



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	Monday 7th October 2013	B3	Highbury West

Delete as appropriate	Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: COSTCUTTER, 35 – 43 HORNSEY ROAD, LONDON, N7 7DD

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.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) Protection of Children from Harm

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely:
- 2.4 The Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.

2.5 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 Monday to Saturday from 08:00 to midnight, and on Sunday from 10:00 until 00:00.

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 Licensing has received a representation from Metropolitan Police and the Licensing Authority.

3.4 The premises licence was reviewed by Trading Standards on 31 August 2010; this review was on the grounds of the prevention of protection of children from harm, for two underage sales. The licence was suspended by licensing Sub Committee on 1 November 2010 for two weeks and additional conditions were placed on the licence.

3.5 The premises licence was then reviewed by Trading Standards on 14 July 2011; this review was on the grounds of the prevention of crime and disorder, after the seizure of illicit alcohol. Additional conditions were placed on the licence by the Licensing Committee.

3.6 The current licence holder Mr Zahid Hussain Shah was the designated premises supervisor at the premises at the time of both these premises licence reviews, Mr Shah became the licence holder at the premises on 17 August 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

27-9-13

Date

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:

**Costcutter
(also known as Emirates Express)
35-43 Hornsey Road**

Post town: **London**

Post code: **N7 7DD**

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

Zahid Hussain Shah

Number of premises licence or club premises certificate: **LN2957-01-11-2011**

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)

This application to review relates to the objectives to protect children from harm and to prevent crime and disorder and licensing policies 25, 26 & 10. It particularly relates to the sale of alcohol to an underage volunteer working with Trading Standards, a seizure of illicit spirits and the failure to exhibit a high standard of management at the business, exemplified by breaches of licence conditions and a reluctance to engage with Trading Standards.

Zahid Hussain Shah has been the licensee and designated premises supervisor at this premises since August 2011. Din Khan was the licensee between November 2009 and August 2011, during which time Mr Shah was listed as the designated premises supervisor. At the licence review meeting in September 2011, Mr Shah denied knowledge of being listed as the DPS or that he was involved in the business at all during this time.

The premises licence for this address has previously been reviewed in November 2010 and September 2011. On the first occasion, the licence was suspended and a condition requiring the presence at all times of a personal licence holder after sales were made to underage volunteers working with Trading Standards in December 2009 and August 2010.

The latter review followed two seizures of illicit alcohol at the shop and co-incided with Mr Shah's application to transfer the licence into his name. On this occasion, conditions relating to illicit alcohol were added. The facts that Mr Shah had already taken over the running of the business from Mr Khan, the licence had been transferred to his name and that Mr Khan was believed to have been responsible for the illicit alcohol accounted for the apparent leniency of the sanction.

During the licence transfer application at this time, Mr Love met with Mr Shah and ensured that he was advised of the steps he should take to minimise the risk of future underage sales and of stocking illicit alcohol. The business was also sent guidance on illicit alcohol as part of a mailshot to independent off licences in December 2011.

On 22nd December 2012, Doug Love of Trading Standards was leading a test purchasing operation. During the operation a male volunteer, aged 17 years and 3 months, was asked to attempt a test purchase at Emirates Express. Hetal Thakar sold the volunteer two 275ml bottles of Fosters lager, without making any challenge. The transaction was observed by Katherine Forrest of Trading Standards.

- Mr Thakar, who did not state he had a personal licence, was the only member of staff in the shop.
- He gave a false address – 316 St Paul's Road, N1 2LF.
- Mr Thakar stated he had worked in the shop just 2-3 days – this was also false: on 23 November 2011 he is recorded as being present during a food hygiene inspection. During this visit he stated that it was a new business owned by Din Khan.
- When asked about training that he had received he said he had been told not to sell alcohol to anyone under 18 and to ask for a driving licence or passport if he was in doubt. He did not seem to be aware of 'Challenge 25'.
- A refusals log was being kept.
- The licence summary was not displayed.

There was evidence of several conditions being breached, notably conditions 3, 5, 8 in Annex 3.

There was no contact between Trading Standards and Mr Shah or anyone else from the business after the sale.

On 08th July 2013, Niall Forde of the Licensing Team and Mr Love visited Emirates Express to undertake an audit of compliance with licence conditions. Sajjad Durk was the only member of staff in the shop. Although Mr Durk stated he had passed the training course that would qualify him to apply for a personal licence, he did not appear to have done so. Mr Durk identified the owner of the business as Milan Zafar. Mr Zafar was known to Mr Forde as the licensee at a shop at 316 St. Paul's Road – the same address that had previously been given by Hetal Thakar.

During the visit, Mr Love examined the alcohol stock and seized 12 x 70cl bottles of whisky that he believed to be illicit. There was evidence to suggest the following conditions were being

(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

-
-
-
-

breached:

- Annex 2, condition 8: no sign stating "No proof of age – no sale" were displayed at the point of sale.
- Annex 3, condition 3: there was no evidence that suggested the licence promoted Challenge 25. There was a 'Challenge 21' poster on display.
- Annex 3, condition 4: Mr Durk's responses, when asked about training, suggested that he had never signed anything to confirm that he had understood any training given.
- Annex 3, condition 5: Mr Durk appeared to know nothing of 'PASS' proof of age cards.
- Annex 3, condition 8: There was no personal licence holder on the premises.

The seized goods were as follows:

Claymore whisky - 3.5 litres (5 x 70cl): The duty stamps do not fluoresce; the back labels are poorly affixed with air bubbles, poor alignment; two bottles has one back label stuck over another one and others have the glue marks from the original labels showing outside the edge of the fake label.

High Commissioner whisky – 4.9 litres (7 x 70cl): Of the seven bottles, the duty stamps on six fluoresce white, instead of green as this brand normally does and one does not fluoresce properly at all; some labels are affixed crookedly, some have air-bubbles. All back labels are bigger, with much less fine print when compared to an original.

Had trading standards' advice on how to identify illicit alcohol been followed, all of these bottles could have been identified as suspect.

The duty payable on the seized goods would have totalled approximately **£95**.

Mr Love left an Inspection Report at the end of the visit – requesting that invoices for the seized goods and cctv footage was provided. No-one from the business has contacted Mr Love in relation to these requests or anything else.

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

Nov 2011 & Sept 2012	Licence reviews	Licence reviewed twice for underage sales and illicit alcohol seizures, respectively.
July / Aug 2011	Meeting	Mr Love of TS meets with and advises Mr Shah during the process of transferring the licence.
Dec 2011	Advice	Illicit goods guidance sheet and covering letter sent to business
22/12/12	Underage sale & evidence of breached conditions	Hetal Thakar sold alcohol to a male volunteer, aged 17 years & 3 months. Evidence of breached conditions.
08/07/13	Seizure & evidence of breached conditions	12 bottles of whisky seized. Evidence of breached conditions.

Recommendations

I believe that this licence should be revoked.

The ownership of the business is not entirely clear: Mr Shah owned it from May 2011 onwards, but recently colleagues have been told that Din Khan (the previous owner) owned it again and that the business is being sold to and run by Milan Zafar. However, what is clear is that Mr Shah has been the licensee and designated premises supervisor over the time that this review application focuses on.

During this time, and despite the provision of advice and offer of support from Mr Love, there has been a sale to an underage volunteer and a seizure of illicit alcohol. On both occasions conditions were being breached. On neither occasion did Mr Shah contact Mr Love after the event.

The underage sale could have been avoided if Trading Standards' advice had been followed or the conditions on Mr Shah's licence observed.

The seized alcohol could have been identified if the checks advised by Trading Standards had been followed. It is quite likely that breaching licence conditions contributed to this offence, also.

Mr Shah has never engaged with Trading Standards since the time he needed the licence to be transferred to his name and was relying on a sympathetic hearing at the 2011 review. It is not entirely clear that he has even been running the business during the time that he has been named as licensee and designated premises supervisor on the licence.

In its Licensing Policy, Islington Council has outlined its commitment to tackle underage sales and 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 higher 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.

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

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

N/A

Please tick ✓ yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate

I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 17th 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

Telephone number (if any)

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

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.



ISLINGTON

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

The Licensee and Proprietor

Tel : 020 7527 3874 / 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: Mailshot

Date: December 2011

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

In March 2011, all independent off licences in Islington were sent guidance on how to avoid stocking illicit alcohol and tobacco, following a large amount of seizures in the previous months. Owners and Licensees were warned that licences may be reviewed and possibly revoked by Councillors if future seizures were made.

Unfortunately, the message does not seem to have got through. Since, the guidance was sent out:

- **Over 75% of off licences are still stocking illicit alcohol**
- **Trading standards have applied for the licences of 13 more businesses to be reviewed**

The consequences of having your licence reviewed could be very serious for your business. Altogether

- **Eight businesses have had their licences revoked – that is, taken away permanently, so the business can no longer sell alcohol at that premises**
- **Nine licences suspended – taken away for a specified period up to 3 months, during which no alcohol can be sold**

This is clear evidence that the Council's Licensing Committee are taking the presence of illicit alcohol very seriously. Two of the decisions to revoke have been appealed, but on both occasions the Magistrates' Court agreed with the Council's decision.

Trading Standards will continue to visit off licences to look for illicit alcohol. We will work with businesses, but will not tolerate licensees who are willing to take risks with their customers' health, compete unfairly with other businesses or steal from the public purse

- **Counterfeit alcohol can cause breathing difficulties, blindness or even death.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits – five men producing illicit vodka died in the UK earlier this year after an explosion at an illegal vodka factory in Lincolnshire.
- Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling illicit alcohol is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.
- **Over £1bn per year in tax revenue** is estimated to be lost through illicit alcohol.

I have attached updated guidance. It is important that you understand and follow the advice given. We will not apply for a review for a business that follows our guidance even if they innocently stock smuggled goods.

It is also important to check your existing stock. We are more than happy to verify any goods you are unsure of if you ask us to, but will not accept the fact that it is 'old stock' as an excuse for illicit alcohol we find.

Trading Standards can supply you with a uv light for the small charge of £5 and an officer can visit your shop to give you a practical demonstration of how to use it.

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

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above.

However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely



Dave Fordham
Service Manager, Trading Standards

Illicit Alcohol and Tobacco – Business Guidance

1. Introduction

Illicit alcohol and tobacco are goods which are non-duty paid (ie. genuine product on which the appropriate tax has not been paid) or counterfeit (ie. fake products on which no tax will be paid).

Islington Council has found a great deal of illicit alcohol and tobacco recently - the high amount of tax payable on the goods makes it very profitable to distribute them. However, we will take strong action against licensed premises found selling illicit goods. We will do this because:

- the goods may be unsafe as counterfeiters ignore normal quality standards;
- law-abiding business will suffer from unfair competition;
- selling illicit goods boosts the profits of organised criminals;
- huge losses are caused to the UK's tax revenues by the trade in illicit alcohol and tobacco.

Islington Trading Standards intend to carry out many more visits to counter this widespread problem. Businesses selling illicit goods may be **prosecuted** and / or their **alcohol licence may be revoked** or **suspended**.

2. General rules

NEVER BUY ALCOHOL, CIGARETTES OR TOBACCO FROM ANYONE WHO BRINGS THE GOODS TO THE SHOP. This is the **Golden Rule**. Illicit alcohol will be illegal in some way – non duty-paid, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – you won't have a means of contacting the seller and the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.

Door to door sellers will often claim to be from genuine business and even produce paperwork with genuine business details on. **Don't be fooled!**

Only deal with reputable traders and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still **check purchased goods**, especially if the seller is not a business you know and trust. If illicit goods are found then we will expect you to be able to produce these invoices.

Beware of 'special offers'. Some cash and carry business have sold non-duty paid wine on 'Buy one, get one free' offers for a cost which is less than the excise duty payable and disguise it by not putting the 'free' goods on the invoice, so it appears you have paid a reasonable price.

Train anyone who is allowed to buy stock and make a record of their training.

Control your stock so you can be sure where and when you bought it eg. by marking the goods or cases with the supplier and date purchased. Do not accept returns of tobacco or alcohol from customers who have changed their minds in case they have substituted illicit goods.

3. What are the penalties if I sell illicit alcohol or tobacco?

Anyone selling illicit alcohol or tobacco can be **fined or even imprisoned**. Further, if you hold a licence to sell alcohol, it is likely to be **reviewed** and may be **revoked** if these goods are found in your shop.

4. How do I tell if goods are illicit?



Black & white representation of a UK Duty stamp

Check the Duty stamp

Is a duty stamp required? Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

Does it fluoresce? The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

Is it separate to the other labelling? Separate stamps are allowed, but must start with a unique code starting with 'V' for vodka; 'W' for whisky etc.

Check that it is not stuck over any labelling – this is not permitted.

Check the back label: Labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on. Warning signs that should make you suspicious are:

- Back labels stuck over another label
- Poor printing on the label
- If the label is crooked or bumpy where it has not been stuck on properly
- If the label is not in English, it was clearly not produced for the UK market.

Is the case resealed? If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.

Is anything about the deal odd? Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

Has someone told you a story (eg: "It's old stock from a shop I've closed") to make themselves appear convincing?

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

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

5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading_standards@islington.gov.uk



Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/2957-01-11-2011		
Postal address of premises, or if none, ordnance survey map reference or description			
COSTCUTTER 35-43 HORNSEY ROAD			
Post town	London	Post code	N7 7DD
Telephone number	Not given		

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>00:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>00:00</td></tr> </table> 	Monday	08:00	to	00:00	Tuesday	08:00	to	00:00	Wednesday	08:00	to	00:00	Thursday	08:00	to	00:00	Friday	08:00	to	00:00	Saturday	08:00	to	00:00	Sunday	10:00	to	00:00
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Friday	08:00	to	00:00																									
Saturday	08:00	to	00:00																									
Sunday	10:00	to	00:00																									

The opening hours of the premises:
Not specified

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

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence
Zahid Hussain Shah 1 Edmeston Close London E9 5TJ

Registered number of holder, for example company number, charity number (where applicable)
Not applicable

Name of designated premises supervisor where the premises licence authorises the supply of alcohol
Mr Zahid Hussain Shah

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

Summary

Annex 1 - Mandatory conditions

1. No supply of alcohol may be made under the premises licence-
 - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1) The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale of supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval military.
- 2) Alcohol shall not be sold in an open container or be consumed in the licensed premises
- 3) All staff shall be trained to ensure that they understand and adhere to the law as set on in the licensing Act 2003.
- 4) CCTV shall be installed and maintained to ensure that it is fully operational at all times. Recording shall be kept in accordance with Police guidelines, for a minimum of 30 days, and recording shall be made available to authorised Council and Police officers on reasonable request.
- 5) A fully operational alarm system shall be in place at the premises.
- 6) Shutters shall be installed on the front windows.
- 7) All staff shall be trained in accordance with the fire regulatory reform act.
- 8) Signs shall be displayed at point of sale which state "No proof of age – no sale".

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

1. Unless otherwise agreed with the police on days when Arsenal Football Club are playing home matches and between times commencing 4 hours before the advertised start of the game and until 1 hour after the game finishes there shall be no glass bottles sales to include beer, lager, cider and Alco pops. The sale of wine and spirits remain unaffected.
2. For the sake of clarity Arsenal Football Club means the male adult first team.

3. The Licensee shall promote "Challenge 25" or a similar scheme.
4. 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.
5. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff to ask to see accredited proof of age cards e.g. Citizencard, a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
6. The licensee and staff should note any refusals to sell to young people in a refusals log
7. The licensee should regularly monitor staff to check how they are dealing with young people who ask for alcohol and other age restricted products.
8. Personal Licence Holder shall be on the premises and authorise all sales of alcohol in person at all times.
9. No alcoholic goods will ever be purchased from sellers calling to the shop.
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 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.

Annex 4 – Plans KAL/AF/01 dated 23/11/02

Forde, Niall

From: Licensing
Sent: 23 July 2013 12:35
To: Nash, Rosemary
Subject: FW: Premises Licence Review: 35-43 Hornsey Road

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

From: Steve.A.Harrington@met.pnn.police.uk [mailto:Steve.A.Harrington@met.pnn.police.uk]
Sent: 20 July 2013 12:15
To: Licensing
Subject: RE: Premises Licence Review: 35-43 Hornsey Road

Hi all. I will be putting in a rep on this. I visited this premises before the concerts at the emirates. Staff appeared very helpful stating they would refrain from selling alcohol in bottles and to obvious concert goers as there would not be anywhere for these people to drink this alcohol.

When I visited on the night of the concert there was a large queue almost out of the shop of obvious concert goers and alcohol was being sold to these people in all containers including glass bottles. There did not appear to be any signage telling people they could not drink on the street and I did not hear any staff advising people of this when the alcohol was sold to them.

Regards

Steve

Off now till 29th July.

Steven Harrington PC 425NI

Licensing Officer Islington Police Station

Mobile 07799133204

External E-mail nmailbox-.licensing@met.pnn.police.uk

From: Nash, Rosemary [mailto:Rosemary.Nash@islington.gov.uk]
Sent: 17 July 2013 16:35
To: NI - Licensing; 'islingtongroup@london-fire.gov.uk'; Issues, Noise; Standards, Trading; Weaver, Geoff; Eden, Laura; Sandford, Ian; Gibbons, Janice; Planning; Debono, Theresa; Greening, Richard; Hull, Andy
Cc: Lane, Terrie; CSPU Team; Fitzsimons, Aiden; Forde, Niall
Subject: Premises Licence Review: 35-43 Hornsey Road

Dear Sir/Madam,

Your

Our Licensing/NI

Date: 04/09/2013



EMIRATES EXPRESS
35-43 HORNSEY ROAD

**METROPOLITAN POLICE
SERVICE**
Steve HARRINGTON PC425NI
Islington Police Licensing Unit
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London
N1 0YY

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.licensing@met.pnn.police.uk

Date 04.09.2013

Dear Sir

Re: 35-43 HORNSEY ROAD

With reference to the above License review, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this review for the following reason.

The premises is located within 50 metres of the concourse leading to the Emirates stadium and is therefore an obvious target for visiting fans and concert goers to attend to purchase alcohol. For this reason I believe it is essential that the premises has a strong management system in place and good staff training to back up and enforce the management system. Staff need to be able to refuse the sale of alcohol during prohibited times on match days and also be fully aware of the fact that Islington Borough is a Controlled Drinking Zone meaning that alcohol can't be drunk on the streets.

On Friday 24th MAY 2013 I visited the premises and spoke with a gentleman who gave his name as Mr k KHAN. I explained the reasons for my visit, those being that there were a three concerts at the Emirates stadium over the weekend and I requested that the staff be vigilant when selling, and also that the selling of glass bottles and single cans was monitored. I explained that the people attending the concerts would not be aware that Islington was a Controlled Drinking Zone and that the staff should be making all customers aware of this and that signs should be prominently displayed making customers aware of this. Mr Khan agreed to brief all of the staff fully on the matter and that signs would be placed in prominent positions.

I also attended all local off licenses in the vicinity and had the same conversation with staff in these.

On Saturday 25th MAY 2013 on the day of the first concert I checked at each of the premises to ensure that there were not any issues and that appropriate signage was in use and displayed and that the staff were making potential customers aware.

Upon reaching 35-43 HORNSEY ROAD I saw a very long queue leading out of the shop and along the pavement towards Holloway Road. I also saw lots of people leaving the premises carrying cans and bottles some of which were open and the people were drinking from them. I made my way into the store to be greeted by a queue which snaked its way around the entire shop. I watched the staff serving behind the counter for a few minutes and watched them sell numerous single cans and bottles without telling any of the customers that they could not drink outside in the street. The people buying the alcohol were obviously concert goers. I also noted that there was only one sign up which was handwritten and was behind the staff serving at the counter and was not in my view adequate for its purpose.

I noticed that the gentleman who had given his name to me as Mr Khan was serving behind the counter. I approached and spoke with him and reminded him of our conversation the previous evening. I raised my concerns of the lack of monitoring of the sales by staff. Mr Khan's response was to tell me that all the people outside walking towards the stadium had bought their drinks from the supermarket on Holloway Road. I told him what I had seen and the lack of communication from the staff to customers making them aware of the CDZ.

I then made my way out to Holloway Road and monitored the Sainsburys Supermarket for about 20-25 minutes, and at no time did I witness anyone coming out of the store with open alcohol or drinking nor walking towards the stadium.

I have since been made aware that on 27/08/2013 during an AFC v FENERBACHE Champions League game that another Police officer witnessed a very similar situation with alcohol being sold to away fans without giving any warning of the CDZ, and that after a warning from this officer the selling continued with total disregard for the CDZ and the match day conditions.

In my opinion the premises is not being managed to a standard expected and required to adhere to the Licensing Policy and I fully support the application for a revocation of the License for this premises.

Should you wish to discuss the matter further please contact your details on **0207 421 0194/0248** or via email, ni_licensing@met.police.uk

Yours sincerely,

Steve Harrington PC 425NI
Islington Police Licensing Team

Forde, Niall

From: Lane, Terrie
Sent: 29 August 2013 12:32
To: Forde, Niall
Subject: FW: Emirates store - Hornsey Road

Terrie Lane
Licensing Manager
Public Protection Division
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London N1 1XR
Tel: 0207 527 3233
Fax: 0207 527 3057

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

From: Stuart.Webster@met.pnn.police.uk [mailto:Stuart.Webster@met.pnn.police.uk]
Sent: 28 August 2013 22:05
To: Lane, Terrie
Subject: Emirates store - Hornsey Road

Terrie

Sorry for the delay in the email I was involved in a demonstration today and didn't get chance.

As per our conversation at the Arsenal V Fenerbahce FC European game on Tuesday 27/08/13

As I was patrolling I became aware of several away fans coming out of the store and carrying cans of beer including guinness. They opened the containers in front of me and began drinking. I explained the "controlled drinking zone" legislation and they binned the cans.

I then observed several other people in the long queue all away fans go to the till and be served by the two males behind the counter neither spoke to the males about "not drinking in the street" I spoke to the males and told the legislation the didn't buy the beer. It was only at this point that one of the males pointed to a sign above his head so 3 feet or so which said "don't drink in the street" he never said anything. Others in the queue then returned their beer. I spoke to both males and advised them of their responsibilities and that they could facing loosing their licence.

I left and returned about 5 or so minutes later to find both Arsenal and away fans opening cans bought in the same off licence. I explained the law to them and advised them to return the goods for a refund including the open ones. I again spoke to both males who said they were trying. This is when you approached and I informed the control room.

I observed for about another 10-15 minutes or so and at no time did either males try and stop people buying it was only with my intervention did people not buy. I left and asked other officers to monitor all fans including those coming out of the venue but people were still buying

I then spoke again to one of the males who gave his name as mr. mian zafer and also a male who had been selling food outside the shop who stated he was the manager / owner of the shop. (sorry didn't get his name had to go inside ground) he complained that he was being harassed and that he had gone to Tesco and other places and people were buying and drinking in street. I advised him I was sending this email fro your attention

Hope this helps

Cheers

Stuart

Ps 1036CW Stuart WEBSTER

City of Westminster - BTT – Team B (Charing Cross Police Station) Metropolitan Police Service MetPhone 47655 -
Mobile 07932673411 Charing Cross Police Station, Agar Street, WC2N 4JP

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Licensing Act 2003- Representation from the Licensing Authority
Application: 35-43 HORNSEY ROAD LONDON N7 7DD

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 25

The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including the review of licenses, where sales persist.

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*

Mr Zahid Shah has been involved in the management of the premises since November 2009, initially as the DPS and then from August 2011 the DPS and Licence holder.

Whilst Mr Shah was the DPS the premises licence was reviewed twice; in November 2010 the licence was suspended following the sale of alcohol to a young person and in September 2011 the licence was reviewed for the sale of illicit alcohol.

As the premises licence holder Mr Shah has failed to demonstrate any commitment to a satisfactory standard of management as evidenced by;

- Selling alcohol to an underage young person in December 2012
- Breaching licence conditions in December 2012
- Supplying illicit alcohol in July 2013
- Breaching licence conditions in July 2013

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

Janice Gibbons
Service Manager (Commercial)
7 August 2013
Janice.gibbons@islington.gov.uk

Suggested conditions

As per current licence.