

London Borough of Islington

Licensing Sub-Committee C – 2 February 2012

Minutes of the meeting of Licensing Sub-Committee C held at the Town Hall, Upper Street, N1 2UD on 2 February 2012 at 10.10am.

Present: **Councillors:** Raphael Andrews, Julie Horten (Items B1 – B7), Tracy Ismail (Items B8 – B9) and Marian Spall.

COUNCILLOR MARIAN SPALL IN THE CHAIR

87 INTRODUCTIONS (ITEM A1)

Councillor Spall welcomed everyone to the meeting and asked members and officers to introduce themselves.

The procedure for the meeting was outlined and those present were informed that it was also detailed on page 3 of the agenda.

88 APOLOGIES FOR ABSENCE (ITEM A2)

None.

89 DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)

Councillor Ismail substituted for Councillor Horten for Items B8 – B9.

90 DECLARATIONS OF INTEREST (ITEM A4)

None.

91 CONFIRMATION OF THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE C HELD ON 3 OCTOBER 2011 (ITEM A5)

RESOLVED:

That the minutes of the meeting held on the 3 October 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

92 ORDER OF BUSINESS (ITEM A6)

The order of business would be as detailed on the agenda.

93 BLUE NILE WINE BAR, 182 SEVEN SISTERS ROAD, LONDON, N7 7PX – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B1)

Members of the Sub-Committee noted the additional papers submitted following agenda despatch which would be interleaved with the agenda. The licensing officer reported that basement plans had not been submitted with the application. The applicant reported that this area was not to be used for licensable activities and was for cultural games only.

The trading standards officer considered that there was no further information to add to the report submitted by them and recommended refusal of the licence.

The noise officer reported that the proposed noise conditions had been accepted by the applicant. He had some concerns regarding the noise report submitted with the additional papers.

The police advised that in addition to their submission they had concerns regarding the activities in the basement of the premises.

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Interested party, Jane Lewis and ward Councillor Phil Kelly, raised objections to the application. They raised concerns regarding the late hours, impact on a residential area, the problems of noise from inside and from outside the premises and the unsuitability of the premises for a late night premises licence.

Graham Hopkins, licensing agent, supported by the applicant, Mr Asmelash, reported that the application had been amended to 03:00 hours for Fridays and Saturdays, that the requested hours for live music had been reduced so that it would terminate at midnight. A revised operating schedule had been circulated to members detailing new proposed conditions. He reported that this was a family friendly Eritrean restaurant that seated 60 people. Live music was to be set up away from the frontage of the restaurant to prevent noise escape and there were stringent conditions to be applied before the business could open. He reported that Mr Asmelash denied that there was a drinking den in premises where he was previously a licence holder and considered that he was being penalised because of one underage sale. He asked members to consider another DPS if they had no confidence in Mr Asmelash.

In response to questions from the Sub-Committee, the police reported that this was the first time they had submitted a representation where they had questioned the credibility of the licensee. When questioned about late night dancing in a restaurant, the licensee withdrew the application for dance. When questioned about the closure notice, the licensee reported that, on the date in question, before he had left the premises, he had informed staff not to put alcohol out on the shelves. The applicant initially stated that the alcohol had not been bought from his premises, however, the licensing officer reported that the members of public who had bought the alcohol had confirmed with him that they had bought it from the Blue Nile. He also reported that only four closure notices had been served on premises in Islington. The applicant reported that drinks would not be taken down to the basement and that the games played would be similar to pool.

In summing up, the police raised concerns that the games suggested would lead to a male dominated environment, in an area which suffered from significant levels of crime and disorder. They were strongly opposed to the granting of this licence even though the hours had been reduced and did not consider that the premises would bring any benefit to the area. The interested party reported that there were residential properties at the front and rear of the premises and moving the music away from the front of the premises would cause disturbance to properties at the rear. The applicant reported that the music was in the middle of the premises and the conditions would address concerns. The application was for a family restaurant, dominated by couples and not by men.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

That the premises licence in respect of Blue Nile Wine Bar, 182 Seven Sisters Road, N7 7PX, be refused.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities and the new operation schedule and noise report submitted by the applicant. The Sub-Committee noted that the applicant had offered new proposed hours and had offered to withdraw the application for dance; and for live music after midnight. He had also offered a condition that alcohol be ancillary to food.

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The Sub-Committee had grave concerns regarding the applicant's capacity to provide a high standard of management in licensed premises. They noted that the applicant had been served a closure notice in relation to the premises following a visit by licensing officers when it was discovered that alcohol had been served on the premises when there was no premises licence. The Sub-Committee also noted that the applicant previously held a premises licence at different premises, that had been revoked following a review of the licence involving illicit alcohol and an underage sale. In light of this, the Sub-Committee were not convinced that the applicant would comply with any conditions were a licence to be granted.

The Sub-Committee heard evidence in relation to the visit that led to the closure notice being served. The licensing officer stated that a large quantity of alcohol was on display for sale. The applicant informed the Sub-Committee that, at the time of the visit, he was away from the premises and that he had told his staff not to put any alcohol on display. The applicant stated that staff had put the alcohol out when he was not on the premises. In light of this evidence, the Sub-Committee was concerned about the applicant's ability to manage his staff.

The Sub-Committee noted that the applicant stated that his business partner could be the DPS for the premises, however, the Sub-Committee was not satisfied that this would promote the licensing objectives as the applicant would still have management control.

The Sub-Committee were also concerned that the premises were not suitable for the purpose intended by the applicant. The Sub-Committee noted that the premises were in a residential area with residents located at the rear and above the premises. The Sub-Committee noted that the applicant had accepted the conditions put forward by the noise team but also noted that the noise team had concerns about the noise report submitted by the applicant. The Sub-Committee noted that the noise report referred to a basement, plans for which had not been submitted with the application. It was noted that the licensing officer had not been informed of a basement to the premises before seeing the noise report albeit that the applicant stated that no licensable activities would take place there.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 001 and 013 regarding the high standards of management in licensed premises, licensing policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents in the vicinity of licensed premises.

Taking into account all the above, the Sub-Committee considered that to grant a new premises licence would not promote the licensing objectives even if stringent conditions were added.

94 **THE GREEN SHOP, 237 UPPER STREET, LONDON, N1 1RU – APPLICATION FOR A PREMISES LICENCE VARIATION UNDER THE LICENSING ACT 2003 (Item B2)**

Ward Councillor, Susan Buchanan, asked that her objection to the licence be recorded in the minutes. The Sub-Committee noted the applicant's objection to this, as her representation had not been received in time.

The Sub-Committee noted that the conditions recommended by the noise team had been agreed. The police had nothing further to add to the report included in the agenda.

Alan Aylott, solicitor, supported by Mr Cimen, interpreter/agent and Mr Suleyman Demir, the applicant, spoke in support of the application. He reported that the statistical information provided by the police did not relate specifically to off licences and the police agreed that the information provided did not relate to this premises. He informed the Sub-Committee that the applicant had seven years' experience of operating in London and had a robust operating schedule.

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In response to questions, the police reported that the profile of drinkers changed after midnight. Couples went out earlier in the evening but after midnight the profile of drinkers became younger and the amount of alcohol consumed increased. They considered that it would take robust management to control customers.

In response to a question from the applicant, the police reported that it was difficult to object to TENS, however they did feel that strong management was required for late hours and there had been three management issues that suggested that this was not in place. Firstly, management had not informed staff that a TEN had not been issued, leading to an out of hours sale. The sale was to a person who was clearly intoxicated and a refusals book had not been found on the premises. The licensing officer reported that the applicant had indicated at the panel meeting in November that he would accept hours until 02:00 or 03:00 in the morning.

In summary, the police reported that many premises in that area had had their hours reduced or licence revoked and they objected to an extension to the permitted hours. Mr Aylott reminded the Sub-Committee that the law was specific and there had been no proof of a causal link to this premises. The shop would close earlier if footfall was insufficient. TENS had operated on 11 days until 5am with no complaint.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

a) That the variation of the premises licence in respect of The Green Shop, 237 Upper Street, N1 1RU be granted to permit the premises to supply alcohol, off sales only, from Monday to Sunday, from 06:00 until 02:00 am.

b) That the following conditions be applied to the licence:

i) Conditions of the current premises licence.

ii) Conditions as outlined in appendix 3 as detailed on page 120 of the agenda.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

The Sub-Committee heard evidence from the police that incidents of alcohol fuelled crime and disorder increased early in the morning as nightclubs closed. The police stated that it took robust staff and good strong management to control the sale of alcohol to people in these circumstances. The Sub-Committee was concerned that the applicant did not show strong management at all times which was evidenced by an incident in November 2011 when a member of staff sold alcohol outside hours permitted by the licence. The sale was to someone who appeared to be intoxicated. When requested by officers, a refusal book could not be produced. The Sub-Committee also noted that in February 2011 illicit alcohol was seized at the premises.

The Sub-Committee heard evidence from the licensing officer that at a panel meeting, called to discuss the November incident, the applicant did offer reduced hours. The Sub-Committee noted that the premises had operated extended hours, although not 24 hours, on several occasions under Temporary Event Notices. The Sub-Committee noted the applicant's submission that the police evidence should be treated only as a pointer that alcohol fuels crime or violent crime. The police evidence was that crime increased in the early hours of the morning. In light of this, the Sub-Committee was not satisfied that a 24 hour licence would promote the licensing objectives but were

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satisfied that with conditions an increase in hours would.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 022 regarding operational hours and licensing policy 023 the location of the premises, the character of the area and the proposed hours of operation and licensing policy 025 regarding shops selling alcohol.

The Sub-Committee were satisfied that with the conditions detailed on appendix 3 on page 120 of the report, an increase in hours would promote the licensing objectives.

95 **487 LIVERPOOL ROAD, LONDON, N7 8PG - APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B3)**

Ward Councillor, Susan Buchanan, asked that her objection to the licence be recorded in the minutes. The Sub-Committee noted the applicant's objection to this, as her representation had not been received in time.

Alan Aylott, solicitor, supported by Mr Cimen, interpreter/agent and Mr Khan, the applicant, spoke in support of the application. He reported that Mr Khan was a responsible retailer of eighteen years experience and had offered a stringent operating schedule with 29 conditions. He considered that these conditions would meet the objections of residents.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

That a new premises licence be granted in respect of 487 Liverpool Road, N7 8PG to allow the supply of alcohol, off sales only, Mondays to Sundays from 08:00 until 23:00.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authority, the interested parties and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant accepted the conditions put forward by the responsible authorities.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 158/159 of the report the licensing objectives would be promoted.

96 **CALEDONIAN GENERAL STORE, 363 CALEDONIAN ROAD, LONDON, N7 9DG – APPLICATION FOR NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B4)**

The trading standards officer tabled proposed conditions not included in the papers which he requested be placed on the licence if granted. These would be interleaved with the agenda papers.

The police raised objections regarding the late operating hours and asked members to consider the area in which the premises was situated.

Alan Aylott, solicitor, supported by Mr Cimen, interpreter/agent and Mr Buyukkahraman, the applicant, spoke in support of the application. He stated that there was no causal link with this premises and the police objection. The applicant had a proven track record and did not sell to a volunteer in December. Mr Aylott stated that he would not quibble over half an hour, as 02:00 am

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had been granted to an earlier application. He stated that there were late licences in close proximity.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

a) That a new premises licence in respect of Caledonian General Store, 363 Caledonian Road, N7 9DQ be granted to permit the sale of alcohol, for consumption off the premises, from 08:00 until 01:00 Sunday to Thursday and from 08:00 to 02:00 Friday and Saturday.

b) That the following conditions be applied to the licence:

Conditions as outlined in appendix 3 as detailed on page 202 of the agenda, subject to the deletion of condition 9 and the following conditions proposed by trading standards, as tabled at the meeting.

- 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.
- No spirits in re-sealed cases will be purchased.
- 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 on request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcohol 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 practicable 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 Groups advice for off-licences.
- Condition 11 to read. 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.

REASONS FOR DECISION:

The Sub-Committee considered the submissions put forward by the responsible authority and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant indicated that they would not quibble over 30 minutes which the Sub-Committee took to be an offer to reduce the hours sought, by 30 minutes on Fridays and Saturdays.

The Sub-Committee noted that the evidence from the Police did not specifically link these premises to any known incidents of crime and disorder although it did confirm that alcohol related crime and disorder increased in the early hours of the morning.

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In reaching their decision, the Sub-Committee took into particular consideration licensing policy 022 regarding operational hours, licensing policy 023 regarding the location of the premises, the character of the area and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 202 of the report, the licensing objectives would be promoted.

97 **2 NORTHDOWN STREET, LONDON N1 9BG – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B5)**

The Sub-Committee noted that the item had been withdrawn from the agenda, as agreement had been reached with all parties.

98 **EDA FOOD CENTRE, 504-506 HORNSEY ROAD, LONDON, N19 3QW – APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003 (Item B6)**

The responsible authorities had no further additions to the report.

The Sub-Committee noted the concerns raised by the interested party regarding street drinkers.

Alan Aylott, solicitor, supported by Mr Cimen, interpreter/agent and Mr Boyraz, the applicant, spoke in support of the application. He reported that there was no link to crime and disorder to the premises. There were proposed conditions that would ensure that the licensing objectives would be promoted. The applicant had reduced the hours sought following discussions with the police.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

a) That the application for a new Premises Licence in respect of EDA Food Centre, 504-506 Hornsey Road, N19 3QW be granted to permit the premises to sell alcohol, for consumption off the premises, from 08:00 until 00:00 Monday to Sunday.

b) That conditions as outlined in appendix 3 as detailed on page 261 and 262 of the agenda be applied to the licence.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the interested party and the applicant and balanced the conflicting needs of residents and the business interests of the applicant.

The Sub-Committee noted that the applicant had agreed to reduce the licensing hours following consultation with the Police and that trading standards and noise team representations were withdrawn as the licensee had agreed their suggested conditions.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 023 regarding the location of the premises, the character of the area, the views of the interested parties and the proposed hours of operation and licensing policy 010 regarding the protection of the amenity of residents and business in the vicinity of licensed premises.

The Sub-Committee considered that with the conditions detailed on appendix 3 on page 261/262 of the report, the licensing objectives would be promoted.

99 **MEDITERRANEAN FOOD CENTRE, UNIT 2, MARQUESS ESTATE, ST PAULS ROAD, LONDON, N1 2RH – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B7)**

The trading standards officer reported that the review had been brought following a seizure of illicit wine, cigarettes and tobacco at the premises. He recommended that the licence be revoked as he had no confidence in the management standards. The police strongly supported revocation of the licence.

Mr Er, supported by his friend and translator, spoke against the review. He reported that he did not see the guidance letter sent in March 2011, warning businesses about smuggled goods. He made a mistake and bought wine from a van. He stated he received a letter from the trading standards officer dated 19 December but had been unable to make contact with him. He did not receive the letter that had been hand delivered on the 23 January informing him of the date of the hearing. He had contacted licensing agencies but they asked for large sums of money to represent him. He stated that he had only bought the wine the day before the alcohol was seized and knew that the alcohol was illicit.

In response to questions from the Sub-Committee, the trading standards officer reported that he had been warned by the HMRC a week or two before the seizure, to add this premises to his visits. Mr Er was unable to explain why the tobacco was in a chocolate box near the counter and inside a sofa bed.

In summing up, the trading standards officer reported that the evidence heard had not changed his view that the licence should be revoked. Mr Er apologised and asked that only conditions be imposed on his licence.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

That the premises licence in respect of the Mediterranean Food Centre, Unit 2, Marquess Estate, St Pauls Road, N1 2RH be revoked.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities and the applicant.

The Sub-Committee noted that the review was brought following the discovery of smuggled alcohol and tobacco found at the premises by the responsible authorities. The Home Office guidance at paragraphs 11.26 and 11.27 identified criminal activity which the Secretary of State considered should be treated particularly seriously. This included the sale of smuggled tobacco and alcohol. The Sub-Committee considered that the crime prevention objective was undermined through the premises being used for the sale of smuggled tobacco and alcohol.

The Sub-Committee noted that 102 bottles of Italian wine, 35 x 20 packs of Marlboro Gold cigarettes and 3 x 50g of Golden Virginia tobacco were seized from the licensed premises on 11 November 2011. The licensee admitted he had bought the wine from a man in a van, despite clear advice being sent to the shop in March 2011. Thirty packs of the cigarettes were found inside a sofa bed that was folded up in the storage area of the shop. The licensee admitted that he knew that the tobacco was illegal and knew that he had bought illicit wine. The Sub-Committee therefore had grave concerns regarding the management of the premises. The Sub-Committee noted that the licensee was hiding tobacco, which he knew to be illicit, in a sofa bed to avoid detection. The Sub-Committee noted that the licensee knew that the wine he had bought was illicit wine. The Sub-Committee noted that no explanation was given as to why the illicit tobacco was being stored in chocolate boxes or in the sofa bed.

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The Sub-Committee noted that the licensee had been sent a letter from Trading Standards dated the 19 December and that the licensee claimed not to have received a hand delivered letter dated the 23 January. The Sub-Committee was not satisfied with the applicant's explanation as to his attempts to contact trading standards or the licensing team.

The Sub-Committee heard evidence from the applicant that he had only purchased the illicit wine the day before it was seized, however, evidence was also given by trading standards that the visit to the premises was occasioned by a tip off from HMRC and this had been planned at least a week in advance.

In light of the above the Sub-Committee was not satisfied with the standards of management at the premises. Although the licensee stated that he would accept further conditions on his licence he did not offer specific conditions and in any event, the Sub-Committee was not satisfied that adding further conditions to the licence would promote the licensing objectives. Equally, the Sub-Committee was not satisfied that the licensing objectives would be promoted by changing the DPS.

Given these considerations the Sub-Committee decided to revoke the licence. In reaching their decision, the Sub-Committee took into particular consideration licensing policy 028 which requires licensees to operate to the highest standards of management, licensing policy 038 regarding the review of licences and licensing policy 039 regarding the sale of smuggled goods and considered their decision was necessary and proportionate to the promotion of the licensing objectives.

100 YOUR LOCAL SUPERMARKET, 274 Highbury New Park, London, N5 2LH – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B8)

Jennifer Neil, barrister, supported by Mr Erodgan, the licensee, tabled a letter detailing the circumstances that had led to the underage sale. This would be interleaved with the agenda papers.

The trading standards officer highlighted that this review for underage sales was less than four months after a previous review in October 2011 following the seizure of illicit alcohol. At the previous review, a number of conditions had been added to the licence. Staff training records and the refusals book were not provided in December following the underage sale. Whilst he understood that the client had a disabled child and had been called away on that evening, the licensee had not put any measures in place for these circumstances.

Jennifer Neil reported to the Sub-Committee that Mr Erdogan had been called away for half an hour on the evening in question as the stairlift had broken and his wife needed help in putting his disabled daughter to bed. These were unforeseen circumstances and Mr Erdogan had left Mr Aksoy, who was not an employee, in charge of the premises. Mr Erdogan accepted that records were not kept at the premises; they were previously recorded informally and had now been transferred into a proper log. Ms Neil reported that Mr Erdogan had not suspected that the illicit alcohol had been smuggled. She did not consider that it was proportionate to revoke or suspend the licence as this had been an exceptional circumstance and would not happen again. Staff had all been trained in underage sales.

In response to questions, it was ascertained that Mr Aksoy had no retail experience and did not run a similar business, as stated in the letter from the solicitors. He did not know the age limit for alcohol. Members were concerned that Mr Erdogan did not have a good command of English and would lack the confidence to challenge young people. A Challenge 25 condition had been placed on the licence in October 2011 and at the time of the underage sale a Challenge 21 poster was on display in the shop. Training was given orally and a record was filled in after the incident in December.

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In summing up, the trading standards officer reported that the underage sale had occurred as the person left in charge of the premises had not been trained on alcohol sales. Three of the conditions placed on the licence at the review hearing in October were being breached at the time of the underage sale. Ms Neil reported that Mr Erdogan had made efforts to rectify the measures he had taken before.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED

That the premises licence in respect of Your Local Supermarket, 274 Highbury New Park, N5 2LH be revoked.

REASONS FOR DECISION

The Sub-Committee considered the submissions put forward by the responsible authorities and the licensee.

The Sub-Committee noted that the review was brought following an underage test purchase being made at the premises. The Home Office guidance at paragraphs 11.22, 11.26 and 11.27 identified criminal activity which the Secretary of State considered should be treated particularly seriously. This included the purchase of alcohol by minors. The Sub-Committee considered that the protection of children from harm objective was undermined through the premises being used to sell alcohol to minors.

The Sub-Committee heard evidence from the licensee that, at the time of the underage sale, he had been called away from the premises by his wife to assist her in carrying their daughter to bed. The licensee stated that his daughter was severely disabled and that the stair-lift at their house was broken, which is why his assistance was needed. The licensee admitted that he had left the premises in the hands of someone who had not been trained but stated that these were exceptional circumstances which would not happen again. The Sub-Committee considered that the way in which the premises were managed did not evidence this statement.

The Sub-Committee also heard evidence from trading standards that, in October 2011 extra conditions were added to the licence following a review called when illicit alcohol was seized at the premises. These extra conditions included that Challenge 25 would be adopted, that staff would be trained about age restricted products, that training records and a refusals log would be kept.

The Sub-Committee noted the licensee's explanation as to why he was not at the premises at the time of the sale but the Sub-Committee also noted that as well as the underage sale there was no refusals book or training record at the premises and that a Challenge 21 poster, not Challenge 25, was on display. In light of this, the Sub-Committee had grave concerns about the management of the premises.

The Sub-Committee had no confidence that the addition of further conditions would promote the licensing objectives in circumstances where three out of four conditions imposed, relating to underage sales, following a previous review only four months previously, had not been complied with. The Sub-Committee considered that suspension of the licence would not change the management of the premises and neither would the removal of the DPS. In the circumstances, the Sub-Committee decided that in order to promote the licensing objectives, the licence must be revoked.

Given these considerations, the Sub-Committee decided to revoke the licence. In reaching their decision, the Sub-Committee took into particular consideration licensing policy 028 which requires licensees to operate to the highest standards of management, licensing policy 038 regarding the review of licences and licensing policy 039 regarding the sale of smuggled goods and considered their decision was necessary and proportionate to the promotion of the licensing objectives.

101 **SAIGON EAGLE OFF LICENCE, 90 HORNSEY ROAD, LONDON, N7 7NN – APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT 2003 (Item B9)**

The Sub-Committee noted that this was the second time that the licence had been reviewed in under four months. The previous review related to a seizure of illicit alcohol being found at the premises.

The trading standards officer reported that in November, there was a failed test purchase and there had been no record of training or refusals book at the premises. When questioned, Mr Yeter had said that the training had been given orally. A training log, signed by two members of staff, including Gulcan Yeter, had been submitted by the licensee and would be interleaved with the agenda papers.

Jennifer Neil, supported by the licensee Mr Yeter, spoke against the review of the licence. She reported that Mr Yeter had been training his staff but the records were not on the premises. When questioned by trading standards officers the language barrier had been an issue and it had not been the case the records had been falsified. Mr Yeter had now started a refusals log. Ms Yeter accepted that she had not asked for ID on this occasion and her employment had now been terminated. Mr Yeter had gone to the hospital with an ear infection the previous day and was not in the shop on the day the underage sale had taken place. The works regarding the healthy and safety condition had been resolved on the 22 November. Ms Neil suggested that a suspension of the licence was all that was necessary and appropriate.

Members were concerned that there were four members of staff in the shop and training records for only two had been supplied to the Sub-Committee. They noted that Mr Yeter would have been aware that a health and safety condition had been put on the licence at the previous review hearing and he should not have been selling alcohol until the works had been signed off as being completed.

In summing up, trading standards and police officers reported that they had concerns about the running of the business despite the evidence given at the hearing. Ms Neil reported that the employee who had sold the alcohol accepted she had been trained and the licensee accepted he had a personal responsibility for the business.

Members of the Sub-Committee left the room to consider their decision.

RESOLVED:

That the premises licence in respect of Saigon Eagle Off-Licence, 90 Hornsey Road, N7 7NN be revoked.

REASONS FOR DECISION:

The Sub-Committee considered the submissions put forward by the responsible authorities and the licensee.

The Sub-Committee noted that the review was brought following an underage test purchase being made at the premises. The Home Office guidance at paragraphs 11.22, 11.26 and 11.27 identified criminal activity which the Secretary of State considered should be treated particularly seriously. This included the purchase of alcohol by minors. The Sub-Committee considered that the protection of children from harm objective was undermined through the premises being used to sell alcohol to minors.

The Sub-Committee heard evidence from the licensee that, at the time of the underage sale, he was not at the premises because he was recovering from an ear infection for which he had attended

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hospital the previous day. The licensee informed the Sub-Committee that the premises had been left in the control of his niece who had received oral training and had previous bar work experience whilst living in Austria.

The Sub-Committee also heard evidence from trading standards that, in October 2011 extra conditions were added to the licence following a review called when illicit alcohol was seized at the premises. These extra conditions included that Challenge 25 would be adopted, that staff would be trained about age restricted products, that training records and a refusals log would be kept and that the premises should not be used until after certain health and safety requirements had been completed and approved.

The Sub-Committee noted the licensee's explanation as to why he was not at the premises at the time of the sale and that his staff had been given oral training. However, the Sub-Committee also noted that as well as the underage sale there was no refusals book or training record at the premises. The Sub-Committee noted that at the time of the sale the health and safety requirements had not been met and so the licence was not in force. In light of this, the Sub-Committee had grave concerns about the management of the premises.

The Sub-Committee had no confidence that the addition of further conditions would promote the licensing objectives in circumstances where three out of five conditions imposed following a previous review only four months previously, had not been complied with and that the premises should not have been conducting licensable activities at the time of the sale. The Sub-Committee considered that suspension of the licence would not change the management of the premises and neither would the removal of the DPS. In the circumstances, the Sub-Committee decided to revoke the licence, in order to promote that the licensing objectives.

In reaching their decision, the Sub-Committee took into particular consideration licensing policy 028 which requires licensees to operate to the highest standards of management, licensing policy 038 regarding the review of licences and licensing policy 039 regarding the sale of smuggled goods and considered their decision was necessary and proportionate to the promotion of the licensing objectives.

The meeting closed at 5:35 pm

CHAIR