



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	16 April 2012		Tollington

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: STROUD GREEN CONVENIENCE STORE, 153 STROUD GREEN ROAD, LONDON, N4 3PZ

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) Crime and Disorder;
 - ii) Protection of Children from Harm;

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 2.3 The steps stated in Sections 52(4) of the Act are as follows:
 - a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;

- c) to remove the designated premises supervisor;
- d) to suspend the licence for a period not exceeding three months;
- e) to revoke the licence;
- f) the Committee also have the option to leave the licence in its existing state;
- g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

3. Background

3.1 The premises is currently licensed for the sale of alcohol for consumption off the premises Monday to Sundays 24 hours.

3.2 Licensing History of the premises:

- i) On 29 May 2008 the premises licence was granted to Hassan Arpa for the current hours;
- ii) On 16 November 2009 Mr Arpa attended a Licensing Officer Panel to discuss a sale of alcohol to an under age person. Mr Arpa was given a warning that any future underage sales could result in a review of the premises licence;
- iii) On 14 October 2010 the Licensing Sub Committee (LSC) suspended the premises licence for two weeks following a review by Trading Standards following sales to under age children at the premises; and
- iv) On 17 November 2011 applications were made and granted to transfer and vary the DPS of the premises licence by Hidir Arpa. Hidir Arpa is the brother of the previous licensee and DPS Hassan Arpa

3.3 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence;
- Appendix 3: police representations;
- Appendix 4: Correspondence between applicant and Trading Standards
- Appendix 5: suggested conditions and map of premise location.

3.4 The Licensing Authority has received 1 letter of representation from the Police.

4. Planning Implications

No restrictions regarding the hours or class use.

5. 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 *3rd April 2012*

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Katie Tomashevski

Tel: 020-7527-3882

Fax: 020-7527-3057

E-mail: Katie.tomashevski@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: (Stroud Green Convenience Store) 153 Stroud Green Road	
Post town: London	Post code: N4 3PZ

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

Number of premises licence or club premises certificate: 137370 A
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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	David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR
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

This application to review relates to the objective to prevent crime and disorder and Licensing Policies 39 and 28 and also to the objective to protect children from harm and Licensing Policy 32. It particularly relates to the discovery of illicit alcohol in the shop, which indicates that the highest standards of management have not been exhibited by the business.

On 14 October 2010, this licence was reviewed after two sales had been made to underage volunteers working with Trading Standards. The Committee suspended the licence for two weeks and added conditions.

On 23rd March 2011, a letter was sent to the premises, addressed to 'The Licensee and Proprietor', that introduced attached guidance about smuggled alcohol and tobacco and warned that businesses found with smuggled goods in future were likely to have their licences reviewed.

On 11th November 2011 officers from Trading Standards and HMRC visited the premises to inspect the stock of alcohol and tobacco. The Licensee, Designated Premises Supervisor and sole director of Gemfree Ltd - the company that owns the business - Mr Hasan Arpa, was present. The officers seized the following as they were believed to be non-duty paid:

'Star' vodka – 35.7 litres (51 x 70cl): The duty stamp does not fluoresce. There is no brand name or manufacturers / importers details. The brand was not recognised by officers on the visit. The contents will be tested before the hearing to see what they are.

Italian wine - 282 litres (376 bottles): 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 **£1022**.

On 25th January 2012, Hasan Arpa attended a PACE interview. Mr Love and PS Robin Clark were the interviewing officers. Some key points of the interview follow (timings in brackets):

- Most of the time alcohol for the business is purchased from cash and carry businesses such as Bestway, Imperial and Dhamecha (5.35)
- However, the seized vodka and wine came from a man calling to the store. HA did not realise the alcohol was illicit until it was seized. The facts that the man had a catalogue, could show him orders from other local businesses and the alcohol was delivered the following day made him think it may be legitimate. HA produced a Delivery note relating to the goods, but they were delivered when he was away from the shop and he had not realised that the invoice was not left. After the seizure he phoned the telephone numbers on the Delivery Note: the landline was answered, but he was told that 'A. Baasim' (the name on the note) did not work there; the mobile number was answered and a man promised to deliver the invoice, but it was never produced. (7.30 -11.35)
- DL asked whether HA thought the alcohol was legal, especially given the fact it was so cheap (£5 / bottle for the vodka; £1.50 / bottle for the wine). HA replied he'd seen the wine in other stores locally, but agree the prices were "a bit cheap". DL pointed out the price was less than the duty payable per bottle. HA said he did not know that. (12.50)
- HA said that he did not think of checking his CCTV footage for images of the seller, but said that people come in every 2-3 days. DL asks to view footage of any such callers or to be provided with any details HA can provide. (14.45)
- HA admits that he received the mailshot sent out in March 2011 and that he read it and showed it to Hidir Arpa, his brother, who also buys alcohol for the shop. (16.35)
- PC Clark asks HA if he'd ever bought vodka for £5 per bottle before - he said he hadn't – and why this didn't cause alarm bells to ring. HA admitted that he'd made a mistake. He also stated that he had learned his lesson (22.30 – 23.45)

Enquiries into Linx Cash & Carry Ltd (the name on the Delivery Note) are continuing, but it has been established they are an active company and trading from that address. Barking and Dagenham Trading Standards have visited and it is clear there may be issues with this particularly cash and carry. Some Italian wine was found there, but no spirits.

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

14/10/10	Review	Licence suspended for 2 weeks after sales to underage volunteers in October 2009 and July 2010.
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	35.7l spirits; 282 bottles of wine seized.

Recommendations:

This was a large seizure of illicit alcohol.

The Licensee admits that he bought it from a man calling at the shop. The prices paid were far too cheap for the goods being bought. Both of these points are specifically warned against in the guidance sent to the business in March 2011, which Mr Arpa admits receiving and reading, but they should in any case be clear warning signals to anyone involved in the licensed trade. Why would legitimate sellers be selling in this manner? Why would the prices be so much less than cash and carry prices?

I believe on the facts described in this application that revocation should be considered. 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			
1	4	1	0	2	0	1	0

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

10/2/12

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)

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	9763-171111		
Postal address of premises, or if none, ordnance survey map reference or description			
153 STROUD GREEN ROAD			
Post town	London	Post code	N4 3PZ
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
For the Ground Floor
<ul style="list-style-type: none"> 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: <table> <tr><td>Monday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Friday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>00.00</td><td>to</td><td>24.00</td><td>the following day</td></tr> </table> 	Monday	00.00	to	24.00	the following day	Tuesday	00.00	to	24.00	the following day	Wednesday	00.00	to	24.00	the following day	Thursday	00.00	to	24.00	the following day	Friday	00.00	to	24.00	the following day	Saturday	00.00	to	24.00	the following day	Sunday	00.00	to	24.00	the following day
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The opening hours of the premises:																																			
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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

Hidir Arpa
153 Stroud Green Road
London
N4 3PZ

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

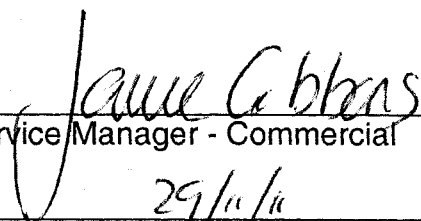
Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol

Hidir Arpa
16 Chichester Road
London N9 9DQ

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

WK/201000629 London Borough of Enfield

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



Service Manager - Commercial
Date of Issue 29/11/11

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. An alarm system that meets a minimum standard of BSEN50131 grade 1 must be installed at the premises. A panic button facility must be provided at the counter.
2. At least 2 members of staff will be in the shop floor between 23.00 and 07.00.
3. Refusals book to be completed.
4. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable frontal identification of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24 hours of any request.
5. Premises to adopt BII Challenge 21 the National Proof of Age Standards scheme.

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

Annex 4 – Plans

Reference Number: 28-8 Dated: 26.04.08

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.

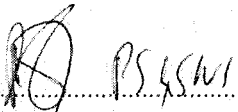
Signature: ..... Date: **28.02.2012**.....

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 Stroud Green Convenience Store, 153 Stroud Green Road, N4 3PZ

Having read the information provided by the council staff I strongly support this review application as I share the concerns the council staff has around the management of these premises. Having been through the review process due to underage sales and then been given advice about the purchase of alcohol from callers to the shop premise and the dangers this could pose to the public, the management of this venue has gone ahead and purchased such alcohol. In doing this they have exposed the public to an unknown risk as they could have no idea what the Vodka or the wine contained. They have put their profit before public safety and as such it is the contention of Islington Police that this licence should be revoked on the grounds it would protect the public from potential harm.

Signature: ..... Signature witnessed by:

Tomashevski, Katie

From: Love, Douglas
Sent: 13 March 2012 16:00
To: 'Serhat Yazgun'
Cc: Fordham, David
Subject: RE: RE: Stround Green Convenience Store

Dear Mr Yazgun,

Thank you for your e-mail, the contents of which I have noted.

The recommendation in the report is not necessarily the recommendation that will be made to Committee, as there is the potential for the business to engage (further) with Trading Standards and take positive steps to minimise the chances of further non-compliance. A report will be made to Committee outlining any activities of this nature to ensure they have up-to-date information.

It will be for Mr Fordham, the Head of Trading Standards, to decide whether any change to his recommendation is appropriate once he has been updated of the facts. I cannot foretell whether he will be minded to do so in this case.

Regards,

Doug Love
Islington Trading Standards

020 7527 3874

-----Original Message-----

From: Serhat Yazgun [mailto:serhat@thelondonsolicitors.co.uk]
Sent: 13 March 2012 15:38
To: Love, Douglas
Subject: Re: RE: Stround Green Convenience Store

Dear Mr Love

Thank you for your email, contents of which have been noted.

We were surprised by your suggestion that our letter was 'unnecessarily aggressive'. We were merely pointing out an error in the application. We understand it is now corrected, and we appreciate your effort to do so. Our aim is not to make this matter adversarial, but to engage in positive dialogue whereby we can ensure Mr Arpa is well placed to respect and uphold the Licensing objectives.

Furthermore, we are happy with your acknowledgement of Mr Arpa's efforts in engaging with the Council and altering his business policy. Revocation of his premises license will devastate his business and he is willing to do everything that is necessary to ensure he and his staff do not get fooled like this again.

We have discussed the standard conditions with Mr Arpa and he is willing and happy to abide by them. We can confirm we have updated Mr Arpa's business policy to incorporate the nationally accepted standard of 'Challenge 25'.

We note your suggestion that this matter should go to the committee. However, in consideration of our Client's efforts and commitment which he has plainly displayed thus far, we urge you to reconsider your recommendation of license revocation. We believe revocation is in no way a commensurate punishment for the procedural errors which took place when the delivery of goods were accepted. Under ordinary circumstances the goods would not have been accepted without a pre-printed delivery note containing the sellers details, moreover the delivery would not have been accepted again without the production of a valid Vat invoice. This mistake has now been addressed and corrective steps and policies have been implemented.

We thank you in anticipation of your cooperation on this matter and now await your response.

Kind Regards

Serhat Yazgun

--
Tel: 0208 808 1285

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Dear Mr Yazgun,

Thank you for your letter, the contents of which I note.

I have ensured that the error in the review paperwork, of which I had already been made aware, has been corrected and the version attached will appear in the Committee papers. I have also notified the Police who are the only Responsible Authority whose representations may be effected by the error. I have also apologised to Mr Arpa.

However, to call it a 'damaging libel' is, in my opinion, totally unfounded and unnecessarily aggressive. With the greatest respect, your client's best interests will be served by continuing the start he has made in engaging with the Council which may give the Committee confidence that no future mistakes will be made. Making the matter too adversarial is unlikely to be seen in a favourable light.

Your comments about mention of the earlier review are also, in my opinion, misguided. Are you suggesting that the application should have remained silent, even though the same Members may hear both matters? It is clearly relevant as it shows that your client should appreciate the importance of following Trading Standards advice and should be under no misapprehension of the potential consequences of failing to comply with the law having ignored such advice. I am sure you will argue that the subsequent passed test purchases are evidence that your client can get things right.

If you are going to argue that the prices paid were of a nature that is consistent with offers from a wholesaler trying to attract new business, I would suggest you produce before the hearing verifiable examples of wholesalers legitimately offering alcohol at prices far less than the amount of duty payable.

Please check that Mr Arpa did see a van bearing the Linx Cash & Carry logo. This was not mentioned by him in a PACE interview. Any verifiable details he can provide will be welcomed.

I note the list of wholesalers provided by your client, but would remind him that whoever he buys his alcohol from, we would still expect him to undertake a few simple checks to ensure that it is legitimate. I attended his shop on Monday afternoon to explain these checks and am more than happy to offer further advice if needed.

I have looked at the proposed Business Policy, briefly. One thing that I observed immediately is that it suggests a 'Challenge 21' policy and not the 'Challenge 25' that would better reflect advice given by Islington Trading Standards to your client and that is the commonly accepted standard across the country.

I have discussed your suggestion to withdraw the application with my manager, David Fordham, but we feel that there are no grounds to do so. The application was appropriate to make in the circumstances and although I note (and will tell the Committee) that your client has engaged positively with Trading Standards since the application was made, we feel it is proper for the Committee to hear the matter.

I have also attached, for your information, a copy of the standard conditions that Trading Standards will ask to be added to the licence in the event that the Committee chooses not to revoke the licence.

I will be pleased to assist you further if I can be of help.

Regards,

Doug Love
Islington Trading Standards

020 7527 3874

-----Original Message-----

From: Serhat Yazgun [mailto:serhat@thelondonsolicitors.co.uk]

Sent: 07 March 2012 13:49

To: Love, Douglas

Subject: Stround Green Convenience Store

Dear Mr Love

Please find enclosed a letter sent by first class post today.

Kind Regards

Serhat

London Solicitors Llp

--

Tel: 0208 808 1285

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Web www.thelondonsolicitors.co.uk

F.A.O Doug Love
Trading Standards Service
Public Protection Division
222 Upper Steet
London
N1 1XR

Our reference
OK/L/ARPA/1068

Your Reference

Date
05/03/2012

Also By Email: Doug.Love@islington.gov.uk

Partners:
Koray Dogan LLB Hons.
koray@thelondonsolicitors.co.uk

Omer Kahraman LLB Hons.
omer@thelondonsolicitors.co.uk

Cemal Turk LLB Hon. LLM
cemal@thelondonsolicitors.co.uk

Consultants:
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Specialising In:
Immigration
Conveyancing
Civil Litigation
Debt
Family Law
Landlord & Tenant
Personal Injury
Commercial Law
Employment Law
Licensing Law
Property Management

Dear Sirs

Re: Stroud Green Convenience Store, 153 Stroud Green Road, N4 3PZ

We are instructed by Mr Hasan Arpa in relation to your application to have the premises license of the abovementioned premises reviewed. We enclose herewith a signed letter of authority for your perusal.

We have had the opportunity to peruse through your review application. Our client is alarmed by a material mistake in your application. In your summary of events supporting your application, you claim to have seized 5257 cigarettes on the 11th November 2011. This is in fact not true. We enclose herewith the seizure information notice from the said day.

Our client is upset at the fact that you have informed several responsible authorities of a misstatement of fact, namely the seizure of cigarettes. Furthermore, a notice of a similar nature was placed on a lamppost close to our client's business premises, misleading local residents and customers of Stroud Green Convenience Store.

We would like to make it known that this is damaging libel against our client. Not only has our client now been tainted in the eyes of the responsible authorities, but also in the eyes of the local consumers within the vicinity of our client's premises.

We request that you amend your mistake and write to the relevant responsible authorities immediately. Kindly provide us copies of the correction letters that you send out. Moreover, we fail to understand why our client's previous review has been raised again in relation to this incident. Mr Arpa had already been fined for that offence. This past matter has no bearing or relevance to the issue at hand.

Mr Arpa is an experienced tradesman and has every intention to uphold the licensing objectives. This can be evidenced from previous test purchases made at his store, whereby he refused to sell alcohol to underage test purchasers. The council has sent two letters to him evidencing this.

In regards to the substantive nature of your application, our client avers that he was under a genuine and bona fide belief that the alcohol he had purchased was from a reputable source. Our client was shown literature from Linx cash & carry which led him to believe the salesman was from a reputable wholesaler.

As you must be aware, it is not unusual for wholesalers to reduce their prices in order to attract new business. Furthermore, it is common knowledge that cash and carry's are one of the most reputable establishments to purchase alcohol from. It is with this belief that Mr Arpa thought he was in fact purchasing the alcohol from a trustworthy establishment. He was genuinely under the impression that he was getting a good deal and dealing with a reputable company, namely, Linx Cash and carry Ltd.

Our client, with the intention of being prudent, inspected the Van that the agent came with and saw that it had the logo and representations of Linx Cash & Carry Limited. In effect, Mr Arpa was the victim of fraudulent dealings by another party.

Regrettably, the goods were delivered in our client's absence and his employee accepted the goods without a valid invoice. This was a mistake and our client has now fully updated his business policy to ensure that this error does not occur in the future.

Furthermore, we are in the process of arranging refresher courses for all of Mr Arpa's employees in courses covering responsible alcohol retailing. Our client is also willing to instruct an outside firm to come and train his staff in-house and conduct a 'store health check' in order to identify any failings in the licensing procedures and give advice and assistance to put them right. Furthermore, Mr Arpa is willing to provide to trading standards a list of wholesalers, and make it a voluntary condition on his premises license that he purchase his alcohol solely from the wholesaler list provided. Please find enclosed the attached list of wholesalers.

In light of our representations, we urge you to reconsider your decision to have the premises license reviewed and to withdraw this application. Especially in view of the steps, procedures and measures our client will now adopt. Please find attached an updated store business policy and warning poster which our client will display at his store. It is not in line with natural justice to punish our client for the fraudulent activities of a third party. Our client was in effect conned by someone who purported to be from a reputable company, and the unfortunate coincidence of him not being at the premises to sign off the goods led to the counterfeit alcohol ending up on the shop floor.

We thank you in anticipation of your cooperation and look forward to your response.

Yours faithfully,

London Solicitors LLP
Enc

STROUD GREEN CONVENIENCE STORE
Standard Business Policy

Warning

Every member of staff serving customers **must read this notice** carefully and understand it. If you did not understand please consult the **Designated Premises Supervisor** for clarification.

Following must be complied with under all circumstances;

1. **Do not sell alcohol** or any **tobacco** products to anyone under age of **18**
2. If the person attempting to buy alcohol or tobacco products looks younger than **21** please check his/her **ID** to determine his/her age.
3. **Do not sell alcohol** or **tobacco products** to anyone looks younger than **21** until you have determined his/her age.
4. If you are **not sure** what to do or the person attempting to buy alcohol or tobacco products insists to buy without producing a valid **ID do not sell** and **immediately** consult the **Designated Premises Supervisor** for advice and assistance.
5. If you refused to sell alcohol or tobacco products for any reason **note it** in the **Refusals Book**, which at all times **must** be kept next to the **till**. You must note, the day and the time of a refusal of sale is made, the reason for the refusal and the name of the member of staff refusing the sale.
6. Under **no** circumstances buy any product from **street vendors** or **door to door sale persons**.
7. At all times watch for counterfeit products. If you are suspicious of any products being counterfeit **report** immediately to the **Designated Premises Supervisor**
8. Breach of any store policy in regards to the sale or purchase of alcohol may be classed as **Gross Misconduct** and lead to immediate **Dismissal**.
9. Following documents are acceptable for the **determination** of a customer's age;
 - a. Passport
 - b. Photo Travel Document issued by the Home Office
 - c. Photo UK/EC driving Licence
 - d. Citizen card
 - e. Full UK/EC Identity Card

EMPLOYEES
GUIDANCE FOR THE SALE OF
ALCOHOL & TOBACCO
AND GENERAL COMPLIANCE
OF THE LAW

Licensing objectives

The Licensing Act 2003 Act provides four statutory objectives which must be addressed when licensing functions are undertaken. These are:

- The prevention of crime and disorder;
- Public safety
- The prevention of public nuisance
- The protection of children from harm

GUIDANCE RELATING TO RELATING TO THE PREVENTION OF
CRIME AND DISORDER

The prevention of crime and disorder is one of the four licensing objectives that underpin the Licensing Act 2003.

It is unlawful under the 2003 Act:

- knowingly to sell or supply or attempt to sell or supply alcohol to a person who is drunk
- knowingly to allow disorderly conduct on licensed premises
- for the holder of a premises licence or a designated premises supervisor knowingly to keep or to allow to be kept on licensed premises any goods that have been imported without payment of duty or which have otherwise been unlawfully imported
- to allow the presence of children under 16 who are not accompanied by an adult between
- midnight and 5am at any premises licensed for the sale of alcohol for consumption on the premises, and at any time in premises used exclusively or primarily for the sale and consumption of alcohol

Intoxicated Customers

- Staff must politely refuse to sell alcohol to customers appearing to be drunk or under the influence of alcohol
- Particular care must be taken by members of staffing in conveying to (drunk) customers the reasons why alcohol cannot be sold to a person under the influence of alcohol in a courteous manner.
- Members of staff who anticipate encountering difficulty with drunk customers must consult the designated supervisor
- Members of staff subjected to abuse, threats or threats violence must report the matter to the police and to the designated supervisor

Disorderly conduct

- Members of staff must report any act or conduct likely to amount to a breach of general order immediately to the designated supervisor and or to the police as may be appropriate.

Sale of lawful goods

- Care must be taken to scrutinise the lawfulness of all products sold at the premises. In particular care must be taken to ensure that:

- beverages and other food products are within their sell by date and
- are free from any defects whether packing, contents or otherwise
- all products sold are presentable and contain the necessary descriptions and labels
- all products are of good acceptable quality
- all products sold are genuine and authentic

- No member of staff may under any circumstances buy any product whatsoever (from any known or unknown source) for the purposes of reselling the same to customers.

- Similarly no member of staff may accept the delivery of goods even from a known customary source without the authority of the designated supervisor.

- All products received from suppliers must be accompanied by a delivery note or an invoice outlining the following:

- Suppliers name and address on a pre-printed delivery note
- The description of the product
- The quantity of the product
- The price of the product
- The date of the delivery

-ALL PRODUCTS RECEIVED FROM AN AUTHORISED CUSTOMARY SUPPLIER MUST MATCH THE DESCRIPTION CONTAINED IN THE INVOICE AND OR DELIVERY NOTE.

-PACKAGES MUST BE IMMEDIATELY OR AT EARLIEST OPPORTUNITY BE SCRUTINISED TO CHECK THAT THE PRODUCTS ARE GENUINE AND AUTHENTIC AND THAT THE STIPULATIONS ABOVE ARE SATISFIED

-PRODUCTS RECEIVED MUST COMPLY WITH THE STIPULATIONS CITED ABOVE; ANY PRODUCTS THAT DO NOT COMPLY MUST BE SEGREGATED FOR THE PURPOSES RETURNING THE SAME TO SUPPLIER.

GUIDANCE RELATING TO CHILDREN

The protection of children from harm is one of the four licensing objectives that underpin the Licensing Act 2003.

Members of staff must take all reasonable steps to avoid selling alcohol to any who appears to be under the age of 21. In particular the following must be borne in mind:

Offences under the Licensing Act 2003 relating to children

- It is an offence for any person to sell alcohol to under-18's (but see exemption below);
- It will be an offence for an under-18 to buy or attempt to buy alcohol;
- It is an offence to send an under-18 to buy alcohol;
- It is an offence to knowingly deliver alcohol to an under-18;
- It is an offence to purchase, or attempt to purchase, alcohol for an under-18;
- It is an offence to sell liqueur confectionery to an individual aged under 18;
- It will be offence for an under-18 knowingly to consume alcohol on premises holding a premises license

Age-monitoring scheme

Steps to take before sale of Alcohol and Tobacco takes place

- All members of staff without exception must ascertain the age of any customers appearing to be under the age of 21 by obtaining Identification cards.
- Members of Staff must without exception obtain any of the following documents as an acceptable proof of age:
 - a) Passport
 - b) Photo Card driving licence issued in the European Union
 - c) Proof of Age Standards Scheme Card (PASS)
 - d) Official ID card issued by HM

-ALCOHOL AND TOBACCO SALES MUST BE REFUSED IF CUSTOMER APPEARS TO BE UNDER THE AGE OF 21 AND CUSTOMERS REFUSE TO PROVIDE A VALID I.D AS PRESCRIBED ABOVE

-ALL SUCH REFUSALS MUST BE NOTED IN THE REFUSAL HANDBOOK

-IN THE EVENT THAT THERE IS DOUBT ABOUT THE AUTHENTICITY AND VALIDITY OF THE ID PRODUCED BY THE CUSTOMER THE SUPERVISOR MUST BE CONSULTED WITHOUT DELAY FOR GUIDANCE

-MEMBERS OF STAFF MUST BE WARNED THAT NON COMPLIANCE OF THE ABOVE GUIDANCE MAY LEAD TO DISCIPLINARY ACTION BEING TAKEN AGAINST THEM.

TRAINING

- The employer shall provide each sale staff training relating to the sale of alcohol upon commencement of each individual sale staff's employment. The employer shall provide further refresher training at three months intervals and will keep written records of all training given.
- Training will be given on the operation of the CCTV system, and all staff will be trained to prepare a CCTV disclosure to the police upon request
- All employees shall attend training seminars held within the licensed premises or at a pre designated venue outside of the premises. The employer undertakes to provide reasonable written or oral notice to that effect to each of its employees.
- All members of staff will be obliged to attend training, save for exceptional circumstances preventing members of staff from attending. In the event that a individual sales staff is unable to attend training or, a seminar he or she will be obliged at the first available date chosen by the employer to receive training.

WRITTEN RECORDS OF RESPONSIBLE PERSONS

The Employee at all times will keep a written record of responsible persons (Designated Supervisor) name, address and telephone number at the premises. The Employee shall also in addition to the above keep a written record of the personal license holders name, address and telephone number, all employees will be obliged to produce the same to the Police and or the Local Authority upon request.

DISCIPLINARY PROCEDURE

Any act or omission that will put the future of the business and/or result in the revocation/review of the premises license shall be treated with the utmost severity. Employees are notified that it is of utmost importance that the policy detailed above be followed. Any employee found to be in breach of the policy

shall be suspended with immediate effect. Breach of the above policy can be classed as gross misconduct and lead to immediate dismissal.

Hasan Arpa

**Premises License Holder and Designated Premises Supervisor
For and on behalf of Stroud Green Convenience Store**

LIST OF
Wholesalers for
Exclusive
Purchase
of Alcohol

Hasan Arpa, 153 strand
green
Road.

① Imperial Cash + Carry
Eley Industrial Estate N14 3P2
18 Eley Road
Edmonton
London
Tel: 0208 807 2211
VAT reg no: GB 467 6575 94

② Enfield Branch
Dhamecha cash + Carry
28 Crown road
Enfield, middx
EN 1 1TH
Tel: 0208 804 9494
VAT Reg. no: 927135230

③ Tottenham Branch
Bestway Cash + Carry
Block B, Industrial Trading Estate
Brantwood Road
Tottenham N17 0XX
Tel: 0208 885 5050
VAT Reg no: 398 619 389

④ London Branch.
Fio's Cash + Carry.
105 Brantwood Road
London
N17 0DX
Tel: 0208 ~~801~~ 801 6282.
VAT Reg no: 973 5915 78

⑤ Costco Wholesale.
1 Shadbolt Avenue
Off Harbet Road
Chingford
London E4 8GP
Tel: 0208 501 9305.

Suggested conditions

As per current licence

