



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	21 January 2014	B6	Bunhill
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE REVIEW APPLICATION

RE: OLD STREET CENTRAL STOP, UNIT 3, 104-122 CITY ROAD, LONDON, ec1v 2nr

1. Synopsis

1.1 This is an application by Trading Standards for a Review of the Premises Licence

A copy of the review application is attached as Appendix 1.

1.2 The grounds for review are related to the licensing objectives:

- i) The prevention of crime and disorder.
- ii) The prevention 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 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 currently holds a licence allowing:

- i) The sale of alcohol for consumption off of the premises from 07:00 to 23:00 Monday to Sunday.

3.2 Licensing History of the premises:

- i) On 14 November 2005 the application a new Premises Licence was granted by Licensing Sub Committee.
- ii) On 1 April 2009 an application to vary the DPS were made.
- iii) On 24 April 2009 an application to vary the DPS were made.
- iv) On 10 August 2010 applications to transfer the license and to vary the DPS were made by TRA London Ltd.

3.3 Papers are attached as follows:-

- Appendix 1: review form, current premises licence,
- Appendix 2: representations from the Police,
- Appendix 3: Notes from joint visit on 26 September 2013 with Licensing and Trading Standards
- Appendix 4: Letter from Licensee to Trading Standards dated 19 November 2013
- Appendix 5: map of premise location.

4. Planning Implications

4.1 There are no planning implications in respect of the premises review application.

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

19/12/13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Team

Tel: 020 7527 3031

Fax: 020 7527 3430

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:

**Old Street Central Stop
Unit 3, 104-122 City Road**

Post town: **London**

Post code: **EC1 2NR**

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

TRA London Ltd

Number of premises licence or club premises certificate: **LN/3425-100810**

COMMERCIAL/LICENSING

12 NOV 2013

**PUBLIC PROTECTION DIVISION
222 UPPER ST, LONDON N1 1XR**

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
(optional) address

(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

<input checked="" type="checkbox"/>
<input type="checkbox"/>
<input type="checkbox"/>
<input checked="" type="checkbox"/>

This application to review relates to the licensing objectives to protect children from harm and to prevent crime and disorder and licensing policies 26, 25 & 10. It particularly relates to a sale of alcohol by the business to an underage volunteer and presence on the premises of suspected non-UK duty wine and the failure to exhibit a high standard of management at the business. The last is exemplified by a failure to engage with Trading Standards over the seized wine and the failure to follow our advice.

TRA London Ltd has held the premises licence at this address since August 2010. Tushar Patel is the Designated Premises Supervisor (DPS). A Trusher Patel is listed as a Director of TRA Ltd. As Tushar Patel has been described as the owner of the business by staff in the shop, I assume that Tushar and Trusher are the same person. Trading Standards have had no dealings with the business under this licence apart from those described below.

In late 2012 Trading Standards and partners launched a Community Alcohol Partnership (CAP) in the Bunhill ward of Islington, in which this business is located. The aim of the CAP is to reduce problems associated with underage drinking. Trading Standards' key role is to work with licensed businesses to ensure that they have all the advice and support necessary to avoid unintended underage sales.

At the start of the CAP, off-licence businesses in Bunhill were test purchased to see if they would sell to an underage volunteer. Old Street Central Stop was visited on 15th December 2012 by a male volunteer, aged 16 years and 2 months. No sale was made after the volunteer was challenged to provide proof of age.

During January and February 2013, Trading Standards ran three **training events** for Bunhill off-licence owners and staff. The training was offered to all staff from each business and was free of charge. The main part of the training was on **how to avoid underage sales**, but there were also elements on **illicit alcohol**, licensees responsibility and how staff can handle confrontation in the shop.

No response was made by this business to the initial invitation.

Several follow-up attempts were made to encourage the business to attend and on at least one occasion Mr Love was told that someone from the business would call back.

The business did not respond to these follow-up contacts and no-one from the business attended the training.

On 20th March 2013 the business was visited by officers from Trading Standards and HMRC. The purpose of the visit was to check for illicit alcohol. Some Italian wine was identified that was recognised as a brand that was frequently supplied from vans by people cold-calling at the shop. Invoices to show the wine had been purchased legitimately were requested, but none could be provided. **83 bottles** were seized by HMRC. Mr Love of Trading Standards left his business card with the person in charge of the shop and requested that Mr Patel was asked to call him.

Mr Love was not contacted by anyone from the business regarding this seized wine.

On 2nd July 2013, Mr Love was in the Bunhill ward with a work experience student who was just a week or two over 18 years old. They were visiting Bunhill off-licences making '**Challenge 25**' test purchases. The purpose of this exercise was to see whether businesses were challenging for proof of age in the way they had been advised. No offence is committed by those businesses that sell as the purchaser is over 18.

At Old Street Central Stop, the work experience student was not challenged to prove his age and alcohol was sold to him. Mr Love and the student returned to the shop and spoke with the seller, who gave his name as Krunal Patel. Mr Love reminded him that he should ask for proof of age from anyone buying alcohol, who he thought was 25 or under and left a letter for the Licensee reminding him of the importance of Challenge 25.

While Mr Love was in the shop, he noticed some Villa Radioso wine – the same brand seized on 20th March - on the shelves. He asked Krunal Patel, who was the only person in the shop, whether he could show him invoices to show legitimate purchase and he could not. Mr Love asked to speak with the licensee. Mr Krunal Patel tried to contact the licensee by phone, but was unable to contact him. Mr Love seized **14 bottles** of the wine and left an Inspection Report on which he requested of the wine: **"PLEASE PROVIDE INVOICES OR OTHER PROOF OF PURCHASE AS SOON AS POSSIBLE"**.

Mr Love was not contacted by anyone from the business regarding this seized wine.

On 6th September 2013 Liane Bishop of Trading Standards performed an audit of the precautions that the business were taking to prevent underage sales. She spoke with Krunal Patel.

- He was asked how he decided whether to ask someone buying alcohol for proof of age. He knew that alcohol could not legally be sold to under 18s, but needed prompting before he mentioned Challenge 25.
- He knew that driving licences and passports could be valid proof of age, but needed prompting before he mentioned PASS proof of age cards.
- There was an 'Under 25?' poster displayed, which states that anyone under 25 buying alcohol should be prepared to provide proof of age.
- Ms Bishop was told that both the refusals records and the training records had been removed from the shop and taken to show staff in a new Brixton store.

On 7th September 2013, Mr Love asked a 16 year old female volunteer, Volunteer R, to go into the shop to attempt to buy alcohol. All the off-licence businesses in Bunhill were being test purchased to measure any improvement over the period of the CAP. The business sold a bottle of Stella Artois to Volunteer R without challenging her for proof of age. The receipt that she was given identified the seller to be Krunal Patel. Mr Love did not go back into the shop on that day as there were further premises to visit as part of the CAP exercise.

On 26th September 2013, Mr Love returned to the shop with Katie Tomashevski from the Licensing Team. Hitesh Patel was in charge of the shop. Mr Love told him about the sale earlier in the month and CCTV footage of the sale was viewed. Hitesh confirmed the seller was Krunal Patel. Hitesh and Quher Ramez, who was also working in the shop, both told Ms Tomashevski that they had not been trained about preventing underage sales. There were still no refusals or training records available in the shop.

While the officers were in the shop, Mr Love saw some Conti Cantinieri Italian wine. Mr Love recognised this to be a brand that was regularly sold from vans by sellers who cold-called shops. Mr Love asked whether there were receipts for the wine. There were not. He asked if he could speak with Tushar Patel, who was not present. Hitesh tried to call him, but there was no answer. Mr Love seized the wine – **23 bottles** in total. He left an Inspection Report that requested of the wine: "PLEASE PROVIDE INVOICES AS SOON AS POSSIBLE" and stressed the importance of Mr Patel contacting him about the wine and the sale.

Mr Love was not contacted by anyone from the business regarding the seized wine or the sale.

The duty payable on (all three seizures of) the wine would have been approximately **£222**.

On 15th October 2013, Mr Love telephone Tushar Patel. Mr Love said that he had been expecting a call about the wine and Mr Patel said that he "hadn't had enough time to deal with that yet". Mr Love observed the first seizure had been in March and Mr Patel replied that he had looked for that invoice, but had been unable to find it. Mr Patel asked if he could take Mr Love's number and called him back. Mr Love asked when he could expect to be contacted – Mr Patel replied "Give me about a week".

At the time of this review application being signed, Mr Love has not heard anything further from Mr Patel or anyone else at the business.

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

15/12/12	Sale refused	The business refused to sell alcohol to a 16 year old volunteer working with TS.
Jan / Feb 2013	Training not attended	Despite several invitations, no one from the business attended any of the three training sessions put on by Trading Standards
20/03/13	Seizure	83 bottles of Villa Radioso wine seized during check of alcohol stock by HMRC. No invoices could be provided.
02/07/13	Failed C25 TP and seizure	Krunal Patel sold to a student helping TS, aged 18 years and 2 weeks, without challenge. Letter advising of importance of Challenge 25 left. 14 bottles of Villa Radioso wine seized. No invoices could be provided.
06/09/13	CAP audit	Krunal Patel showed some, but not comprehensive knowledge, of challenging young people
07/09/13	Underage sale	Krunal Patel sold alcohol, without challenge, to a female volunteer, 16 years and 10 months.
26/09/13	Seizure	23 bottles of Conti Cantinieri wine seized. No invoices could be provided.
15/10/13	TS initiated contact	Mr Love spoke briefly with Tushar Patel on the phone. Mr Patel said he would phone back in a week or so. Nothing heard since.

Recommendations

I believe that this licence should be revoked.

The underage sale is considered to be particularly serious given the opportunities the business had which may have helped them to avoid the sale.

- No one from the business attended any of the three training sessions offered free of charge by Trading Standards as part of the Bunhill CAP;
- Krunal Patel had an opportunity to learn from the failed Challenge 25 test purchase;
- He had a further reminder the day before the sale during the audit undertaken by Ms Bishop.

What training Krunal Patel has had is unknown as Mr Love has been unable to examine training records.

The seriousness of the wine seizures is hard to judge without the engagement of the business. The Licensee has admitted, during a telephone conversation, that he was unable to find invoices for the first seizure, but has not commented on the other seizures. This wine is often sold door-to-door by men in vans, but it may have been innocently purchased by the business. If they can provide verifiable invoices or other proof that this is the case, Trading Standards policy (in line with HMRC) is to return the wine.

The licensee's failure to engage with Mr Love is the final concern. That he has not responded to Mr Love's requests to contact him may indicate that he never got the messages – in which case the management of his business is clearly lacking – or he has ignored them, which is totally inappropriate.

Removing the DPS is, of course, an option for the Committee, although in this case I am not convinced that this will be effective as the sole director of the company that owns the business and acts as Licensee is, we assume, the same person as the current DPS, so there appears little prospect of the management of the business changing just because the DPS has changed.

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. This recommendation is in line with Home Office Guidance regarding reviews where the licensing authority determines that the crime prevention objective is being undermined.

Section 11.27 of that guidance states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. This includes *"the use of licensed premises for the sale of smuggled tobacco and alcohol"* and *"for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people"* 11.28 of this guidance states that *"it is envisaged that licensing authorities would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered"*.

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

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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

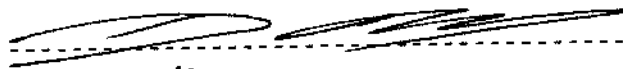


IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

12th November 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)

PREMISES LICENCE LICENSING ACT 2003

Premises licence number	LN/3425-100810		
Postal address of premises, or if none, ordnance survey map reference or description			
OLD STREET CENTRAL STOP UNIT 3, 104 - 122 CITY ROAD			
Post town	London	Post code	EC1 2NR
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
For the Ground Floor
<ul style="list-style-type: none"> • 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 style="margin-left: 40px; border: none;"> <tr><td>Monday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Tuesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Wednesday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Thursday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Friday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Saturday</td><td>07.00</td><td>to</td><td>23.00</td></tr> <tr><td>Sunday</td><td>07.00</td><td>to</td><td>23.00</td></tr> </table>	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
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The opening hours of the premises:																												
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies
Off Supplies



ISLINGTON

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

TRA London Ltd
The Kenley
83 Higher Drive
Purley
Surrey
CR8 2HN

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

07204093

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

Tushar Patel
111 Ingram Road
Thornton Heath
Surrey
CR7 8EH

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

05/02133/LIPERS Croydon Council

Islington Council
Public Protection Division
222 Upper Street
London
N1 1XR
Tel: 020 7527 3031/3803
Email: licensing@islington.gov.uk


Service Manager (Commercial)

16/9/10
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. CCTV system shall be installed and maintained inside and outside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises. All cameras shall continually record whilst the premises are open to the public and the video recordings shall be kept available for a minimum of 31 days with time and date stamping. Tape recordings shall be made available to an authorised officer or a police officer with 24 hours of any request.
2. Any instances of crime and disorder at the premises shall be reported to the Police immediately, record of these incidents shall be kept in a general incident *log-book* in which are recorded details of each day's events. This log shall be made available to an authorised officer or a police officer with 24 hours of any request.
3. People who appear intoxicated shall not be served.
4. The Licensee shall ensure that;
 - Staff receive instruction and training about age restricted products
 - Staff know what current proof of age documents look like
 - Staff ask for proof of age when dealing with young people
 - A record is kept of all refused sales.

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

Annex 4 – Plans

Reference Number: D.L 4293 003 Dated: September 2007

Your
Our Licensing/NI
Date: 08/12/2013



**METROPOLITAN POLICE
SERVICE**
Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204
Email:
licensingpolice@islington.gov.uk
8th December 2013

REVIEW:
OLD STREET CENTRAL STOP
UNIT 3, 104-122 CITY ROAD EC1V 2NR

Dear Sir/Madam

Re: OLD STREET CENTRAL STOP: UNIT 3, 104-122 CITY ROAD EC1V 2NR

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license or club certificate under the licensing Act 2003.

We have read the application submitted by David Fordham and we are in full agreement with his assessment of the premises. We believe that the management is far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy. It would seem that the management of the premises, Mr Patel, has decided to continue trading in this manner despite numerous efforts from Trading Standards and the Licensing Officer to engage with him in an attempt to resolve the issues. Mr Patel as shown a total disregard for the licensing laws and has continued to buy and sell illicit alcohol.

The Police Service face many difficult situations, one of those being dealing with young people who are under the influence of alcohol and it causes us concern that staff at this premises have not only failed to challenge young people when buying alcohol but has also sold alcohol to someone underage. Trading Standards have offered training but this offer has been ignored. Mr Love has tried on a number of occasions to engage with Mr Patel but these efforts have gone unrewarded.

We feel that it is a legitimate and proportionate course of action to review and revoke the license. We do not see that any other course of action is appropriate as it is clear that Mr Patel has no intention of running his business to the high standards we require.

Yours sincerely

Islington Police Licensing Team

Pc Steven Harrington
Pc Paul Hoppe
Pc Peter Conisbee

Enforcement Visit with KT and DL from Trading Standards
26 September 2013

11:05

Old Street Central Stop, 104-122 City Road Unit 3

Spoke to Hitesh Patel. Saw summary and authorisation on the wall above the door. H Patel authorised. Looked at refusals book and noted the following number of refusals:

From 2 November 2012 – 9 refusals
December 2012 – 12 refusals
January 2013 – 8 refusals
February 2013 – 5 refusals
March 2013 – 1 refusal
April 2013 – 5 refusals

KT asked H Patel if he had any training on underage sales he said no. Asked Quher Ramez also working if he had training and he said no.

DL confiscated suspected non-duty paid wine. Was shown a receipt from Shakthi Cash & Carry in Croydon.

Was told that the premises is open 24 hours but they don't sell alcohol after 23:00. CCTV working and stores images for a month. H Patel showed us the footage from 7 September when they sold to a 16 year old girl. CCTV time one hour earlier than actual time. Underage sale at 13:09-13:10.

Phone number for Tusha Patel 07956-424-115.

TRA LONDON LTD

T/A OLD STREET CENTRAL STOP LTD

19th November 2013

Fao Mr Doug Love
Trading Standards Service
Public Protection Division
222 Upper Street
London
N1 1XR

Dear Mr Love

**Re: S51 Licensing Act2003: Application for review of premises licence
Old Street Central Stop, 104 City Road, EC1 2NR**

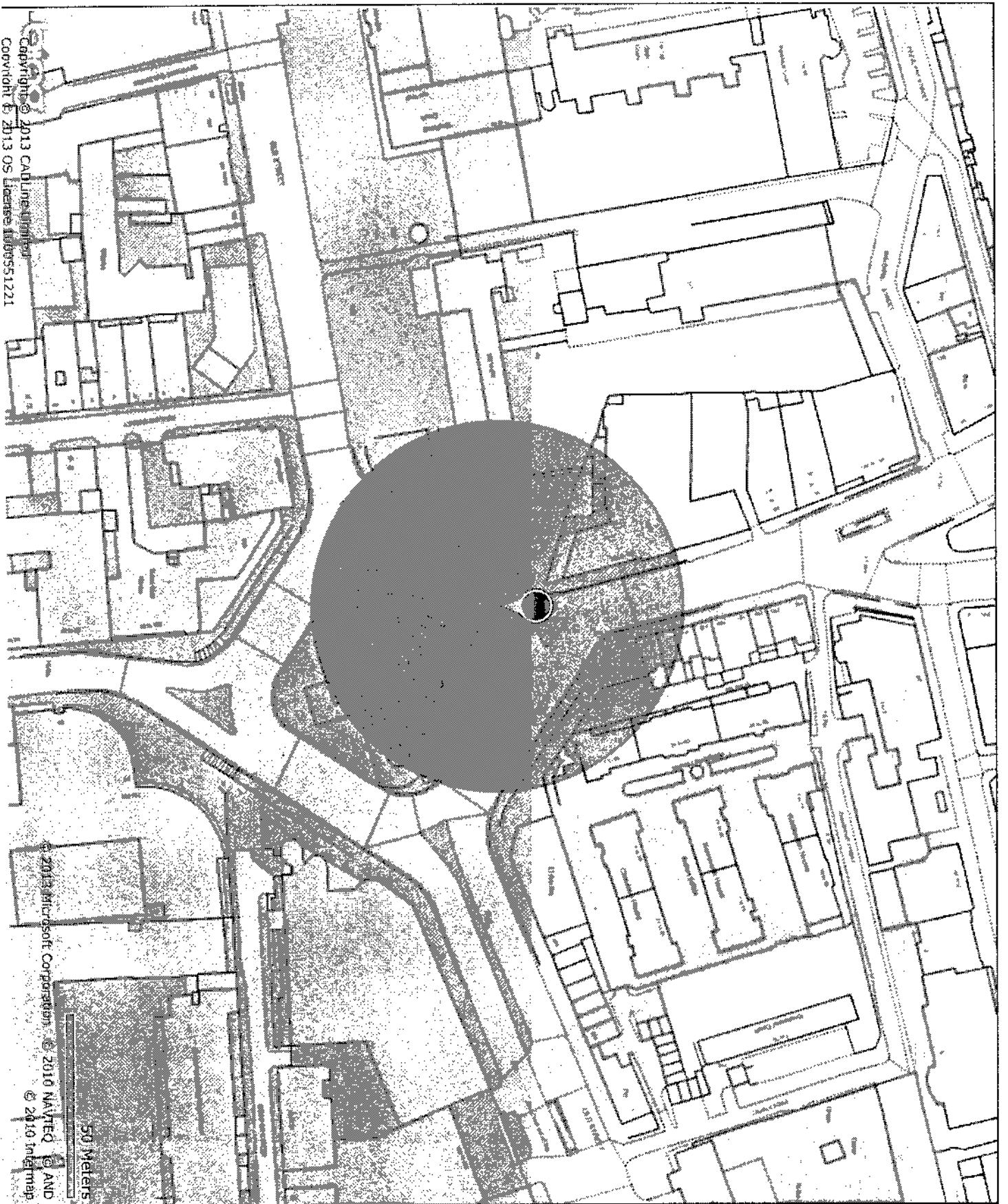
Thank you for your letter dated on 12th November 2013.
We are looking into this matter and will get back as soon as possible.

Thank you

Yours faithfully

Old Street Central Stop

As per current licence



**Title : Unit 3, 104-122
City Road, London
EC1V 2NR**

**Islington Borough
Boundary**

**Printed by :
RO RO**

**Printed at :
17-12-2013**

