



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	12 March 2012	B4	Highbury East

Delete as appropriate	Exempt	Non-exempt

**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**RE: ARSENAL SUPERMARKET, 229 BLACKSTOCK ROAD, LONDON, N5 2LL**

## 1. Synopsis

- 1.1 This is an application by Islington Council Trading Standards 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) 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 to:

- i) Permit the sale of alcohol from 08:00 until 23:00 Monday to Saturday, and from 10:00 until 22:30 on Sunday.

3.2 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premise location.

3.3 The Licensing Authority has received two letters of representation from the Metropolitan Police and the Council's Health and Safety 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 1/3/12

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde  
Tel: 0207 527 3227  
Fax: 0207 527 3038  
E-mail: [niall.forde@islington.gov.uk](mailto:niall.forde@islington.gov.uk)

**Suggested conditions of approval consistent with the operating schedule**

1. Not applicable

**Suggested conditions of approval recommended by the Police**

2. None suggested.

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

3. None suggested.

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:	
<b>Arsenal Supermarket</b> <b>229 Blackstock Road</b>	
Post town: <b>London</b>	Post code: <b>N5 2LL</b>

Name of premises licence holder or club holding club premises certificate: <b>Yucel Yavuz</b>
--

Number of premises licence or club premises certificate: <b>90557</b>
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**Part 2 - Applicant details**

I am

Please tick ✓ yes

an interested party (please complete (A) or (B) below)

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

a body representing persons involved in business in the vicinity of the premises

a responsible authority (please complete (C) below)

a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT** (fill in as applicable)

Please tick

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

Please tick ✓ yes

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail 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 Service Manager (Trading Standards) Public Protection Division 222 Upper Street London 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

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

This application to review relates to the objective to prevent crime and disorder and Licensing Policies 39 and 28. It particularly relates to the discovery of illicit alcohol and tobacco in the shop, which indicates that the highest standards of management have not been exhibited by the business.

On 11<sup>th</sup> November 2011 officers from Trading Standards and HMRC visited the premises to inspect the stock of alcohol and tobacco. The sole director of Bilkon Ltd - the company that owns the business - Mr Halil Yavuz, was present, but Licensee / DPS Yucel Yavuz (son of Halil) was not. The officers seized the following as they were believed to be non-duty paid:

**Glens vodka** – 55.8 litres (4 x 1l; 52 x 70cl; 44 x 35cl): The litre bottles bear stamps that do not fluoresce properly; the 70cl and 35cl bottles bear stamps that do not fluoresce at all. Wrong style '4' on the barcode of the 70cl. Self adhesive labels on all.

**High Commissioner whisky** - 26 litres (12 x 1l; 20 x 70cl): Litre bottles carried 'Type B' duty stamps as an integral part of the back label, but the id code started with a 'V', instead of an 'A'. The stamps do not fluoresce. The stamps on the 70cl bottles do not fluoresce well and are poorly printed and laid out differently to the genuine labels.

**E & J brandy** – 9 litres (12 x 75cl): The separate 'Type A' duty stamps do not fluoresce and their id codes start with the wrong letter – a 'V', which should only be used for vodka.

**Famous Grouse whisky** – 7 litres (10 x 70cl): The original back labels, carrying obliterated duty stamps, have been overlabelled with a fake labels. The duty stamps on the fake labels do not fluoresce properly. No quantity or alcohol by volume markings.

**Bells whisky** – 1.4l (2 x 70cl): Duty stamps damaged where they had previously be obliterated.

**Cigarettes** – 5257 (5090 Marlboro Lights; 167 Regal Blue): Marked as 'Duty Free'. Regal and 90 Marlboro behind counter in lose packs, some opened. 25 x 200 sleeves of Marlboro found in storage area.

The total duty that would have been evaded had the goods confirmed to have been illicit been sold is approximately **£2065**.

On 20<sup>th</sup> January 2012, Halil Yavuz attended a PACE interview. He was accompanied by Yucel Yavuz who mostly acted as a translator, but did contribute some answers, also. Mr Love and PS Robin Clark were the interviewing officers. Some key points of the interview follow (timings in brackets):

- HY does not know where the High Commissioner (both sizes) or Famous Grouse whisky came from, but believes they may have been bought a month or so before there were seized. (14.35)
- HY states that he had been told that as long as spirits carry the UK duty stamp, they will be legitimate. (16.55)
- HY believes the Glens vodka was bought by an employee when HY was not present from an unknown seller calling at the shop who said he had obtained it from a shop that was closing. If sellers come to the shop he allows them to buy spirits, as long as they have a duty stamp on them. No paperwork relating to the sale was provided. (18.30 – 20.40)
- HY doesn't know exactly how much of the Glens was bought or how much it cost, but said it was probably cheap. He agrees that there is no-way of recording this deal with his accountant and accepts that his tax-return may be inaccurate. (21.00 – 23.30)
- HY does not recall where the E & J brandy came from. (24.25)
- HY said the cigarettes were not for sale in the shop and he did not know they were in the shop. He asked his employees about them since and Hussein Turan said he had brought



them into the shop. Mr Turan has since left employment at the shop. (A mobile telephone number was later provided for Mr Turan). HY believes they were not brought into the shop with the intention of selling them in the shop. (25.35 – 29.20)

- HY denies seeing the letter and guidance that was sent to the shop in March 2011, but YY said that he did. Upon receipt he read the letter and checked that his spirits had duty stamps. DL pointed out that the guidance contained more advice than that – notably never to buy alcohol from callers to the shop and to get proper paperwork – and asked why this advice was not followed when the Glens was bought. YY replied that he had just had a brief look through the letter and that the seller of the Glens had a reasonable story. (Track 2, 7.00)
- YY says that it is the first time that this has happened and that they have learned their lesson. (Track 2, 11.00)

Trading Standards have no previous record of significant non-compliance at the shop.

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

- Illicit alcohol may be counterfeit and as such may be unsafe to consume. This is particularly true for vodka.
- The willingness to intentionally or recklessly break one law indicates the business is less likely to be compliant with other laws.
- The sale by retailers of illicit goods gives them an unfair advantage over law abiding businesses.
- Illicit goods are often 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.
- The trade in illicit alcohol and tobacco 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

23/03/11	TS advice	Guidance on illicit alcohol and tobacco and covering letter sent to the business and received by the Licensee.
11/11/11	Seizure	99.2l spirits; 5257 cigarettes seized.

Recommendations:

This was one of the biggest seizures made since the illicit goods project commenced.

Although there is a lack of clarity about where much of the alcohol came from, it has clearly been bought in circumstances that are explicitly advised against in the guidance that the licensee has admitted receiving. It stretches credibility that experienced operators of a licensed business believed that the appearance of a duty stamp on spirits was a guarantee of legitimacy, particularly given the information in the guidance and the high profile of the work done by Trading Standards in this area since September 2010.

The presence of the cigarettes has been blamed upon a member of staff. Enquiries to verify or otherwise this explanation will continue, but there is clearly a concern that the management is lacking if employees felt safe to keep contraband in the shop. 257 of the cigarettes were found under the counter at which Halil Yavuz was serving at the time of the visit.

I believe on the facts described in this application that this licence should be revoked. Whether the described breaches were intentional, or genuinely the result of extreme naivety and a failure to heed clear advice, it is very clear that the Licensee has failed in his responsibility to promote the Licensing Objectives.

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

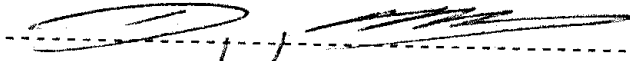
I understand that if I do not comply with the above requirements my application will be rejected

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

30/1/12

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.

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

Tel : 020 7527 3874 / 4028  
Email : [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)

Website : [www.islington.gov.uk](http://www.islington.gov.uk)

Our ref: Mailshot

Date: March 2011

The Licensee and Proprietor

Dear Sir/Madam,

**Important information – YOUR LICENCE IS AT RISK**

In the last few months Islington Trading Standards and Her Majesty's Revenue and Customs (HMRC) have visited off-licensed businesses to look for illicit alcohol and tobacco. Seizures of the following goods – all of which have evaded excise duty and some of which is also counterfeit - have been made from 40 businesses in this time:

- **Over 800 litres of spirits**
- **Over 5,000 bottles of smuggled wine**
- **Over 3,500 cigarettes and 23kg of other tobacco products**

Trading Standards and HMRC are going to intensify their campaign as a result of these alarming findings which are evidence of very serious offences. As well as the **£19,000 evaded excise duty** these goods represent, there are health concerns caused by counterfeit goods, which are produced with no regard to health standards or quality control – sellers do not know what they are selling or how much harm it may do.

- **Counterfeit alcohol can cause breathing difficulties, blindness or be lethal.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits.
- **Asbestos and rats' droppings** are amongst the 'ingredients' recently found in counterfeit tobacco.

Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling them is not a 'harmless' crime that benefits your customers, but one that harms society as a whole.



CHARTER MARK EXCELLENCE

Up to now, the businesses that have had illicit goods seized have generally been required to attend a meeting and given advice and a final warning.

**As we have found this problem to be so widespread, there will now be tougher action taken against businesses found to be selling smuggled or counterfeit alcohol or tobacco.**

Is it likely that your licence to sell alcohol will be reviewed and either suspended or taken away entirely. Licensing Panels will consider **permanently revoking the licence of businesses that sell smuggled goods**. You and the owner of the business may also be prosecuted.

You can prevent yourselves getting into trouble by understanding and **following the advice given in the attached guidance sheet.**

You can also be active in protecting your business. If you have any details – e.g. name or telephone numbers, vehicle details, or CCTV footage – of anyone calling at your shop and trying to sell you alcohol or tobacco, please let Trading Standards know. If your business is being undercut by local competitors trading unfairly by stocking illicit goods, let us know. We will treat all information in **complete confidence** – your name will not be revealed and any subsequent visits will appear to be random.

Goods that have been regularly seized are as follows:

- **Cheap Italian wine** – with a variety of brand names – sold door-to-door for unrealistically low prices. The excise duty alone payable of 6 bottles of wine will be over £10.
- Vodka that is counterfeit or was originally intended for export, especially **Glens** and **Smirnoff**.
- Whisky - counterfeit or intended for export – especially **Famous Grouse, High Commissioner, Bells and Teachers**.

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above. However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.

Yours sincerely

Dave Fordham  
Service Manager, Trading Standards



# Smuggled Alcohol and Tobacco Products

Trading  
Standards

## 1. Introduction

Smuggled goods are goods for which the appropriate excise duty (import tax) has not been paid. Alcohol and tobacco products are regularly smuggled as the excise duty that must be paid on them is very high. Some will also be counterfeit as well.

Smuggled goods:

- may be unsafe, if they are also counterfeit, as the normal quality standards will be ignored.
- boost the profits of organised criminals;
- cause huge losses to the UK's tax revenues.

Islington Trading Standards have been carrying out visits in partnership with Her Majesty's Revenue and Customs (HMRC) to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked** or **suspended**.

## 2. Legislation

The main legislation that deals with smuggled goods is enforced by Her Majesty's Revenue and Customs (HMRC), although Trading Standards can also take action under some or all of the following laws:

- The **Fraud Act 2006** or the **Consumer Protection from Unfair Trading Regulations 2008** where a business sells items when they know or should know that they are, or might be, smuggled.
- The **Consumer Protection Act 1987** if tobacco products do not carry the required written and pictorial warnings.
- The **Licensing Act 2003** enables the Police or Trading Standards to apply for reviews of alcohol licences, which may lead to the licence being suspended or revoked.

## 3. How do I tell if goods are smuggled?

**Alcohol:** Alcoholic drinks with a stated alcohol by volume level of 30% or more (which will include all spirits) in containers of 35cl or more will be required to carry a UK Duty stamp, normally on the back label. The stamp will be pink in colour, but will glow green, yellow or white when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.



You should also check the print quality of the stamp and that the label or stamp are not stuck onto an existing label – poor print quality and overlabelling are clear indicators that the product may be illegal.

Black & white representation  
of a UK Duty stamp

 ISLINGTON

Another indicator is if spirits are sold in boxes with the 'UK Duty Paid' statement crossed through, or that have been resealed – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp.

**Tobacco products:** Any tobacco product – including shisha and chewing tobacco - that does not carry the required health warnings is illegal for sale in the UK and is almost certain to be smuggled. The warnings must be in English and include one of the following statements:

- “**Smoking kills**” or “**Smoking seriously harms you and others around you**” (on cigarettes, hand rolling tobacco and shisha). A picture warning is also required on these products.
- “**This tobacco product can harm your health and is addictive**” (on chewing tobacco).

Full details of the required warnings can be viewed by following the following links:

<http://www.legislation.gov.uk/ukxi/2002/3041/contents/made> (written warnings can be found in section 7 and the Schedule)

<http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthimprovement/Tobacco/Picturewarningsontobaccoproductspressimages/index.htm> (picture warnings)

#### **General:**

- **Never buy alcohol, cigarettes or tobacco from anyone who brings the goods to the shop.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.
- **Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still check purchased goods, especially if the seller is not a business you know and trust. If smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

#### **4. What are the penalties if I sell smuggled goods?**

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods.

Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

#### **5. How can I get further advice?**

If you require further information, clarification or advice on any of the above, please do not hesitate to contact the Trading Standards Service at:

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: [trading.standards@islington.gov.uk](mailto:trading.standards@islington.gov.uk)





# ISLINGTON

Environment and Regeneration

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

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

**T** 020 7527 3874  
**F** 020 7527 3038  
**E** [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)  
**W** [www.islington.gov.uk](http://www.islington.gov.uk)

Please reply to: Doug Love  
Our ref:  
Your ref:

Date: 30/01/12

Dear Sir or Madam

## **S51 LICENSING ACT 2003: Application for review of premises licence**

### **Arsenal Supermarket, 229 Blackstock Road, N5 2LL**

Islington Trading Standards wishes to apply to have the premises licence of the business trading as Arsenal Supermarket reviewed. 11/11/11 illicit alcohol was found at the premises.

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

**David Fordham**  
Service Manager Trading Standards

The Licence holder for the business  
Licensing Office of Islington Police  
London Fire and Emergency Planning Authority  
Health & Safety Team (G Weaver)  
Development Control Team, Islington Council  
Noise & Pollution Team, Islington Council  
The Child Protection Team, Islington Council  
Licensing Team, Islington Council

**Islington Licensing Authority  
Licensing Act 2003**

**Representation form from Responsible Authority for Health and Public Safety**

<b>Name</b>	Geoff Weaver
<b>Job title</b>	Senior Building Surveyor (Licensing Health and Safety)
<b>Postal address</b>	Islington Council, Building Control Service 222 Upper Street, London N1 1XR
<b>email</b>	geoff.weaver@islington.gov.uk
<b>Contact telephone number</b>	020 7527 5986
<b>Name and address of the premises concerning the representation</b>	Arsenal Supermarket 229 Blackstock Road N5 2LL
<b>Public Safety</b>	The arrangements at the premises are insufficient for health and safety. See attached requirements schedule.
<b>Suggested conditions that could be added to the licence to remedy the public safety representation</b>	The premises shall not be used under the licence until the requirements specified in the schedule dated 23 February 2012 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](mailto: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 23 February 2012 for  
Arsenal Supermarket 229 Blackstock Road N5 2LL**

- (1) The mechanical extract ventilation fan in the toilet should be replaced. The new ventilation fan should extract direct to external air at a rate of not less than 6 litres/second and have a 15 minute over-run controlled by the light switch. Air inlet to the toilet should be provided, e.g. 10mm gap under the door.
- (2) Long flexible electrical cables and multi-socket outlet electrical adaptors within the rear storage area should not be used. An independent electrical socket outlet should be provided adjacent to each item of electrical apparatus using an approved protected system of wiring in compliance with BS 7671.
- (3) In addition to the lighting, emergency lighting in compliance with BS 5266 – 1 should be provided in the trading area of the shop so all gangways are clearly illuminated.

**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.

- (4) One water fire extinguisher (rating 13A) and one carbon dioxide fire extinguisher (rating 34B) should be provided behind or adjacent to the cashiers/sales counter.

Fire extinguishers 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 extinguishers indicating the type of fire fighting appliance and the class of fire covered.

- (5) A copy of the inspection and service certificate for fire fighting appliances obtained from an organisation certified by the British Approvals for Fire Equipment (BAFE), or competent person from an appropriate approved organisation, should be submitted to the responsible authority for health and public safety.



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Mr Yucel Yavuz  
Arsenal Supermarket  
229 Blackstock Road  
London  
N5 2LL

Building Control Service  
Planning and Development  
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: 23 February 2012

Dear Sir

**Licensing Act 2003**  
**Representation from Responsible Authority for Health and Public Safety**  
**Arsenal Supermarket 229 Blackstock Road N5 2LL**

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 22 February 2012 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)

### WITNESS STATEMENT

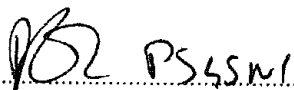
CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

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: **21.02.2012**.....


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 Arsenal Supermarket 229 Blackstock Rd N5 2LL.

I have read the information provided by the council staff re the history of these premises and confirm that I was present during the interview of the management of the premises. It appears clear to me that there is a clear failure on the part of the management to fulfil their obligations under the Licensing objectives and they are clearly failing to prevent the risk of harm to the public by stocking non duty paid alcohol and tobacco. We have a situation here where we have been unable to verify where any of the goods have come from and the management have no clear idea of who purchased what and from whom. This leads to a failure to keep accurate records therefore inaccurate accounts must be supplied to the appropriate government bodies.

The poor management of these premises puts the public at risk of further harm and as such Islington Police strongly support the request for revocation of this licence.

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

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	90557		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	<p align="center"><b>ARSENAL SUPERMARKET 229 BLACKSTOCK ROAD</b></p>		
<b>Post town</b>	London	<b>Post code</b>	N5 2LL
<b>Telephone number</b>	020 7359 3093		

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

<b>Licensable activities authorised by the licence</b>
The sale by retail of alcohol

<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: <table> <tr><td>Monday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>10:00</td><td>to</td><td>22:30</td></tr> </table> <p>Except on:            Good Friday: 08:00 to 22:30            Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p> </li> </ul>	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
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Friday	08:00	to	23:00																									
Saturday	08:00	to	23:00																									
Sunday	10:00	to	22:30																									

<b>The opening hours of the premises:</b>
Not specified

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



**ISLINGTON**

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

Mr Yucel Yavuz  
229 Blackstock Road  
London  
N5 2LL

020 7359 3093

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

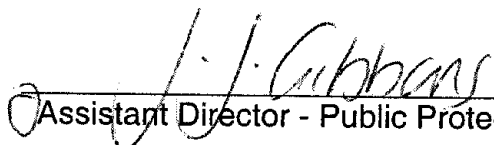
**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mr Yucel Yavuz  
124 Nightingale Road  
Edmonton  
London  
N9 8PT

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

Out of Area

Islington Council  
Public Protection Division  
159 Upper Street  
London  
N1 1RE  
Tel: 020 7527 3031/3803  
Email: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

  
Assistant Director - Public Protection

1st DEC 2005  
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: 90557Plan



**Suggested conditions of approval consistent with the operating schedule**

1. Not applicable

**Suggested conditions of approval recommended by the Police**

2. None suggested.

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

3. None suggested.

