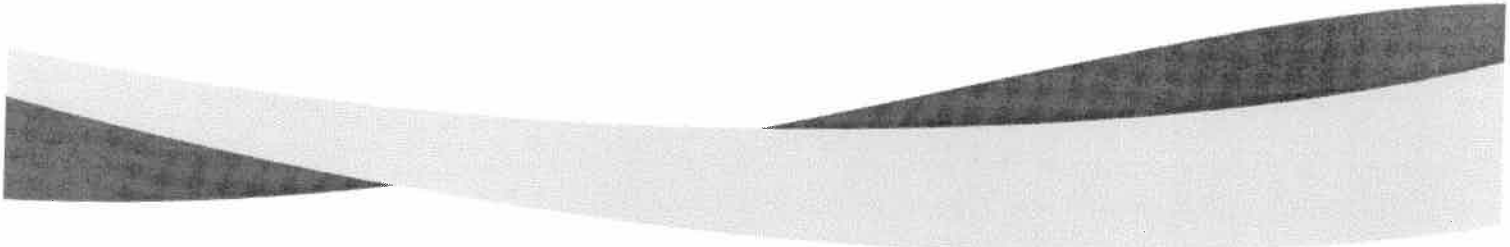




Report of: **Service Director, Public Protection**

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4th August 2011	B6	Holloway

Delete as appropriate	Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: VARIOUS MINI MART, 69 HOLLOWAY ROAD, LONDON, N7 8JZ**

**1. Synopsis**

- 1.1 This is an application by the Council's Trading Standards team for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
  - i) The prevention of crime and disorder; and
  - ii) The protection of children from harm.

**2. Recommendations**

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 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 by retail of alcohol, off supplies only, Mondays to Sundays from 07:00 until 23:00.
- 3.2 Papers are attached as follows:-
  - Appendix 1: application form;
  - Appendix 2: current premises licence;
  - Appendix 3: representations;
  - Appendix 4: Licensing Officer file notes;
  - Appendix 5: suggested conditions and map of premise location.
- 3.3 The Licensing Authority has received 1 letter of representation from the Police licensing Officer.

### 4. **Conclusion and reasons for recommendations**

- 4.1 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

#### **Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Dan Whitton

Tel: 020 7527 3841

Fax: 020 7527 3430

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

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

1112 264 74

LN/12832

APPENDIX 1

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:

**Various Mini Mart**

**(a.k.a. Kumaran's Late Night Food Shop)**

**69 Holloway Road**

Post town: **London**

Post code: **N7 8JZ**

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

**Sundareswaran Keethanathapillai**

Number of premises licence or club premises certificate: **LN/12832-170111**

COMMERCIAL LICENSING

30 JUN 2011

PUBLIC PROTECTION DIVISION  
222 UPPER ST LONDON N1

**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**

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) DETAILS OF OTHER APPLICANT**

---

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address	
<b>David Fordham</b> <b>Service Manager (Trading Standards)</b> <b>Public Protection Division</b> <b>222 Upper Street</b> <b>London</b> <b>N1 1XR</b>	
Telephone number:	<b>020 7527 3458</b>
E-mail:	<u><a href="mailto:david.fordham@islington.gov.uk">david.fordham@islington.gov.uk</a></u>

This application to review relates to the following licensing objective(s)

- the prevention of crime and disorder
- public safety
- the prevention of public nuisance
- the protection of children from harm

Please tick one or more boxes

- 
- 
- 
-

This application to review relates to the objectives to prevent crime & disorder and protect children from harm. It particularly relates to the supply by the business of smuggled and counterfeit goods and breaching of licence conditions intended to help prevent sales of alcohol to children.

This premises licence was granted only in January 2011. The previous licence had been surrendered by Kumarasamy Mageswaran after the licensee was invited to a Licensing Officers' Panel following a sale of alcohol to a volunteer child in August 2010. Mr Mageswaran had informed Licensing in May 2010 that he no longer ran a business at the address, saying that the business had been passed to a Mr Arulrajan Arulampalam in Oct 2009.

On 16<sup>th</sup> March 2011, Doug Love of Trading Standards visited the shop, primarily to check they were taking reasonable precautions to prevent underage sales of alcohol. One of the two members of staff at the shop at the time of the visit – Mohammed Raja, who said he was the Manager - had reasonable spoken English (as required by Annex 3, condition 1).

There were a number of issues discovered:

- Five 70cl bottles of Glens vodka were removed from the premises as they were recognised by Mr Love to be smuggled. (The duty stamp did not fluoresce; incorrect style of '4' on the bar code; self adhesive back label). 124 packs of counterfeit condoms were also seized.
- The staff appeared to be aware of the age limit and appropriate proof of age, but they did not know what Mr Love was talking about when he asked whether there was a 'Challenge 25' policy being operated. This policy is required by Annex 2, condition 9.
- Both staff said that they had not signed anything to say they understood their training re age-restricted goods, contrary to Annex 2, condition 10.
- No refusals book could be produced, contrary to Annex 2, condition 12. Mr Love was told it had been missing for 20 days.
- Neither employee present appeared to have been trained to BIIAB level 1, contrary to Annex 2, condition 3.
- No notice was displayed advising customers to consume alcohol responsibly, contrary to Annex 2, condition 5.
- No bin was kept outside the premises contrary to Annex 2, condition 6.

Mr Love left an Inspection Record with his contact details on and verbally requested that invoices were provided for the vodka and condoms as soon as possible. He followed this up with a letter, dated 16/03/11, asking for the origin of the illicit goods and any invoices and noting there were breaches of conditions observed. There has been no response to the verbal request or the letter.

On 25<sup>th</sup> March, Trading Standards asked a male volunteer child, aged 15 years and 6 months, to attempt to buy alcohol from the shop. The volunteer was asked to produce proof of age and when he could not, the sale was refused.

On the evening of 6<sup>th</sup> May Licensing Officer Dan Whitton visited the shop. On 18<sup>th</sup> May, Trading Standards were notified of a letter sent to Mr Keethananthapillai further to the visit.

The letter noted that the visit had revealed the following breached of conditions:

- The only employee in the shop, Sarveson Sairam, had not been given training regarding the sale of alcohol, contrary to Annex 2, conditions 3 and 10.
- No 'Challenge 25' policy was being operated, as required by Annex 2, condition 9.

- No refusals book could be produced, contrary to Annex 2, condition 12.
- The business also appeared to be in breach of Annex 2, conditions 5,6 & 7.

No response to this letter had been received before the date of this application June 7th.

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

10/05/10	Business rates change	Mr Keethananthapillai took on responsibility for business rates at the address
06/08/10	Test purchase – alcohol sold	Alcohol sold to a TS volunteer – a boy aged 16 years and 4 months. Licence subsequently surrendered by Kumarasamy Mageswaran.
17/01/11	Licence granted	Sub Committee grants licence with 14 conditions in addition to the Mandatory Conditions
16/03/11	TS visit	Five bottles of smuggled vodka and 124 packs of counterfeit condoms seized. Six conditions breached. No contact from Mr Keethananthapillai.
25/03/11	Test purchase – no sale	The business refused to sell alcohol to a TS volunteer – a boy aged 15 years and 6 months. Proof of age was asked for.
06/05/11	Licensing visit	Seven conditions breached, including the six breached on 16/03/11.

Recommendations:

The facts indicate that this business is not well managed, although it must be noted that an attempted test purchase since the licence was granted resulted in no sale. The risk of further offences is felt to be high.

The presence of smuggled and counterfeit goods has not been explained. The possession for supply of illicit alcohol is concerning for the following reasons:

- Counterfeit spirits, particularly vodka, may be unsafe to consume.
- Illicit spirits are produced and smuggled into the country by organised crime. It is believed that the profits are frequently used to fund other types of serious crime.
- Smuggling causes huge losses to the UK's tax revenues.

There have been multiple breaches of conditions apparent during two visits made by Council staff. Mr Keethananthapillai has made no attempt to engage with officers over these breaches.

It is for the Sub-Committee to decide the appropriate remedy for these facts. If the licence is not revoked, Trading Standards wish to recommend the following conditions are added to the licence:

1. No alcoholic goods will ever be purchased from sellers calling to the shop.
2. 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.
3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
4. 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.
5. 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.



Please tick ✓ yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day	Month	Year

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

Mr Love of Trading Standards made representations when the licence was applied for as he was concerned that the business did not appear to have followed previous advice on how to prevent underage sales and had subsequently sold to a trading standards volunteer. He was also concerned that the licensee and DPS on the licence at the time of the sale had nothing to do with the business. The conditions he proposed were accepted and appear on the licence (Annex 2; conditions 9 – 13).

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 8<sup>th</sup> June 2011

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)

David Fordham  
Service Manager (Trading Standards)  
Public Protection Division  
222 Upper Street

Post town London Post Code N1 1XR

Telephone number (if any)

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

Notes for Guidance

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

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

The application form must be signed.

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

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

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

T 020 7527 3421  
F 020 7527 3874  
E [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Date: 16/03/11

Sundareswaran Keethananthapillai  
t/a Kumaran's Late Night Shop  
69 Holloway Road  
London  
N7 8JZ

Dear Mr Keethananthapillai,

**IMPORTANT**

**Trade Marks Act 1994**

I visited your shop earlier today and seized some goods which I believe to be illegal. The goods were:

- 5 bottles of Glens vodka, believed to be smuggled or counterfeit
- 124 packs of condoms, believed to be counterfeit

The goods may cause serious health problems to consumers.

Please confirm where these goods came from as soon as possible. If you have invoices available, please provide copies.

I also noticed a number of breaches of the conditions of your licence. I will write to you about these at a later date.

Yours sincerely

**Doug Love**  
Principal Consumer Services Officer





# ISLINGTON

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

T 020 7527 3841  
F 020 7527 3430  
E [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)  
W [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: LN/12832-170111  
Your ref:

Date: 18 May, 2011

Mr Sundareswaran Keethananthapillai  
69 Holloway Road  
London  
N7 8JZ

This matter is being dealt with by:  
**Dan Whitton**

Dear Mr Keethananthapillai

## LICENSING ACT 2003

### RE: VARIOUS MINI MART, 69 HOLLOWAY ROAD, LONDON, N7 8JZ

I am writing to you as a result of a Licensing Officer inspection at the above premises at approximately 21:20 on the 6th May 2011. In the course of the inspection a number of premises licence condition breaches were identified.

On entering the premises a customer was in the process of buying cans of lager from the member of staff present at the time of the visit. Once this customer and associate had completed their purchase and left the premises we made ourselves known to the member of staff, Mr Sarveson Sairam (SS), who explained that he had been working at the premises for 10 days.

In the course of our discussions with SS he stated that he had not had any training in regards to the sale of alcohol and had no knowledge of what a refusals log was or its location. This is in breach of premises licence conditions 3, 10 and 12 at Annex 2 of your premises licence.

In addition to these premises licence breaches, the following conditions were also being breached at the time of our inspection:

- Annex 2, Conditions 5, 6, 7 and 9.

**This is a very serious set of circumstances and you are advised to ensure that all the premises licence conditions are complied with at all times that licensable activities are provided at your premises. It is an offence to allow the provision of licensable activities other than in accordance with a premises licence. Contraventions of the premises licence may lead to prosecution in the Magistrates Court, where you could be fined up to £20,000 or receive six months imprisonment.**

The Licensing Authority is deciding how to proceed in regards to this and will use details of this and future inspections, if appropriate, in any action that is taken.

I also advise you that details of the inspection have been passed to the Council's Trading Standards team as they may wish to take separate action against you in regards to this.

Please contact me if you require any further information or clarification on this or any other licensing issues.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dan Whitton', written in a cursive style.

Dan Whitton  
Licensing Officer

**If you would like this document in large print or Braille, audiotape or in another language, please telephone 020 7527 2000.**



**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/12832-170111		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
VARIOUS MINI MART 69 HOLLOWAY ROAD			
<b>Post town</b>	LONDON	<b>Post code</b>	N7 8JZ
<b>Telephone number</b>			

**Where the licence is time limited the dates**  
Not Applicable

**Licensable activities authorised by the licence**  
Ground Floor

- The sale by retail of alcohol

**The times the licence authorises the carrying out of licensable activities**

- The sale by retail of alcohol:

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

**Gaming Machine Provision:**  
Not authorised

**The opening hours of the premises:**

Monday	00:00	to	24:00
Tuesday	00:00	to	24:00
Wednesday	00:00	to	24:00
Thursday	00:00	to	24:00
Friday	00:00	to	24:00
Saturday	00:00	to	24:00
Sunday	00:00	to	24:00

**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 Sundareswaran Keethananthapillai  
69 Holloway Road  
London  
N7 8JZ

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

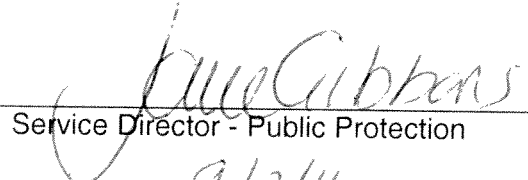
**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Sundareswaran Keethananthapillai

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

London Borough of Hounslow - H03072

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

  
\_\_\_\_\_  
Service Director - Public Protection

9/2/11  
\_\_\_\_\_  
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.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

## **Annex 2 - Conditions consistent with the Operating Schedule**

1. CCTV shall be installed at the premises.
2. The licensee shall ensure that all instances of crime and disorder as well as general incidents are recorded in an incident book.
3. Any staff at the premises who deal with alcohol will be trained on the appropriate aspect of licensing legislation and in particular on underage sales to the minimum BIIAB level 1 award in responsible alcohol retailing.
4. The licensee shall:
  - a) install movement activated lighting;
  - b) use mortice locks;
  - c) lock any private residence during trading hours;
  - d) ensure excess stock is stored away; and
  - e) install intruder alarms.
5. Notice to be displayed advising to consume alcohol responsibly.
6. Keep a bin outside the entrance of the premises.
7. Notice to be displayed advising customers not to park in residents ' drive ways and not to block the public highway.
8. Regularly consult with local residents in regards to possible nuisance and how to rectify any problems.
9. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
10. 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.
11. 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.

12. 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.
13. The licensee will notify Islington Council Licensing Team of any change of his address within seven days of the change.

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

1. There should always be at least one person on the premises who has a proficient command of spoken English to operate Challenge 25 at the point of sale for all sales of alcohol.

**Annex 4 – Plans**

Reference Number: AD/10/HOL69/OL00 – 07/10/10

**Premises Licence Summary**  
**Licensing Act 2003**

<b>Premises licence number</b>	LN/12832-170111		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
VARIOUS MINI MART 69 HOLLOWAY ROAD			
<b>Post town</b>	LONDON	<b>Post code</b>	N7 8JZ
<b>Telephone number</b>			

<b>Where the licence is time limited the dates</b>
Not Applicable

<b>Licensable activities authorised by the licence</b>
<b>Ground Floor</b>
<ul style="list-style-type: none"><li>The sale by retail of alcohol</li></ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																												
<ul style="list-style-type: none"><li>The sale by retail of alcohol:</li></ul> <table><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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<b>Gaming Machine Provision:</b>
Not authorised

<b>The opening hours of the premises:</b>																												
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Sunday	00:00	to	24:00																									

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

<b>Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence</b>
Mr Sundareswaran Keethananthapillai 69 Holloway Road London N7 8JZ

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

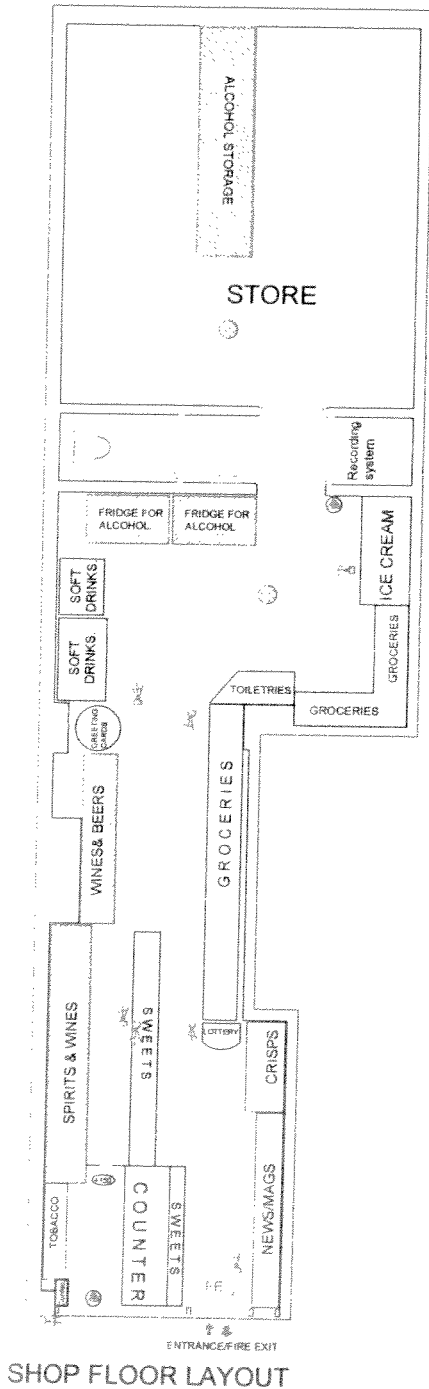
**Name of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Sundareswaran Keethananthapillai **Error! Reference source not found.**

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





No restrictions

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



**Key Notes**

1. This shop has a external metal shutter with heavy duty professional locks.
2. 24Hour recording with cctv cameras and recording kept away from the counter as shown on the plan.
3. Fire extinguishers kept in the shop as shown on the plan.
4. Smoke alarms in fixed to the ceiling as shown.

DESCRIPTION	KEY
FIRE EXIT -	FE
CCTV CAMERA -	
FIRE EXTINGUISHER(CO2) -	
SMOKE DETECTOR	
ALCOHOLS DISPLAY AREA -	

**TITLE: SHOP FLOOR LAYOUT**

**NAME :**

**ADDRESS : 69 HOLLOWAY ROAD, ISLINGTON, LONDON N7 8JZ**

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**DATE : 07./10/10**

**Drwn By : ST**

**Drg No : AD/10/HOL69/OL00**

**SCALE : 1:100**

**PAGE : 1 of 1**

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


Signature:  ..... Date: 4/7/2011 .....

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 review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises Various Mini Market, 69 Holloway Road, N7 8JZ.

I have read the information provided by the Council officials and note the varied type of counterfeit goods found and the lack of compliance with the conditions of the licence. The sale of counterfeit and smuggled goods is in my view a very serious matter and having assisted the council officials in seizing such goods it is apparent that it is becoming more widespread. If there was no market for the goods the trade would not flourish and as such the licensed trade does not need operators who are willing to break the law as readily as in this case buying goods from the back of a van. It is well documented that there is a strong link between organised crime groups and the trade in counterfeit and smuggled goods and therefore this type of crime is also supporting other types of crime such as the drug trade, people trafficking and even terrorism. As such I would support revocation of the licence or at least a long suspension and addition of the conditions proposed by the officers of Islington Trading Standards Office. I would also point out that the Home office guidance on this offence is revocation of the licence on the first offence and that the Licensing Authorities should seek to support business 's that operate within the law by removing those that trade illegally. I also think it is of note that the management of the premises have failed to engage with the council officers and appear to have had no regard for the conditions imposed by the Licensing Committee.

Signature:  ..... Signature witnessed by: .....

Licensing Officer File notes

Notes detailing out of hours licensing inspection to Various Mini Mart, 69 Holloway Road on 6th May 2011.

Licensing Officers Dan Whitton & Katie Tomashevski attending.

We arrived at the premises at approx 21:20, two customers in premises at this time purchasing cans of lager.

Spoke to member of staff serving, identified himself as Sarveson Sairam. SS stated that he had been working at the shop for 10 days. KT asked if he had been trained in regards to sale of alcohol, SS states that he has had no training. No understanding of Challenge 25 and no signage on display, SS did not know what a refusals book was or its location, no bin o/s and none of the required signage on display.

CCTV did appear to be functioning and SS was aware of photographic proof of age.

Multiple breaches of premises licence conditions, warning letter to be sent and Trading Standards notified.

**Suggested conditions of approval recommended by Trading Standards Officer**

1. No alcoholic goods will ever be purchased from sellers calling at the shop.
2. 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.
3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic drinks have been purchased.
4. A 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.
5. 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.

