



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	21 January 2014	B7	Highbury West
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE TRANSFER AND DPS VARIATION APPLICATIONS
RE: EMIRATES EXPRESS, 35 – 43 HORNSEY ROAD. LONDON, N7 7DD

1. Synopsis

- 1.1 The police have objected to the applications by Mr Muhammed Zaheer to transfer and vary the DPS of the premise licence under the Licensing Act 2003 made on the 6 December 2013. The police have submitted the representation because the premises licence has been revoked and is currently trading subject to a pending appeal.

2. Recommendations

- 2.1 To determine the application to vary the DPS for the premises licence under Section 37 of the Licensing Act 2003.
- 2.2 To determine the application to transfer the premises licence under Section 42 of the Licensing Act 2003.

3. Background

- 3.1 Papers are attached as follows:-

Appendix 1: transfer application form;
Appendix 2: DPS variation application form;
Appendix 3: Police representation, and additional information
Appendix 4: Revoked premises licence

Appendix 5: Suggested condition and map of premise location.

- 3.2 The premise licence for this premises licence has been revoked and is currently trading subject to a pending appeal.
- 3.3 The premises licence was previously 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.
- 3.4 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.
- 3.5 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.
- 3.6 On the 7 October 2013 the Licensing Sub Committee decided to revoke the premises in respect of Emirates Express, 35 – 43 Hornsey Road, N7 7DD. In making their decision the Sub Committee felt that licensee had failed to demonstrate a commitment to the standards of management required in managing staff.
- 3.7 The appeal date for the review has been set for Tuesday for the 11 March 2014.
- 3.8 The Metropolitan Police have objected to both the transfer and designated premises supervisor application on the grounds of prevention of crime and disorder, and are recommending that both applicants are refused. In addition since the revocation of the licence, the premises have also been subject to licensing enforcement action since the 7 October 2013, including two after hour sales of alcohol.
- 3.9 The Metropolitan Police have submitted additional supporting information as part of their representations, this information includes observations that the day to management at the premises has not changed since the application was submitted, even though the applicants stated on the forms that the applications would have immediate effect.
- 3.10 The Metropolitan Police would also like the applicant to address the Committee on why they have decided to purchase a business where the alcohol licence had been revoked, and how he intends to carry out the licensing activities at the store should the transfer be granted considering the significant issues surrounding this premise.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this application in the light of all relevant information.

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

9/11/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: licensing@islington.gov.uk

WTK/201333840

Application to transfer 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 **MR MUHAMMAD ZAHEER**

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN2957-01-11-2011

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

35-43 HORNSEY ROAD
HOLLOWAY

Post town LONDON

Post code N7 7DD

Telephone number at premises (if any)

Please give a brief description of the premises

OFF-LICENCE

Name of current premises licence holder
ZAHID HUSSAIN SHAH

ISLINGTON COUNCIL LICENSING			
Date	5/12/13	Fee Paid	23
<input checked="" type="checkbox"/> TRANSFER OF PREMISES (Transfer only)	000298		
Receipt Number	0668301		
Received By	JW		

COMMERCIAL/LICENSING	
-5 DEC 2013	
PUBLIC PROTECTION DIVISION 222 UPPER ST, LONDON N1 1XR	

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

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)
- d) a charity ☐ please complete section (B)
- e) the proprietor of an educational establishment ☐ please complete section (B)
- f) a health service body ☐ please complete section (B)
- g)
- i. an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales ☐ please complete section (B)
 - ii. a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England ☐ 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

Post code

Daytime contact telephone number

E-mail address
(optional)

SECOND INDIVIDUAL APPLICANT (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

Post code

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)

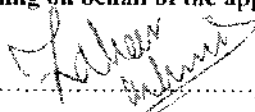
- I have made or enclosed payment of the fee ☒
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed ☒
- I have enclosed the premises licence or relevant part of it or explanation ☒
- I have sent a copy of this application to the chief officer of police today ☒
- 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 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 27th NOVEMBER 2013

Capacity APPLICANT & PROPRIETOR

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature N/A

Date N/A

Capacity N/A

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)		
HKH KENWRIGHT & COX SOLICITORS 201-212 MOUNTVIEW HOUSE ILFORD		
Post town ESSEX	Post Code IG1 1QB	DX: 124 836 ILFORD 7
Telephone number (if any) 020 8553 9600		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) CIVIL@HKHSOL.COM		

Part 3

Please tick ☒ yes

Are you the holder of the premises licence under an interim authority notice?

☐

Do you wish the transfer to have immediate effect?

☒

If not when would you like the transfer to take effect?

Day		Month		Year			
0	1	1	2	2	0	1	3

Please tick ☒ yes

I have enclosed the consent form signed by the existing premises licence holder

☒

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick ☒ yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

☒

Please tick ☒ yes

I have enclosed the premises licence

☒

If you have not enclosed premises licence referred to above please give the reasons why not.

Consent of premises licence holder to transfer

I/we MR ZAHID HUSSAIN SHAH

[full name of premises licence holder(s)]

the premises licence holder of premises licence number LN2957-01-11-2011

[insert premises licence number]

relating to

EMIRATES EXPRESS, 35-43 HORNSEY ROAD, LONDON, N7 7DD

[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

LN2957-01-11-2011

[insert premises licence number]

to

MR MUHAMMAD ZAMEER

[full name of transferee]

signed

name

(please print)

ZAHID HUSSAIN SHAH

dated

27TH NOVEMBER 2013



Mountview House
202-212 High Road
Ilford, Essex, IG1 1QB

T: +44(0)20 8553 9600
F: +44(0)20 8553 9995



15 Old Bailey
London, EC4M 7EF

T: +44(0)20 3178 7396
DX: 124 836 Ilford 7

24 Hr Emergency
Police Station Service
T: +44(0)7976 958248

^J
hkh
kenwright&cox

SOLICITORS & ADVOCATES

27th November 2013

KM/S866.02

London Borough of Islington
Licensing Support Team
Public Protection
222 Upper Street
London, N1 1XR

Dear Sirs

RE: Application for Transfer of Premises Licence

We write to confirm we are instructed on behalf of Mr Muhammad Zaheer and are instructed to seek a transfer of the premises licence following our client's purchase of the business "Emirates Express" situated at 35-43 Hornsey Road, on the 1st November 2013.

Our client will be taking occupation on the 1st December 2013 and we would therefore ask that the licence be transferred to him as of that date.

We enclose for your attention:

- Application to Transfer Premises Licence to be granted under the Licensing Act 2003
- Consent of Premises Licence holder to Transfer
- Consent of individual to being specified as Premises Supervisor
- Copy of the Premises Licence
- × • Cheque in the sum of £23 payable to London Borough of Islington

We would be grateful if you would kindly acknowledge receipt of the same.

Yours faithfully,

HKH KENWRIGHT & COX
email: civil@hkhsol.com

c.c. Chief of Police, Islington Police Licensing Service

BUT NO DPSV
OR FEE!

SPOKE TO SOLICITOR -
WILL PROCESS TODAY

6/12/13



The Serious Fraud Panel
Very High Cost Case Panel (VHCC)



We do not accept
service by e-mail

Dubai • Lahore



Mountview House
202-212 High Road
Ilford, Essex, IG1 1QB

T: +44(0)20 8553 9600
F: +44(0)20 8553 9995



15, Old Bailey
London, EC4M 7EF

T: +44(0)20 3178 7396
DX: 124 836 Ilford 7

24 Hr Emergency
Police Station Service
T: +44(0)7976 958248

hkh
kenwright&cox

SOLICITORS & ADVOCATES

KM/S866.02

9th December 2013

London Borough of Islington
Licensing Support Team
Public Protection
222 Upper Street
London, N1 1XR

Dear Sirs

RE: Application for Transfer of Premises Licence

We write further to our letter dated 27th November 2013 requesting a transfer of the premises licence following our client's purchase of the business "Emirates Express" situated at 35-43 Hornsey Road, on the 1st November 2013.

We enclose for your attention:

- Application to vary a premises licence to specify an individual as designated premises supervisor under the Licensing Act 2003
- Cheque in the sum of £23 payable to London Borough of Islington

We would be grateful if you would kindly acknowledge receipt of the same.

Yours faithfully,

HKH KENWRIGHT & COX
email: civil@hkhsol.com

c.c. Chief of Police, Islington Police Licensing Service

Season's Greetings from all at HKH.

Please note that we will close 4pm on Friday 20th December 2013 and reopen 10am on Thursday 2nd January 2014.



**Conveyancing
Quality**

High Court Advocates (Criminal)



**Children
Law**

The Serious Fraud Panel
Very High Cost Case Panel (VHCC)

resolution
The Resolution Panel

Lexcel
Practice Management Standard
Law Society

We do not accept
service by E-mail

Dubai • Lahore

Authorised and Regulated by the Solicitors Regulation Authority
SRA Number: 114144

and any premises licence to be granted or varied in respect of this application made by

MR MUHAMMAD ZAHEER

(name of applicant)

concerning the supply of alcohol at

EMIRATES EXPRESS
35-43 HORNSEY ROAD
LONDON
N7 7DD

(name and address of premises to which application relates)

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

Personal licence number

LBWANDS/03121

(insert personal licence number, if any)

Personal licence issuing authority

WANDSWORTH COUNCIL

(insert name and address and telephone number of personal licence issuing authority, if any)

Signed



Name (please print)

MR RANA MUZZMAL RASOOL

Date

27TH NOVEMBER 2013

Consent of individual to being specified as premises supervisor

I MR RANA MUZZMAL RASOOL
[full name of prospective premises supervisor]

of

[REDACTED]
[REDACTED]
[REDACTED]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

TRANSFER OF PREMISES LICENCE
[type of application]

by

MR MUHAMMAD ZAHEER
[name of applicant]

relating to a premises licence LN2957-01-11-2011
[number of existing licence, if any]

for

EMIRATES EXPRESS
35-43 HORNSEY ROAD
LONDON
N7 7DD

[name and address of premises to which the application relates]

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date 9TH DECEMBER 2013

Capacity APPLICANT'S SOLICITOR

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). **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 5)

HKH KENWRIGHT & COX SOLICITORS
MOUNTVIEW HOUSE
202-212 HIGH ROAD

Post town
ILFORD

Post Code
IG1 1QB

Telephone number (if any) 020 8553 9600

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
CIVIL@HKHSOL.COM

Part 2

Full name of proposed designated premises supervisor

MR RANA MUZZMAL RASOOL

**Personal licence number of proposed designated premises supervisor and
issuing authority of that licence (if any)**

LBWands/03121

Full name of existing designated premises supervisor (if any)

Please tick yes

I would like this application to have immediate effect under
section 38 of the Licensing Act 2003



I have enclosed the premises licence or relevant part of it



(If you have not enclosed the premises licence, or relevant part of it, please give
reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee ☒
- I will give a copy of this application to the chief officer of police ☒
- I have enclosed the consent form completed by the proposed premises
supervisor ☒
- I have enclosed the premises licence, or relevant part of it or explanation ☒
- I will give a copy of this form to the existing premises supervisor, if any ☒
- 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**

WK/201333045

Application to vary a premises licence to specify an individual as designated premises supervisor 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 ~~ZAHID KHAN SHAH~~ **MUHAMMAD ZAFHEER**
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LN2957-01-11-2011

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description

EMIRATES EXPRESS
35-43 HORNSEY ROAD
LONDON

Post town

LONDON

Post code (if known)

N7 7DD

Telephone number (if any)

Description of premises (please read guidance note 1)

OFF-LICENCE

ISLINGTON COUNCIL LICENSING			
Date	11/12/13	Fee Paid	23
Application Number	000298		
Receipt Number	0668140		
Received by	JW		

COMMERCIAL/LICENSING
11 DEC 2013
PUBLIC PROTECTION DIVISION 222 UPPER ST, LONDON N1 1XR

Your

Our Licensing/NI

Date: 19/12/2013



**METROPOLITAN POLICE
SERVICE**

Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799 133 204

Facsimile:

Email:

Licensingpolice@islington.gov.uk
19/12/13

Emirates Express
35-43 Hornsey Road
London
N7 7DD

Dear Sir

Re: Emirates Express. 35-43 Hornsey Road, London, N7 7DD - Premises Licence Transfer

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The licence at these premises was revoked on the 7th of October 2013, and we are aware that this decision has been appealed and a date set for court in March 2014.

One of the reasons for this revocation focused on the selling of alcohol prior to and during events at The Emirates Stadium, and due consideration by yourselves to the controlled drinking zone (cdz). A member of staff was visited and requested to be vigilant regarding sales of alcohol and to remind customers of the cdz during such events. The premises was visited during an event - staff were not mentioning to customers about the cdz and they were still selling single cans and bottles. Hence this information was used as part of the reasoning behind the revocation.

On Tuesday the 29th of October 2013, Arsenal were playing at home to Chelsea at the Emirates. Police attended the shop shortly after kick off. There were two staff members behind the counter and there were about eight people in the queue some of who had cans of lager in their hands. There was a small A4 sized sign behind the counter, explaining that street drinking was not permitted in the area under the controlled drinking zone. The sign was too small for it's purpose and regularly obscured by the movement of staff. The police officer observed two men purchase three cans of lager, and one male purchase one can of lager. The latter opened the can in the store and drank from it whilst exiting. While dealing with the customers purchasing the alcohol at no point did the counter staff mention the controlled drinking zone.

We have concerns that the current management team at the premises will still have dealings in the day to day running of this premise even if the licence is transferred to the applicants.

It is our opinion that despite the revocation of the licence, the premise is continuing to operate in the same manner as before. For these reasons that we are objecting to the application and propose that it is refused.

Should you wish to discuss the matter further please contact me on Mobile 07799 133 204 or via email,

Licensingpolice@islington.gov.uk Yours sincerely

Islington Police Licensing Team

Peter CONISBEE PC575NI

Steven HARRINGTON PC425NI

Paul HOPPE PC208NI

Your
Our Licensing/NI
Date: 19/12/2013



Emirates Express
35-43 Hornsey Road
London
N7 7DD

**METROPOLITAN POLICE
SERVICE**

Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799 133 204
Facsimile:
Email:
Licensingpolice@islington.gov.uk
19/12/13

Dear Sir

Re: Emirates Express. 35-43 Hornsey Road, London, N7 7DD - DPS Variation

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be objecting to this application as it is our belief that if granted the application would undermine the Licensing Objectives.

The licence at these premises was revoked on the 7th of October 2013, and we are aware that this decision has been appealed and a date set for court in March 2014.

One of the reasons for this revocation focused on the selling of alcohol prior to and during events at The Emirates Stadium, and due consideration by yourselves to the controlled drinking zone (cdz). A member of staff was visited and requested to be vigilant regarding sales of alcohol and to remind customers of the cdz during such events. The premises was visited during an event - staff were not mentioning to customers about the cdz and they were still selling single cans and bottles. Hence this information was used as part of the reasoning behind the revocation.

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Should you wish to discuss the matter further please contact me on Mobile 07799 133 204 or via email,

Licensingpolice@islington.gov.uk Yours sincerely

Islington Police Licensing Team

Peter CONISBEE PC575NI

Steven HARRINGTON PC425NI

Paul HOPPE PC208NI

Your

Our Licensing/NI

Date: 09/01/2014



**METROPOLITAN POLICE
SERVICE**

Steve HARRINGTON PC425NI

Islington Police Licensing Unit

Islington Police Station

2 Tolpuddle Street

London

N1 0YY

Telephone: 07799133204

Email: licensingpolice@islington.gov.uk

Date 09.01.2014

EMIRATES EXPRESS
35-43 HORNSEY ROAD

Dear Sir

Re: 35-43 HORNSEY ROAD

Further to the Police Representation submitted on the 19th December 2013 I would like to add some further information.

The premise licence for this premises licence has been revoked and is currently trading subject to a pending appeal.

The premises licence was previously 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.

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.

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.

On the 7 October 2013 the Licensing Sub Committee took the decision to revoke the premises license in respect of Emirates Express, 35 – 43 Hornsey Road, N7 7DD. The Committee in part based their decision on the fact that the licensee had failed to demonstrate a commitment to the standards of management required in managing staff.

Since the Committee and the subsequent appeal the premises has continued to operate and sell alcohol.

The premise has been the subject of two licensing visits detailed below.

On both occasions first on 2 November 2013 at 00:30 and also on the 9 November 2013 at approx. 01:30 licensing officers again purchased alcohol outside of your permitted hours. On the second occasion I myself was present and witnessed the staff member selling alcohol to a Council licensing officer.

In addition to the visit detailed in the representation from the 29th October 2013, I have included as an appendix a copy of the Police representation dated 04.09.2013 for further information.

On the 7 December Mr. Shah was invited to the Council officer for an interview under the Police and Criminal Event Act. The interview will be conducted by myself, a Police Licensing Officer, a Council Licensing Officer, and a member of the Trading Standards Team.

Mr Shah was legally represented at the meeting and apart from confirming his name he answered no comment to all questions even when asked as to whether he was the current licence holder at the premises, he also no commented when asked to confirm if the licence shown to him was the current licence.

As a foot note to this I note that although the transfer and designated premises supervisor application were both submitted to the Council on 6th December 2013, Mr Shah also failed to mention this during the interview even after I had explained to him that this was his chance to put his case forward.

In addition both the transfer and designated premises supervisor application stated that they wish the application to take immediate effect, but when the premises was visited by Police and Council officers on the 23rd December 2013 the staff at the premises said that Mr Zaheer had not taken over at the premises.

It has also been observed by officers passing the premises on a number of occasions that the same staff members are still managing the day to day activities at the premises.

The Police are aware the appeal date for the review has been set for Tuesday, 11 MARCH 2014.

Therefore in addition to the representation we would like to draw the Committee's attention to the following additional points at the meeting on the 21 January 2014.


1. Mr Zaheer has failed to demonstrate in writing how he intends to carry out the licensing activities at the store considering the significant issues surrounding the premises.
2. Question why did Mr Zaheer tick the with immediate effect box when he was not in control of the day to day management at the premises.
3. Question why Mr Zaheer would make the business decision to purchase a business where the alcohol licence had been revoked.

4. Why Mr Zaheer hasn't submitted a new premises licence application in his own name rather than rely on the appeal application of Mr Shah to determine whether the licensed activities could continue at the premises.

The Police are therefore recommending that these applications are refused.

In addition the Police will be calling Trading Standards Officer Doug Love to give evidence at the meeting in respect of the outstanding issues in relation to the premises.

Steve Harrington PC 425NI
Islington Police Licensing Team

 PC425NI

Your

Our Licensing/NI

Date: 04/09/2013



**METROPOLITAN POLICE
SERVICE**
Steve HARRINGTON PC425NI
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY

Telephone: 07799133204
Facsimile: 020 7421 0138
Email: NIMailbox-
.licensing@met.pnn.police.uk

Date 04.09.2013

EMIRATES EXPRESS
35-43 HORNSEY ROAD

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



PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN2957-01-11-2011		
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
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Licensable activities authorised by the licence The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities			
• The sale by retail of alcohol:			
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

The opening hours of the premises: Not specified
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies Off supplies
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Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence Zahid Hussain Shah [REDACTED] [REDACTED] [REDACTED]

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

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

Mr Zahid Hussain Shah
[REDACTED]
[REDACTED]
[REDACTED]

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

LBH-PER-T-0597 Hackney

Islington Council

Public Protection Division

222 Upper Street

London

N1 1XR

Tel: 020 7527 3031

Email: licensing@islington.gov.uk

Service Manager (Commercial)

Date of Issue

Annex 1 - Mandatory conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1) The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
 - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
 - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
 - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
 - d) the sale of supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval military.
- 2) Alcohol shall not be sold in an open container or be consumed in the licensed premises
- 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

Suggested conditions

As per current licence