard of management of licensed premise in this area and in my opinion the management of this premise fails to meet that standard. The review has been brought under the objective the prevention of crime and disorder. I feel that the premises, operating as it is, can only attract and encourage the wrong sort of persons into the area. As such I submit that having been given a chance to remedy the poor management of the business they have failed to do so and revocation would be a proportionate measure in this case.

Signature: *Henry C. Poyser*..... 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 **Steven HARRINGTON**..... URN:

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Signature: *Steven Harrington* Date: **20.09.2013**

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

My name is Steven Harrington and I am a Police Constable 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 Brothers Supermarket, 60 Fonthill Road N4 3HT.

I have read the information provided by Mr Fordham of Islington council and agree with his concerns over the management of the business.

Previous History:

I am aware of the previous history of this premises, the license was suspended for two weeks on November 3rd 2011 after the sale of non-duty paid tobacco in May 2011 and the subsequent seizure of 8 x 50g pouches and also in June 2011 when 62 bottles of counterfeit wine and a bottle of non-duty paid whisky were seized. On 9th July 2013 a further visit to the premises resulted in 2 x loose cigarettes being sold for £180 and a further seizure of what appeared to be non UK duty paid rolling tobacco and cigarettes. This shop is situated in an area that suffers from anti social behaviour, youth gang issues and street drinking problems, as such Islington police would expect a high standard of management of licensed premise in this area and in my opinion the management of this premise fails to meet that standard. The review has been brought under the objective the prevention of crime and disorder. I feel that the premises, operating as it is, can only attract and encourage the wrong sort of persons into the area. As such I submit that having been given a chance to remedy the poor management of the business they have failed to do so and revocation would be a proportionate measure in this case.

Signature: *Steven Harrington* Signature witnessed by:



Premises Licence Summary

Licensing Act 2003

Premises licence number	137513-8122011		
Postal address of premises, or if none, ordnance survey map reference or description			
BROTHERS SUPERMARKET 60 FONTHILL ROAD			
Post town	London	Post code	N4 3HT
Telephone number	07944 908 041		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground floor only

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	07:00	to	23:00
Tuesday	07:00	to	23:00
Wednesday	07:00	to	23:00
Thursday	07:00	to	23:00
Friday	07:00	to	23:00
Saturday	07:00	to	23:00
Sunday	07:00	to	23:00

Gaming Machine Provision:
Not permitted.

The opening hours of the premises:

Monday	07:00	to	23:00
Tuesday	07:00	to	23:00
Wednesday	07:00	to	23:00
Thursday	07:00	to	23:00
Friday	07:00	to	23:00
Saturday	07:00	to	23:00
Sunday	07:00	to	23:00

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

Name, (registered) address of holder of premises licence

Mr Haydar Koca
78 Town Road
Edmonton
London
N9 0RG

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Mr Haydar Koca

State whether access to the premises by children is restricted or prohibited

No restrictions

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

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. CCTV system shall be installed and maintained inside the premises
2. Staff shall be trained regularly on licensing provisions and company policies.
3. The licensee shall liaise regularly with the Local Police.
4. Staff shall not tolerate anti – social or aggressive behaviour, customers behaving in such a manner shall be barred from the premises.
5. Noise will not be allowed to emanate from the premises so as to cause a nuisance to nearby properties.
6. The premises shall enforce a proof of age scheme for both Alcohol and cigarette sales, which is approved by the Licensing Authority and by the Local Police.
7. Not sharp or flammable objects shall be in reach of children.

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

1. No alcoholic goods will ever be purchased or taken from sellers calling to the shop.
2. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
3. 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.
4. A stock control system will be introduced, so that the licensee can quickly identify where and when alcohol goods have been purchased.
5. 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.
6. If any spirits bought by the company 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.
7. The licensee shall adopt Challenge 25, the Retail of alcohol Standard Groups advice for off-licences.
8. 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.
9. 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 for example, 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.
10. 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 by the licensing team, police or trading standards.

Annex 4 – Plans

Mr Haydar Koca
Fonthill Mini Market
60 Fonthill Road
London
N4 3HT

Building Control Service
Planning and Development
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 31 July 2013

Dear Sir

**Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Fonthill Mini Market 60 Fonthill Road N4 3HT**

With reference to the recent application for a review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 29 August 2012 it was found that the requirements specified in the attached schedule were in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)

**Islington Licensing Authority
Licensing Act 2003
Representation form from Responsible Authority for Health and Public Safety**

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Fonthill Mini Market 60 Fonthill Road N4 3HT
Public Safety	The arrangements at the premises are insufficient for health and public safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 31 July 2013 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to 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 – Requirements schedule dated 31 July 2013 for
Fonthill Mini Market 60 Fonthill Road N4 3HT**

(1) The mechanical extract ventilation fan in the toilet should be repaired or replaced. The ventilation fan should extract direct to external air at a rate of not less than 6 litres/second and have a 15 minute over-run controlled by the light switch or occupant detecting sensor. Air inlet to the toilet should be provided, e.g. 10mm gap under the door.

(2) One foam or water fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) should be provided behind or adjacent to the cashiers/sales counter.

Fire extinguishers should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire extinguishers indicating the type of fire fighting appliance and the class of fire covered.

(3) Emergency lighting luminaires within the premises should be cleaned, inspected and tested to ensure that each luminaire is wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.

(4) The smoke alarms should be cleaned, inspected and tested to ensure all smoke alarms are interlinked so that smoke detection by one unit operates the alarm signal in all of them.

(5) Copies of the inspection and test certificates specified below, certified by an approved competent person, should be submitted to the responsible authority for health and public safety.

- Electrical installation for the smoke alarm system
- Emergency lighting
- Fire fighting appliances

An approved competent person for the testing and certification of electrical installations and emergency lighting should be one of the following:

- (i) A qualified member of the Institution of Engineering and Technology, or
- (ii) A contractor enrolled with the National Inspection Council for Electrical Installation Contracting, or a member of the Electrical Contractors Association, or a competent person from an appropriate approved organisation.

Inspection and service certificates for fire fighting appliances should be obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or a competent person from an appropriate approved organisation.

Licensing Act 2003- Representation from the Licensing Authority
Application: 60 FONTHILL ROAD LONDON N4 3HT

I am submitting a representation of behalf of the Licensing Authority in respect of the application to review the premises licence by Trading Standards.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

The following Licensing Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

Licensing Policy 26

The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

Licensing Policy 10

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- *can demonstrate comprehensive knowledge of best practice*
- *has sought advice from the responsible authorities*
- *has implemented any advice that been given by the responsible authorities*
- *is able to understand verbal and written advice and legal requirements*
- *can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003*
- *is able to run their businesses lawfully and in accordance with good business practices*
- *is able to demonstrate a track record of compliance with legal requirements*

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 30

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- *Restricting hours of operation*
- *Removing licensable activities from the premises licence*
- *Imposing additional conditions*
- *Requiring the removal of a designated premises supervisor*
- *Suspending a licence*
- *Revoking a licence*

Whilst the premises have been operated by Haydar Koca he has failed to demonstrate any commitment to a satisfactory standard of management as evidenced by;

- Persistently permitting the sale of non-duty paid tobacco from his premise
- Leaving an inexperienced member of staff to working alone in the shop
- Lack of staff training records
- By his own admission unable to understand the licence conditions but not taking any action to seek assistance from someone who has sufficient proficiency in English to be able to explain the requirements to him
- Failing to ensure sustained compliance with legal requirements following the licence suspension in 2011.

The Licensing Committee is asked to consider revoking the licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons
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14 August 2013
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Suggested conditions

As per current licence.

Suggested conditions in respect of the trading standards review application.

None suggested.