



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	3 October 2011	B6	Highbury West
Delete as appropriate		Non-exempt	

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: SAIGON EXPRESS OFF LICENCE, 90 HORNSEY ROAD, LONDON, N7 7NN

1. Synopsis

- 1.1 This is an application by David Fordham of Islington 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.

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, Monday to Saturday from 08:00 until 23:00; and on Sunday from 10:00 until 22:30.

ii) Papers are attached as follows:-

Appendix 1: application form;

Appendix 2: current premises licence;

Appendix 3: police representations;

Appendix 4: suggested conditions and map of premise location.

3.2 The Licensing Authority has received a representation by way of a witness statement from the police.

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

22/9/11

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020 7527 3227

Fax: 020 7527 3430

E-mail: niall.forde@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:

**Saigon Eagle Off Licence
90 Hornsey Road**

Post town: **London**

Post code: **N7 7NN**

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

Number of premises licence or club premises certificate: **LN / 3345-121010**

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
<p style="text-align: center;">David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR</p>
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 objectives to prevent crime & disorder and Licensing Policy 39 and also the protection of children from harm and Licensing Policy 32. It particularly relates to the supply by the business of smuggled goods and the doubt this introduces about the standard of management evident at the premises.

On 13th December 2010, the business was visited by Mr Love of Trading Standards. As part of the visit, Mr Love left an advice pack containing advice on age-restricted goods and smuggled alcohol and tobacco. The Inspection Report left invited Mr Yeter to call if he needed further advice, but Mr Love did not hear anything from the business.

The business does not appear to have been included the mailshot of the smuggled goods guidance in March 2011.

On 15th June 2011, 39.8 litres of spirits and 29 bottles of wine were seized by HMRC officers during a joint HMRC / Trading Standards visit to these premises, as it was believed that the goods were smuggled. The business was given 30 days to provide proof of legitimate purchase to HMRC and a reminder letter was sent by Trading Standards on 4th July, but no proof was provided.

On 8th July, Mr Love received a phone call from Mr Umut Yeter at the business. He said that some of the seized goods were very old stock and that an invoice could be provided for the wine, which he said had been bought on a 'Buy one, get one free' offer from Alpa Cash & Carry. Further correspondence followed:

- An invoice from Alpa Cash & Carry was produced, but not the one that related to the wine seized, which Mr (Umut) Yeter stated had been lost. However, he insisted that the other wine also came from there and that this is a similar invoice. The unit price of the wine from the produced invoice, if a free case was given with each bought (unmentioned on the invoice) as Mr (Umut) Yeter states, would be £1.50. The current tax payable on a bottle of wine is £1.80, so this would mean the wine was being sold at a considerable loss.
- Umut Yeter gave a list of the seized spirits that he claimed were very old stock. Mr Love has ascertained the production dates of these spirits where possible and has confirmed that 14.7 litres of the seized stock was produced prior to the requirement for a duty stamp to be placed on the bottle in 2006. The production date of a further 7.8 litres is not known at the time of writing.

The spirits seized and still believed to be illicit are listed below. I have marked with an asterisk those claimed to be very old stock:

Glens vodka – 3.5 litres (5 x 70cl): Duty stamps do not fluoresce; self adhesive labels; wrong style '4' on barcode.

Smirnoff vodka – 3.5 litres (5 x 70cl): Duty stamps do not fluoresce; self-adhesive, crooked labels.

Absolut vodka – 2.8 litres (4 x 70cl): Duty stamps do not fluoresce; they are separate to the back label, but the code starts with an 'A' instead of a 'V' for vodka.

Absolwent vodka – 1.4 litres (2 x 70cl): Duty stamps do not fluoresce; they are separate to the back label, but start with an 'A' instead of a 'V' for vodka and carry the legend "Enjoy with Absolut responsibility".

J & B whisky – 0.7 litres (1 x 70cl): No duty stamp.

Bacardi Black rum – 0.7 litre (1 x 70cl): No duty stamp.

Asbach brandy - 0.7 litre (1 x 70cl): No duty stamp.

*Courvoisier VS brandy – 3.0 litres (3 x 1l): No duty stamps. Production year confirmed as 2010.

*Martell brandy – 1 litre (1 x 1l): No duty stamp. Confirmed production date of 23/04/07.

*Grants whisky – 4.0 litres (4 x 1l): No duty stamps. Back label indicates that it may have been intended for the French or Icelandic markets. May be old stock – confirmation being sought.

*Metaxa brandy – 1.4 litres (2 x 70cl): No duty stamps. German language label suggests not intended for the UK market.

*Pazo – 1.4 litres (2 x 70cl): No duty stamps. Label information indicates that it was not intended for the UK market and it may have been produced in 2009, although this has not been possible to confirm.

*Bacardi white rum – 1 litre (1 x 1l): No duty stamp. Production date not yet confirmed.

The wine was recognised by HMRC officers as brands that have regularly been smuggled and supplied in the region without duty being paid.

The total duty that would have been evaded had the goods confirmed to have been illicit been sold is approximately £224. The duty potentially evaded on the goods where the production date has not been confirmed is a further £75.

Trading Standards are concerned at the possession for supply of illicit alcohol for the following reasons:

- Counterfeit spirits, particularly vodka, may be unsafe to consume.
- Illicit spirits are smuggled into the country and / or produced 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.

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

- | | | |
|----------|--------------|---|
| 13/12/10 | TS advice | Advice pack including guidance on sensible precautions to avoid stocking smuggled alcohol left at premises. |
| 15/06/11 | HMRC seizure | 39.8 litres of spirits and 29 bottles of wine seized by HMRC as suspected to be smuggled. |

Recommendations:

It is clear that the business has not taken on board the advice about appropriate precautions that should be taken to avoid the supply of smuggled goods which was left for Mr Yeter in December 2010. If the simple precautions detailed in the guidance had been followed, the illicit spirits found at the premises would have been very easy to spot.

It is accepted that some of the spirits seized were produced before duty stamps had to be added, although much of it is still believed to be illicit. No evidence of legitimate purchase has been provided for these goods.

The wine may have been bought from Alpa Cash and Carry, but at a price which the trader should have recognised as being too cheap if the guidance had been followed.

The supply of illicit alcohol puts public health at risk. Counterfeit vodka often contains methanol – a type of alcohol that is not suitable for human consumption - and is responsible for many deaths worldwide each year. It would not be possible for a retailer to tell the difference between smuggled and counterfeit vodka or to assess how dangerous counterfeit vodka is.

The spirits in this case are all believed to be genuine, but non-duty paid.

There is no evidence of the business selling alcohol to underage consumers, but it is a concern that a willingness to break one law indicates that the standard of management at the premises is not satisfactory. This increases the possibility that the approach to all consumer laws may be less rigorous than is desirable.

Given the well-known dangers associated with the production and consumption of counterfeit alcohol and bearing in mind the Home Office guidelines, paragraphs 11.26 and 11.27, I believe the Sub-Committee should give consideration to revoking the licence. Should the licence be allowed to continue, Trading Standards wish to recommend the following conditions are added:

1. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
2. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
3. 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.
4. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
5. 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.
6. If any spirits bought by the business 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.

7. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
8. 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.
9. 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.
10. 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.

No conditions have previously been attached by the Licensing Authority.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

N/A

Please tick ✓ yes

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

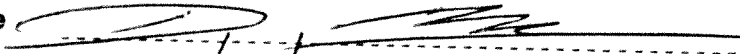
I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

18/8/11

Capacity

Service Manager (Trading Standards)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.
Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

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

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



Invoice No: 4665
Date: 16/06/2011

ALPA CASH & CARRY LTD
36A LEYTON INDUSTRIAL VILLAGE
ARGALL AVENUE, LONDON, E10 7QP
Telephone Number: 0208 558 2004
VAT Reg No: 970 7443 04

SAIGON EAGLE OFF LICENCE LTD
90 HORNSEY ROAD
LONDON
N7 7NN

Details	Quantity	Unit Price	Net Amount	VAT %	VAT
MONTEPULCIANO D'ABRUZZO ALPA PRE 6*75CL	1.00	17.99	17.99	20.00	3.60
MERLOT ALPA PREMIUM 6*75 CL	1.00	17.99	17.99	20.00	3.60
PINOT GRIGGIO ALPA PREMIUM 6*75 CL	1.00	17.99	17.99	20.00	3.60
SOAVE ALPA PREMIUM 6*75 CL	1.00	17.99	17.99	20.00	3.60

T: 020 8558 2004
F: 020 8558 5822
alpacashandcarry@hotmail.co.uk
36A Leyton Industrial Village, Argall Avenue, London E10 7QP

Total Net Amount 71.96
VAT 14.40
Invoice Total 86.36

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/3345-121010		
Postal address of premises, or if none, ordnance survey map reference or description			
SAIGON EAGLE OFF LICENCE 90 HORNSEY ROAD			
Post town	London	Post code	N7 7NN
Telephone number			

Where the licence is time limited the dates
Not Applicable

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

The times the licence authorises the carrying out of licensable activities
<ul style="list-style-type: none">• The sale by retail of alcohol: 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 <p>Except on: Good Friday: 08:00 to 22:30 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p>

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
Fevzi Yeter 225 Navarino Mansions Dalston Lane London E8 1LG



**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**

Figen Yeter
37 London Fields
East Side
London
E8 3SA

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

LBH-PER-T-0668 – London Borough of Hackney

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

Assistant Director - Public Protection

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

Reference Number: 54213156-01 Date: 15/07/2005



**Premises Licence Summary
Licensing Act 2003**

Premises licence number LN/3345-121010

Premises details

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

**SAIGON EAGLE OFF LICENCE
90 HORNSEY ROAD**

Post town	London	Post code	N7 7NN
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Telephone number	
-------------------------	--

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

Fevzi Yeter
225 Navarino Mansions
Dalston Lane
London
E8 1LG

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

Not applicable

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

Figen Yeter
37 London Fields
East Side
London
E8 3SA

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

REP 1



Building Control Service
Public Protection
222 Upper Street
London
N1 1XR

T 020 7527 5986
F 020 7527 5998
E geoff.weaver@islington.gov.uk
W www.islington.gov.uk

Our ref : GW
Your ref:

Date: 2 September 2011

Mr Fevzi Yeter
Saigon Eagle Off Licence
90 Hornsey Road
London
N7 7NN

Dear Sir

Licensing Act 2003
Representation from Responsible Authority for Health and Public Safety
Saigon Eagle Off Licence 90 Hornsey Road N7 7NN

With reference to the recent application for the review of the premises licence under the Licensing Act 2003 at the above named premises, as the health and safety consultant for the responsible authority for health and public safety I will be making a representation to this application.

At a survey of the premises on 31 August 2011 it was found that the requirements specified in the attached schedule are in need of urgent attention to ensure the existing arrangements at the premises are adequate for health and public safety.

The premises should be maintained in good condition. Staff should be trained in the health and safety measures applicable to the premises and the action to be taken in the event of an emergency or evacuation. Enclosed for your attention are **Health and Safety Standards for Places of Assembly, Shops and Commercial Premises**.

This communication is without prejudice to the necessity of complying with any other statutory controls which may be applicable, whether administered by the council or by any other authority.

Please give notification of the commencement and completion of the works.

Should you require any advice or information please contact me at the above address.

Yours faithfully

Geoff Weaver
Senior Building Surveyor (Licensing Health and Safety)



CUSTOMER SERVICE EXCELLENCE



**Islington Licensing Authority
Licensing Act 2003**

Representation form from Responsible Authority for Health and Public Safety

Name	Geoff Weaver
Job title	Senior Building Surveyor (Licensing Health and Safety)
Postal address	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
email	geoff.weaver@islington.gov.uk
Contact telephone number	020 7527 5986
Name and address of the premises concerning the representation	Saigon Eagle Off Licence 90 Hornsey Road N7 7NN
Public Safety	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
Suggested conditions that could be added to the licence to remedy the public safety representation	The premises shall not be used under the licence until the requirements specified in the schedule dated 2 September 2011 have been completed and approved in writing by the responsible authority for health and public safety.

Signed: _____ Date: _____

Please return this form along with any additional sheets to: Applicant and Islington Council, Licensing Team, 222 Upper Street, London N1 1XR or email to licensing@islington.gov.uk This form must be returned within the statutory period. For more details please check with the Licensing Support Team on 020 7527 3031.

**Licensing Act 2003 – Requirements schedule dated 2 September 2011 for
Saigon Eagle Off Licence 90 Hornsey Road N7 7NN**

(1) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the parts of the premises specified below:

- Shop area (at least two luminaires equally spaced along the length of the shop).
- Rear corridor.

Note: Non-maintained emergency lighting should be wired to the local lighting circuit in such a manner as to operate not only in the event of failure of the mains supply but also on failure of the supply to the local lighting circuit.

(2) Mains operated smoke alarms with a standby power supply such as a rechargeable or replaceable battery or capacitor in accordance with BS 5839 – 6 should be provided in the parts of the premises specified below:

- Shop area.
- Rear corridor.

Smoke alarms should be sited so that no point is further than 7.5m from the nearest smoke alarm. Smoke alarms should not be mounted within 500mm of any walls or obstructions.

Smoke alarms should be linked so that detection of smoke by one unit operates the alarm signal in all of them. Smoke alarms should be wired in compliance with BS 7671 to a single independent circuit at the main distribution board. The circuit should be clearly labelled **Fire Alarm do not isolate**.

(3) Mechanical extract ventilation should be installed in the toilet extracting direct to external air at a rate of not less than 6 litres/second. The extract fan should have a 15 minute over-run controlled by the light switch or occupant detecting sensor.

(4) When the premises are open to the public the sliding entrance/exit door should be secured in the fully open position.

(5) A graphic symbol exit sign in compliance with the Health and Safety (Safety Signs and Signals) Regulations should be provided over the entrance/exit doorway.

The minimum depth of the exit signs should be not less than 125mm.

(6) Fire extinguishers should be sited in staffed areas adjacent to the exits from staffed areas.

Fire fighting appliances should be on brackets or stands and located so as not to obstruct exit routes or cause a hazard to persons in and about the premises.

Appropriate signs should be fixed adjacent to the fire fighting appliances indicating the type of fire fighting appliance and the class of fire covered.



WITNESS STATEMENT

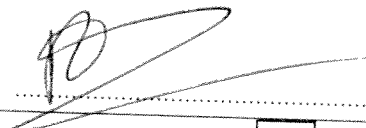
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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.

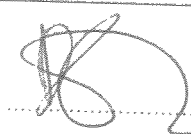
Signature:  Date: **12.09.2011**

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 Saigon Eagle Off licence, 90 Hornsey Road. N7 7NW.

I note the varied type of alcohol seized on these premises and although some are likely to be old stock it appears highly likely that some has been purchased by the present management of the premises. No explanation has been offered by the management and no valid paperwork produced. The management appear to have ignored the advice given by the Trading standards officers and in doing so have left potentially dangerous alcohol on sale to the public. As such it is of the opinion of Islington Police that the management of these premises fails to meet the required standard and that the licence should be revoked.

Signature:  Signature witnessed by:



Suggested conditions

As per current licence

Suggested conditions of approval recommended by Trading Standards

1. No alcoholic goods will ever be purchased from sellers calling to the shop.
2. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
3. 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.
4. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
5. 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.
6. 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.
7. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.
8. 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.
9. 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.
10. 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.

Suggested conditions of approval recommended by Council Health and Safety Officer

11. The premises shall not be used under this licence until the requirements specified in the schedule dated 2 September 2011 have been completed and approved in writing by the responsible authority for health and safety.

