

Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4th August 2011	B3	St. Mary's

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE VARIATION APPLICATION
RE: ISLINGTON WINES, 242 UPPER STREET, LONDON, N1 1RU**

1. Synopsis

- 1.1 This is an application for the variation of a premise licence under the Licensing Act 2003.
- 1.2 The variation application is to allow:
 - i) The supply of alcohol, off supplies only, Mondays to Sundays from 08:00 until 01:00 the following day.

2. Recommendations

- 2.1 To determine the application for a variation of the premises licence under Section 34 of the Licensing Act 2003.
- 2.2 If the Committee grants the application it should be subject to:
 - i. conditions of the current premises licence;
 - ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 3);
 - iii. conditions recommended by responsible Authorities (see appendix 4);
 - iv. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 The premises currently holds a licence allowing:
- i) The sale by retail of alcohol, off supplies only, Mondays to Saturdays from 08:00 until 23:00 and Sundays from 10:00 until 22:30.
- 3.2 Papers are attached as follows:-
- Appendix 1: application form;
 - Appendix 2: current premises licence;
 - Appendix 3: representations;
 - Appendix 4: suggested conditions and map of premise location.
- 3.3 The Licensing Authority has received 2 letters of representation. Representations are from the Islington Police and Islington Council's Trading Standards team.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, it may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy
Licensing Act 2003
Secretary of States Guidance

Final Report Clearance

Signed by


Service Director - Public Protection

Date 25.7.11

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

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Fax: 020 7527 3430

E-mail: dan.whitton@islington.gov.uk

1112 26484

LN/3422

APPENDIX 1

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records.

I/We Mr Srikanthan SHANMUGALINGAM
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number 127245/3451

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description Islington Wines 242 Upper Street Islington			
Post town	London	Post code	N1 1RU

Telephone number at premises (if any)	020 7354 4334
Non-domestic rateable value of premises	£40000

Part 2 – Applicant details

Daytime contact telephone number	07951 510 527		
E-mail address (optional)			
Current postal address if different from premises address	28 Southall Court Lady Margaret Road Southall		
Post town	London	Postcode	UB1 2RQ

COMMERCIAL LICENSING

3 JUN 2011

PUBLIC PROTECTION DIVISION
220 UPPER STREET LONDON N1 1RU

ISLINGTON COUNCIL LICENSING			
Date	08/06/11	Fee Paid	315.00
Cash/Cheque Number (please circle)	CREDIT CARD		
Receipt Number	PARIS		
Received By	U28		

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day Month Year

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Please describe briefly the nature of the proposed variation (Please see guidance note 1)

To vary the hours that alcohol may be sold for consumption off the premises from those currently shown on the licence to 8am to 1am on all days of the week.

To remove outdated and unenforceable conditions.

To add conditions which are enforceable and promote the licensing objectives.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)			
Mon						
			State any seasonal variations for performing plays (please read guidance note 4)			
Tue						
			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)			
Wed						
Thur						
Fri						
Sat						
Sun						

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input type="checkbox"/>
				Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

E

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

F

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

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish		Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

H

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

I

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

J

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

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u> 		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Wed					
Thur					
Fri			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) None		
Mon	08:00	01:00			
Tue	08:00	01:00			
Wed	08:00	01:00			
Thur	08:00	01:00			
Fri	08:00	01:00			
Sat	08:00	01:00			
Sun	08:00	01:00			
			Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) None		

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)

No adult entertainment will be provided

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) None
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) None
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
 All the conditions listed under Annex 2 of the current premises licence which are:

- 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 dispatch 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.

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

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

The plan is not enclosed as there are no changes to the layout.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

Staff shall be trained to uphold each of the four licensing objectives.

b) The prevention of crime and disorder

A Digital colour CCTV system comprising of multiple cameras is installed and shall be maintained.

The head unit (recorder) for storing the images shall store such data on a hard drive or a similar quality medium.

The equipment to record the images shall be located out of the sight and reach of the public and adequately secured.

A CD or DVD burner shall form part of the system to facilitate making copies of the images.

The quality of the images shall be of a sufficiently high standard to allow identification of the subject matter.

Cameras shall cover all key areas and capture clear headshots of persons entering the shop, the till area and areas where alcohol is displayed for sale.

Images shall be retained for a period of 31 days before overwriting.

Images shall be disclosed to officers of the Metropolitan Police Service and authorised officers of the London Borough of Islington in accordance with the principles The Data Protection Act 1998.

When the premises are open to the public, a staff member shall be available to efficiently operate the CCTV system.

A representative from the premises will actively participate in any scheme(s) promoted by both the Police and the Local Authority which are designed to improve partnership working and communication between premises, authorised persons, interested parties and responsible authorities within a defined area of the Borough.

c) Public safety

No further action other than compliance with The Regulatory Reform Fire Safety Order 2005 and the Health and Safety at Work Act 1974 and its associated regulations.

d) The prevention of public nuisance

Waste from the premises shall not be stored nor disposed of at a time or in a manner which may cause a nuisance.

e) The protection of children from harm

The premises shall abide by an age verification policy in relation to the sale of alcohol.

The policy shall require individuals who appear to be under 25 years of age to produce, on request, to a member of staff, before being served alcohol, identification, bearing their photograph, date of birth and a holographic mark.

A system to record the fact that a member of staff has refused to sell alcohol to an individual who appears to be under the age of 25 years shall be kept and maintained on the premises.

The record of refused sales shall be available for inspection by both officers of the Metropolitan Police Service and authorised officers of the London Borough of Islington.


Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	8 th June 2011
Capacity	Authorised agent on behalf of the applicant

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)

Mr Keith Walmsley
Premlic Licensing Consultancy
76 Billy Lows Lane
Potters Bar

Post town	Hertfordshire	Post code	EN6 1XL
Telephone number (if any)	07525 471028		

If you would prefer us to correspond with you by e-mail your e-mail address (optional)
keith@premlic.com

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	127245/3451		
Postal address of premises, or if none, ordnance survey map reference or description	<p align="center">ISLINGTON WINES 242 UPPER STREET</p>		
Post town	London	Post code	N1 1RU
Telephone number	020 7354 4334		

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

- The sale by retail of alcohol:

Monday	08:00	to	23:00
Tuesday	08:00	to	23:00
Wednesday	08:00	to	23:00
Thursday	08:00	to	23:00
Friday	08:00	to	23:00
Saturday	08:00	to	23:00
Sunday	10:00	to	22:30

Except on:
 Good Friday: 08:00 to 22:30
 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30

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

Mr Srikanthan Shanmugalingam
28 Southall Court
Lady Margaret Road
Southall
UB1 2RQ
07951 510 527

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

Not applicable


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

Mr Srikanthan Shanmugalingam

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

01706 - Ealing Council

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


Assistant Director - Public Protection

29 October 2007
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

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

Nil

Annex 4 – Plans. DRG No 01. Date Aug 05

**Premises Licence Summary
Licensing Act 2003**

Premises licence number 127245/3451

Premises details

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

**ISLINGTON WINES
242 UPPER STREET**

Post town London **Post code** N1 1RU

Telephone number 020 7354 4334

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

- The sale by retail of alcohol:

Monday	08:00	to	23:00
Tuesday	08:00	to	23:00
Wednesday	08:00	to	23:00
Thursday	08:00	to	23:00
Friday	08:00	to	23:00
Saturday	08:00	to	23:00
Sunday	10:00	to	22:30

Except on:

Good Friday: 08:00 to 22:30

Christmas Day: 12:00 to 15:00 and 19:00 to 22:30

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



ISLINGTON

Name, (registered) address of holder of premises licence

Mr Srikanthan Shanmugalingam
28 Southall Court
Lady Margaret Road
Southall
UB1 2RQ

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

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

Mr Srikanthan Shanmugalingam

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 3031/3803
Email: licensing@islington.gov.uk

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin Clark** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 181475**

This statement (consisting of: ... **2** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

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

My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the application to vary the licence **Islington Wines, 242 Upper Street, N1 1RU – Licence 127245 / 3451.**

I am aware of the work that has been carried out by officers from Islington Trading Standards and HRMC and the seizure of counterfeit/smuggled goods they found on the premises. I also sat on the Officers panel that Mr. Shanmugalingam attended to initially deal with the matter. During this meeting he claimed to have invoices for the goods which he could produce within the week and myself and Mr. Love from the Islington Trading Standards attended the premises to verify this on several occasions. He eventually produced some invoices to Mr Love but I note there is a very real concern over the validity of these documents.

I am aware that there is a large volume of smuggled and counterfeit alcohol being seized in the Islington area and have serious concerns about the premises that are willing to stock such goods which are known to have serious health implications in the case of the counterfeit goods and in all cases are depriving the government of revenue. I also make note of the fact that there is a strong link in the distribution of such goods and organized crime and therefore this trade is funding much more serious crimes. The Home office guidance is for revocation of the licence on the first offence for premises found to have such goods on the premises and if this were a review hearing I would be asking the Committee for such a revocation. As this hearing is to determine whether the hours should be extended I submit that Police have serious concerns about the management of these premises and I strongly oppose the extending of the hours at this time. I would also support the adding of the conditions proposed my Islington Trading Standards to the licence.

Signature: Signature witnessed by:

Continuation of Statement of **Robin Clark**

[Empty rectangular box for content]

Signature: Signature witnessed by:



Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 05/07/2011

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Islington Wines, 242 Upper Street, N1 1RU – Licence 127245 / 3451

The application for a variation to the licence for the above premises has been examined by the Trading Standards Section. I wish to make the following representations as I have concerns over the management of the business and the steps they have taken to prevent crime and disorder and to protect children from harm.

1. Enforcement action

1.1 On February 25th 2011 this premises was visited by officers from Trading Standards and HMRC. The alcohol stock was examined and HMRC seized some wine and some vodka, which was identified as smuggled. A small quantity of Smirnoff vodka included in the seizure was later shown to be counterfeit, although fortunately the liquid was not harmful.

1.2 No invoices, or other evidence of innocent purchase, was produced within the 30 day period allowed by HMRC.

1.3 Mr Shanmugalingam attended an Officer Panel meeting on 02/06/11 but was unable to produce invoices relating to the goods to the panel. He did however state that he had invoices and would produce these as soon as possible. These were eventually produced on 16/06/11.

1.4 The invoice produced for the wine that indicated that the business had bought cases of the seized wine at 6 for £7.99, ex-VAT, which equated to £1.33 per bottle. The excise duty payable on a bottle of wine in 2009-10 was £1.69, so the wine should have been recognised as being so cheap it could not possibly be legal.

1.5 The invoice produced for the vodka dated from 26/08/10, when 30 bottles of Smirnoff vodka were bought. This was not the origin of the counterfeit vodka, as the trade mark holder has confirmed that this type of counterfeit is known not to pre-date November 2010.

2. Trading Standards' concerns

2.1 The facts are that smuggled and counterfeit goods have been found on the premises and that Mr Shanmugalingam has been slow in producing invoices raises concerns about the current management of the premises. In different circumstances, Trading Standards would be asking for a review of the licence. We would therefore not wish to see any extension to the licensed hours for the business. Opening longer hours would make the enforcement of consumer protection laws harder.

2.2 Although there have been no recent sales to child volunteers by the business, we are concerned that a willingness to break one law indicates a less rigorous than desired approach to all consumer laws may be taken.

3. Proposed steps to prevent crime and disorder and to promote the protection of children from harm

3.1. Whether or not the Sub-Committee does choose to allow the extended hours, Trading Standards would like to see the following conditions added to the licence to help prevent further breaches of consumer protection law.

- No alcoholic goods will ever be purchased from sellers calling to the shop.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the 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.
- The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
- 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.
- The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

We believe these representations are specific and proportionate to the known trading history of the business premises which are run by the applicant, and are consistent with the Islington Council Statement of Licensing Policy 24.

Doug Love
Principal Consumer Services Officer

05/07/11

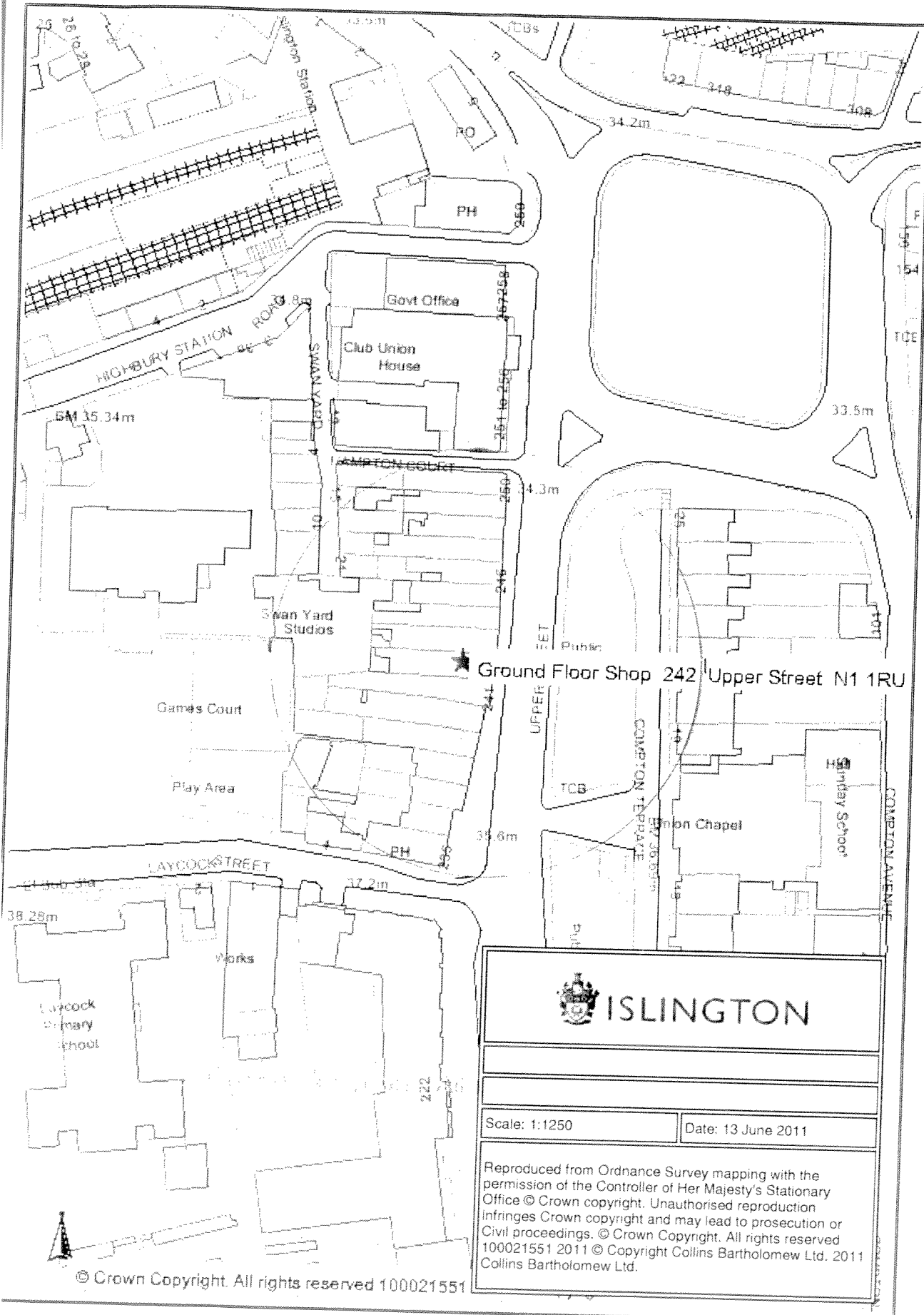
Suggested conditions of approval consistent with the operating schedule

1. A digital colour CCTV system comprising of multiple cameras is installed and shall be maintained as below:
 - a) The head unit (recorder) for storing the images shall store such data on a hard drive or a similar quality medium;
 - b) The equipment to record the images shall be located out of the sight and reach of the public and adequately secured;
 - c) A CD or DVD burner shall form part of the system to facilitate making copies of the images;
 - d) The quality of the images shall be of a sufficiently high standard to allow identification of the subject matter;
 - e) Cameras shall cover all key areas and capture clear headshots of persons entering the shop, the till area and areas where alcohol is displayed for sale;
 - f) Images shall be retained for a period of 31 days before overwriting;
 - g) Images shall be disclosed to officers of the Metropolitan Police Service and authorised officers of the London Borough of Islington accordance with the principles of The Data Protection Act 1998; and
 - h) When the premises are open to the public, a staff member shall be available to efficiently operate the CCTV system.
2. A representative from the premises will actively participate in any scheme(s) promoted by both the Police and the Local Authority which are designed to improve partnership working and communication between premises, authorised persons, interested parties and responsible authorities within a defined area of the Borough.
3. Waste from the premises shall not be stored nor disposed of at a time or in a manner which may cause a nuisance.
4. The premises shall abide by an age verification policy in relation to the sale of alcohol. The policy shall require individuals who appear to be under 25 years of age to produce, on request, to a member of staff, before being served alcohol, identification, bearing their photograph, date of birth and a holographic mark.
5. A system to record the fact that a member of staff has refused to sell alcohol to an individual who appears to be under the age of 25 years shall be kept and maintained on the premises.
6. The record of refused sales shall be available for inspection by both officers of the Metropolitan Police Service and authorised officers of the London Borough of Islington.


Suggested conditions of approval recommended by Trading Standards

7. No alcoholic goods will ever be purchased from sellers calling to the shop.
8. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
9. 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.
10. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
11. 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.
12. 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.

13. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
14. 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.
15. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
16. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.



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 **ISLINGTON**

Scale: 1:1250	Date: 13 June 2011
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