



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 December 2011	34	Highbury East

Delete as appropriate		Non-exempt
-----------------------	--	------------

Subject: PREMISES LICENCE NEW APPLICATION
RE: CANNONBURY FOOD & WINE, 244 ST PAULS ROAD, LONDON, N1 2LJ

1. Synopsis

- 1.1 This is an application for a new premise licence under the Licensing Act 2003
- 1.2 The application is to permit
 - i) sale of alcohol, for consumption off the premises, from 08:00 to 23:00 Monday to Sunday.

2. Recommendations

- 2.1 To determine the application for a new premises licence under Section 17 of the Licensing Act 2003.
- 2.2 If the Committee grants the application it should be subject to:
 - i. conditions of the premises licence granted;
 - ii. conditions prepared by the Licensing Officer which are consistent with the Operating Schedule (See appendix 3);
 - iii. conditions recommended by responsible Authorities (see appendix 3);
 - iv. any conditions deemed necessary by the Committee to promote the four licensing objectives.

3. Background

- 3.1 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: representations; additional visit from Police and licensing team, including licensing officer warning letter;
- Appendix 3: previous licensing sub committee decision and decision from appeal court;
- Appendix 4: suggested conditions and map of premise location.
- 3.2 The Licensing Authority has received representation from the Council's Noise Team, the Police and the Councils Trading Standards.
- 3.3 The premises used to be licensed for the off sale of alcohol on Monday to Saturday from 08:00 until 23:00, and on Sunday from 10:00 until 22:30.
- 3.4 This licence was the subject of a review application by Trading Standards and on 14 July 2011 the Council's Licensing Sub Committee decided to revoke this licence. The decision to revoke the premises licence was appealed to the Magistrates. On the 8 November 2011 the appeal was dismissed by the District Judge Hawgood. The reasons for this decision are contained in appendix 3.
- 3.5 On 9 November 2011 officers visited the premises to find the premises still selling alcohol, after the licence had been revoked. Further more on 10 November 2011 the premise was visited and although the majority of the alcohol was covered in tarpaulin, some bottles of spirits were still on display. The premise was sent a warning letter on 10 November 2011, and subsequent visits to the premises have found all the alcohol from the premises has been removed.

4. Conclusion and reasons for recommendations

- 4.1 The Council is required to consider this application in the light of all relevant information, and if approval is given, 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

5/12/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Niall Forde

Tel: 020-7527-3227

Fax: 020-7527-3057

E-mail: niall.forde@islington.gov.uk

wk/111236093

Application for a premises licence to be granted 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/We AYSE GUNES

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
Canonbury Food & Wine 244 St. Pauls Road,			
Post town	LONDON	Post code	N1 2LJ
Telephone number at premises (if any)			
Non-domestic rateable value of premises		£14250	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as
Please tick yes

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)

ISLINGTON COUNCIL LICENSING	
Date	2/11/11
Fee Paid	190-00
Bank/ Cheque Number	000 538
Project Number	50102
Signature	JM1

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input checked="" type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname GUNES			First names AYSE		
I am 18 years old or over				<input checked="" type="checkbox"/>	Please tick yes
Current postal address if different from premises address		16A SAINT JOHNS GROVE			
Post Town	LONDON		Postcode	N19 5RW	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

<input type="checkbox"/> Mr	<input type="checkbox"/> Mrs	<input type="checkbox"/> Miss	<input type="checkbox"/> Ms	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					

Post Town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

D	y	Month	Year
2	9	1	1
2	0	1	1

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day	Month	Year
1	1	1
1	1	1

Please give a general description of the premises (please read guidance note1)
The premises is a tradition shop consisting of a ground floor, located on a major road.

Please refer to the enclosed plan.

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment

Please tick yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Supply of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon				Both	<input type="checkbox"/>
Tue				Please give further details here (please read guidance note 3)	
Wed			State any seasonal variations for performing plays (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4)		
Wed			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
Tue			
Wed			
Thur			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)		
Tue			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 4)		
Wed					
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

F

Recorded music Standard days and timings (please read guidance note 6)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)		
Mon					
Tue			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed					
Thur			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Fri					
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment you will be providing</u>		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

Provision of facilities for making music Standard days and timings (please read guidance note 6)			<u>Please give a description of the facilities for making music you will be providing</u>	
			<u>Will the facilities for making music be indoors or outdoors or both – please tick</u> (please read guidance note 2)	
Day	Start	Finish	Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Mon			<u>Please give further details here</u> (please read guidance note 3)	
Tue				
Wed			<u>State any seasonal variations for the provision of facilities for making music</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for provision of facilities for making music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

J

Provision of facilities for dancing Standard days and timings (please read guidance note 6)			<u>Will the facilities for dancing be indoors or outdoors or both – please tick</u> (see guidance note 2)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
			<u>Please give a description of the facilities for dancing you will be providing</u>			
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)			
Mon						
Tue						
Wed						
Thur						
Fri						
Sun						
			<u>State any seasonal variations for providing dancing facilities</u> (please read guidance note 4)			
			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 5)			

K

Provision of facilities for entertainment of a similar description to that falling within i or j Standard days and timings (please read guidance note 6)			<u>Please give a description of the type of entertainment facility you will be providing</u>		
Day	Start	Finish	<u>Will the entertainment facility be indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 3)		
Wed					
Thur			<u>State any seasonal variations for the provision of facilities for entertainment of a similar description to that falling within i or j</u> (please read guidance note 4)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the provision of facilities for entertainment of a similar description to that falling within i or j at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sun					

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	
			Indoors	<input type="checkbox"/>
			Outdoors	<input type="checkbox"/>
			Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 3)	
Mon				
Tue				
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 4)	
Thur				
Fri			<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 5)	
Sat				
Sun				

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	08:00	23:00			
Tue	08:00	23:00			
Wed	08:00	23:00			
Thur	08:00	23:00			
Fri	08:00	23:00			
Sat	08:00	23:00			
Sun	08:00	23:00			
			Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
			N/A		

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name AYSE GUNES	
Address 16A SAINT JOHNS GROVE LONDON	
Postcode	N19 5RW
Personal Licence number (if known) 13183	
Issuing licensing authority (if known) LONDON BOROUGH OF ISLINGTON	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)
None.

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	07:00	23:00	
Tue	07:00	23:00	
Wed	07:00	23:00	
Thur	07:00	23:00	
Fri	07:00	23:00	
Sat	07:00	23:00	
Sun	07:00	23:00	
Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)			

P Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

PLEASE SEE ATTACHED CONTINUATION SHEET

b) The prevention of crime and disorder

A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images – colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

PLEASE SEE ATTACHED CONTINUATION SHEET

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times.

PLEASE SEE ATTACHED CONTINUATION SHEET

d) The prevention of public nuisance

All customers will be asked to leave quietly.

Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

PLEASE SEE ATTACHED CONTINUATION SHEET

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.

The Challenge 25 logo and posters will be displayed at the premises.

All staff will be trained for UNDERAGE SALES PREVENTION regularly.

A register of refused sales shall be kept and maintained on the premises.

PLEASE SEE ATTACHED CONTINUATION SHEET

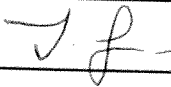
Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	31 OCTOBER 2011
Capacity	Agent for the Applicant

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

Jun Simon
ADA Group
167 Stoke Newington Road

Post town	LONDON	Post code	N16 8BP
Telephone number (if any)	0845 200 8424		

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

Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

AYSE GUNES

[full name of prospective premises supervisor]

of

16A SAINT JOHNS GROVE
LONDON
N19 5RW

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

APPLICATION FOR A PREMISES LICENCE

[type of application]

by

AYSE GUNES

[name of applicant]

relating to a premises licence

N/A

[number of existing licence, if any]

for

Canonbury Food & Wine
244 St. Pauls Road,
London
N1 2LJ

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

AYSE GUNES

[name of applicant]

concerning the supply of alcohol at

Canonbury Food & Wine

244 St. Pauls Road,

London

N1 2LJ

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

13183

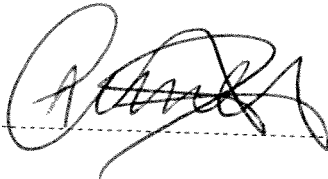
[insert personal licence number, if any]

Personal licence issuing authority

LONDON BOROUGH OF ISLINGTON

[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

AYSE GUNES

Date

27TH JULY 2011

Proposed Conditions

- 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 upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic 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 practical 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 Group's advice for off-licences.
- The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
- 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.
- The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.
- **Salih Gunes**, the previous premises licensee, will have no role in the new business trading at these premises.

Your reference:

Our reference: Licensing/NI

Date: 30-Nov-11

**ADA Group
167 Stoke Newington Road
London
N16 8BP**



Metropolitan Police Service
Islington Police Station
2 Tolpuddle St
London N1 0YY

Tel: 020 7 421 0194/0248

020 7 527 2359

Email: NI-Licensing@met.police.uk

RE: Canonbury Food & Wine, 244 St Paul's Road, N1 2LJ

Islington Police are objecting to the grant of a new premise licence application for Canonbury Food & Wine, 244 St Pauls Road, N1 2LJ

The premise licence was recently revoked following a review conducted by Trading Standards. The review was called for following a large seizure of none duty paid wine and spirits found at the premise on 25th February 2011.

In November 2010 the licence was reviewed after two sales of alcohol to children, the licence was suspended on this occasion.

The operating schedule offered by the applicant fails to address how the management will prevent any future purchases of illicit alcohol occurring.

This application has been made by the sister of the previous Premise Licence Holder and there is no clear demarcation between the old and new operators.

It is police opinion that this is a blatant attempt by the management/owners of Canonbury Food and Wine to subvert the review process and we respectfully ask that this application is refused.

Islington Police
Licensing Office.

c.c. Islington Council Licensing Team



ISLINGTON

PUBLIC PROTECTION DIVISION

Trading Standards
222 Upper Street
London N1 1XR

Tel: x 3874
E-mail: doug.love@islington.gov.uk

Please reply to: Doug Love

MEMO TO:

**LICENSING TEAM
222 UPPER STREET**

Our Ref:
Your Ref:
Date: 28/11/2011

LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY

Canonbury Food & Wine, 244 St. Paul's Road, N1 2LJ

I have examined the application for a licence for the above premises on behalf of the Trading Standards Section. I wish to make the following representations as Trading Standards have concerns over the steps to prevent crime and disorder and to protect children from harm outlined in the application.

1. Enforcement action

- 1.1 In February 2011 Trading Standards and HMRC officers visited Canonbury Food & Wine, 244 St. Paul's Road and seized a large quantity of illicit alcohol (ie. non-duty paid or counterfeit alcohol). Trading Standards applied for a licence review and on 19 July 2011 a Licensing Sub-Committee revoked the premises licence that was in the name of Salih Gunes, who we understand to be the applicant's brother. This decision was upheld by the Magistrates' Court at an appeal hearing on 08 November 2011.
- 1.2 In November 2010, the licence had been reviewed after the business made two sales of alcohol to underage children in March 2009 and August 2010. The Sub-Committee hearing the matter suspended the licence for 14 days and added conditions.

2. Trading Standards' concerns

- 2.1. At the review hearing in July 2011, the applicant, Ayse Gunes, accompanied the existing licensee, her brother, Salih Gunes. The Sub-Committee were told that Mr Gunes' father had been responsible for bringing the illicit alcohol into the business and that Mr Gunes Snr. would no longer play a role in the business. It was also stated that the business was to be passed to Ms Gunes and that Salih Gunes intended to play no further role in the business when this was done.
- 2.2. The Sub-Committee clearly did not believe they had heard sufficient evidence that would allow them to come to a decision other than revocation.
- 2.3. Since the review application was made, the business have not sought advice from Trading Standards or provided evidence to indicate that there will be better management control or a higher degree of compliance under Ms Gunes. Indeed there was, I understand, some delay in removing alcohol from the shelves after the revocation was confirmed, which does not bode well.

- 2.4. The application does partially reproduce in the operating schedule the conditions relating to underage sales that were added by the Sub-Committee which heard the first review in 2010, but there is no mention of how they will safeguard against illicit alcohol being supplied. I find this surprising, given that the review application for the 2011 review listed potential conditions regarding illicit alcohol.

3. Conclusion

- 3.1 Trading Standards believe that the Sub-Committee made the correct decision to revoke the previous licence and I am unable to report anything that could provide increased confidence that this business would comply with legislation, or promote the licensing objectives more fully than under the previous licensee.
- 3.2 Given that there has been no change of ownership, I feel that it is particularly incumbent upon the new applicant to show how the business will improve. The failure of the applicant to do this will, I suggest, not allow the Sub-Committee to grant the licence without undermining the review process.
- 3.3 I believe these representations are specific and proportionate to the known trading characteristics of this retail sector and are consistent with the Islington Council Statement of Licensing Policies 32 and 39.

Doug Love
Principal Consumer Services Officer

Islington Licensing Authority
Licensing Act 2003

REPRESENTATION FORM FROM RESPONSIBLE AUTHORITIES

Responsible Authority - Environmental Protection

Your Name	Nicholas Clarke
Job Title	Senior Technical Officer
Postal and email address	Municipal Offices 222 Upper Street Islington N1 1XR nicholas.clarke@islington.gov.uk
Contact telephone number	0207527-3064

Name of the premises you are making a representation about	Canonbury Food & Wine
Address of the premises you are making a representation about	244 St Paul's Road London N1 2LJ

Please detail the evidence supporting your representation. Or the reason for your representation.

Please use separate sheets if necessary

To prevent public nuisance

The application advises that the applicant wishes to sell alcohol between 8am-11pm.
The area is residential and there are a number of residential flats above the premises. Noise generated from customers entering and leaving the premises, and also from deliveries and collections is likely to impact on residential occupiers above and to the side of the proposed licensed premises.

The application has not indicated a time for deliveries or waste collection. There is mention of displaying signs for customers to leave quietly.

I am therefore concerned that we will receive complaints of noise from local residents due to late night/early morning deliveries and waste collections.

The Noise Team therefore object to this licence. I would add that the objection will be withdrawn provided the paragraphs below are accepted as conditions.



Suggested conditions that could be added to the licence to remedy your representation or other suggestions you would like the Licensing Sub Committee to take into account. Please use separate sheets where necessary.

1. No deliveries will take place on Sundays or Bank Holidays and between the hours of 10pm and 7am other days of the week.
2. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank Holidays and between the hours of 10pm and 7am other days of the week.

Signed:



Date:

18 Nov 2011

Please send this form along with any additional sheets to the applicant. A copy should be sent to: Islington Council, Licensing Team, 222 Upper Street London N1 1XR or email to licensing@islington.gov.uk

This form must be returned within the Statutory Period. For more details please check with the Licensing Support Team on 020 7527 3031



ISLINGTON

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

Ms Ayse Gunes
16a Saint John's Grove
London
N19 5RW

T 020 7527 3227
F 020 7527 3057
E niall.forde@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Niall Forde

Date: 10 November 2011

Dear Ms Ayse Gunes

RE: CANNONBURY FOOD & WINE, 244 ST PAULS ROAD, LONDON, N1 2LJ

I am writing to you as the applicant for a new premises licence in respect of above premises.

As you aware the appeal application in respect of the Council Licensing Sub Committees decision to revoke the licence on the 19 July 2011 was dismissed by Highbury Corner Magistrates on Tuesday 8 November 2011.

Mr Gunes was informed at the courts that he the premises should cease the sale immediately and remove all alcohol from the public area of the premises. Despite this instruction Sergeant Robin Clarke and I visited the premises at 10am on 9 November 2011 to find all the shelves fully stocked and alcohol still on sale.

During this visit officers spoke to your father and advised him to close the shop immediately and put all the alcohol in the cellar of the premises, where there was room to store the stock.

I visited the premises at 2:45pm today, and the stock is still on the shelves covered by tarpaulin, with some spirits still on public display.

I remind you the premises are not licensed and you are therefore committing an offence under part 7 sections 137 of the Licensing Act 2003. Under the part 7, section 137 it is an offence to expose alcohol for unauthorised sale

You are advised that if you allow the premises to be used in breach of the licensing Act 2003 you may render yourself liable to prosecution. A person found guilty of such an offence is liable to a maximum fine of £20,000 and or 6 months imprisonment.

In addition I remind you that you are currently applying for new premises, and failure to comply with the instruction to remove the stock completely could adversely effect your application. I also advise you that a copy of this letter will be included in the licensing committee report in respect of this application.

Forde, Niall

From: Robin.Clark@met.pnn.police.uk
Sent: 09 November 2011 13:06
To: Robin.Clark@met.police.uk; Forde, Niall
Subject: 244 st pauls rd, cannonbury food and wine.

09th nov 2011 0940 hrs.

Attended premises in company with Niall Forde LBI.

Premise open one member of staff on premises. Mr Gunes (father of licence holder).

Large quantity of spirits on shelf behind the counter still on display.

Large quantity of wine and beer still on display on shelves just beyond the counter and wine and beer in fridge still on display.

When asked about why the alcohol was still on display Mr Gunes indicated he was aware that the license appeal had been rejected but declined to remove the goods from display or close the shop. He informed us he was waiting for his daughter to attend the premises first.

Myself and Mr Forde ascertained that there was sufficient room in the stock area to store the alcohol in the premises in an area that would not be on display to the public.

When we left the premises at 0955 the shop was still open and the goods still on display with no effort being made to remove them or cover them up.

R CLARK PS45NI

Total Policing is the Met's commitment to be on the streets and in your communities to catch offenders, prevent crime and support victims. We are here for London, working with you to make our capital safer.

Consider our environment - please do not print this email unless absolutely necessary.

NOTICE - This email and any attachments may be confidential, subject to copyright and/or legal privilege and are intended solely for the use of the intended recipient. If you have received this email in error, please notify the sender and delete it from your system. To avoid incurring legal liabilities, you must not distribute or copy the information in this email without the permission of the sender. MPS communication systems are monitored to the extent permitted by law. Consequently, any email and/or attachments may be read by monitoring staff. Only specified personnel are authorised to conclude any binding agreement on behalf of the MPS by email. The MPS accepts no responsibility for unauthorised agreements reached with other employees or agents. The security of this email and any attachments cannot be guaranteed. Email messages are routinely scanned but malicious software infection and corruption of content can still occur during transmission over the Internet. Any views or opinions expressed in this communication are solely those of the author and do not necessarily represent those of the Metropolitan Police Service (MPS).

London Borough of Islington

Licensing Sub-Committee 'B' – 19 July 2011

Minutes of the meeting of Licensing Sub-Committee 'B' held at the Town Hall, Upper Street, N1 2UD on 19 July 2011 at 5 pm.

Present: Councillors: Wally Burgess, Gary Doolan and Tracy Ismail

COUNCILLOR WALLY BURGESS IN THE CHAIR

55. **INTRODUCTIONS (ITEM A1)**

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

56. **APOLOGIES FOR ABSENCE (ITEM A2)**

None.

57. **DECLARATION OF SUBSTITUTE MEMBERS (ITEM A3)**

None.

58. **DECLARATIONS OF INTEREST (ITEM A4)**

None.

59. **ORDER OF BUSINESS (ITEM A5)**

The order of business would be B1, B2, B3, B5, B4, B6 and B7.

60. **CONFIRMATION OF THE MINUTES OF THE MEETING OF LICENSING SUB-COMMITTEE A ON 26 MAY 2011 (ITEM A6)**

RESOLVED:

That the minutes of the meeting held on 26 May 2011 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

61. **CANONBURY FOOD AND WINE, 244 ST PAULS ROAD, N1 2LJ
APPLICATION FOR A PREMISES LICENCE REVIEW UNDER THE LICENSING ACT
2003 (Item B1)**

The service manager - trading standards outlined the details of the case and the reasons for the review as detailed in the report. He reported that a large volume of alcohol had been seized and that the licence had been suspended in November 2010 following sales made to volunteer young children under eighteen years of age. He highlighted the home office guidance that stated that revocation of the licence should be seriously considered where the crime prevention objective was being undermined.

The police officer supported the review and recommended the licence for revocation.

Licensing Sub-Committee 'B' – 19 July 2011

The Sub-Committee also noted that although the licensee intended to step down as premises licence holder due to personal circumstances, the business would remain a family concern.

In reaching their decision, they took into particular consideration licensing policy 039 regarding the sale of smuggled goods on licensed premises. Given these considerations, the Sub-Committee decided that the revocation of the licence was a proportionate response to this review.

62. **THE PARK THEATRE, 11-13 CLIFTON TERRACE, N4 3JP**
APPLICATION FOR A NEW PREMISES LICENCE UNDER THE LICENSING ACT 2003
(Item B2)

The police tabled additional information on alcohol related crime statistics in the Finsbury Park Ward. This paper would be interleaved with the agenda papers. The detective superintendent reported on the direct link between the number of persons who had consumed alcohol and the number of violent assaults. He reported that police resources were being squeezed and the consequence of granting late licences would be an increase in the number of victims of violence.

The Sub-Committee noted the 66 letters of support from local businesses and residents that were included in the report.

The applicant Jez Bond, supported by David Hughes, architect, outlined plans for the theatre. He informed the Sub-Committee that the enterprise would be a valuable resource for the local community. The ability to generate income from the café bar element of the building would be key to the financial future of the project. The Sub-Committee noted that the ground floor bar would contain the bar/café and that there was a further bar on the first floor. The applicant agreed to a condition regarding admittance after 11pm and listed a number of conditions that he would be happy to agree with the police.

RESOLVED:

- a) That, having considered all the oral and written evidence and having given consideration to the Licensing Act 2003 and its regulations, the national guidance and the Council's licensing policy, the new premises licence in respect of **The Park Theatre, 11-13 Clifton Terrace, N4 3JP** be granted to allow:-
- i) The premises to sell alcohol, on the premises: from 12.30 until 23.59 Sunday to Thursday and from 12.30 to 01.59 Fridays and Saturdays.
 - ii) The provision of plays 19:00 until 23:00 on Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - iii) The provision of films 19:00 until 23:00 Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - iv) The provision of live music, 18:00 until 23:00 Monday to Friday and 13:00 until 23:00 Friday and Saturday.
 - v) The provision of recorded music, 07:00 until 23.59 Monday to Thursday, 07:00 until 01.59 Friday, 08:00 until 01.59 Saturday and 08:00 until 23.59 on Sunday.
 - vi) The provision for the performance of dance, 19:00 until 23:00 Monday to Friday, 14:00 until 18:00 and 19:00 until 23:00 Saturday and Sunday.
 - vii) The provision of facilities for making music and for dancing 10:00 until 18:00 Monday to Sunday.

Forde, Niall

From: Hewitt, Susan
Sent: 17 November 2011 14:39
To: Forde, Niall; Love, Douglas; Fordham, David
Subject: Re: Cannonbury Food & Wine

Dear All

Re: LBI -v- : Cannonbury Food & Wine
8 November 2011 at 10.00 am
Coram: DDJ Hawgood
Court 6.

Appeal against revocation of licence.

The Appellant Mr Gunes appeared unrepresented. He made an application to adjourn on the basis that his licensing agent had failed to instruct a lawyer. The Bench found that the Appellant had been represented at the last hearing. Further that whether or not he had a lawyer was a private matter and therefore there were no grounds to adjourn caused by the third party not having provided a solicitor.

The Bench then indicated that they would not hear evidence from the Appellant as they had failed to meet directions.

The Bench then read through the Respondents bundle and skeleton argument. The Appellant then made closing submissions followed by the Respondent.

The Bench then retired following which made the following decision

'The appeal is dismissed. The licensing committees decision is upheld.'

'The reasons were given as follows:

There has been stock on the premises of smuggled goods. Not a huge consignment but large compared to the size of the business. It is an inevitable inference that things normally start on a smaller scale. I don't know as Mr Gunes can't really assure me his father couldn't do so again or did previously.

The purchase of the relevant items had been purchased by the father from a van which must mean criminals

Mr Gunes is not in control. The mother sold alcohol to underage persons and the father buys smuggled goods.

Nothing to show this was done in good faith from a cash and carry. The father did a cash in hand transaction with criminals.

Mr Gunes is therefore vulnerable - criminals targeted his business.

They will focus on this as an outlet that can dispose of illegal goods.

This is a serious breach of the licensing objective - prevention of crime and disorder

I have made my decision in a measured careful way. I have listened to representations. The decision to revoke was lawful and necessary given the objectives and policies and the decision to revoke the licence was proportionate.'

Costs were awarded in the sum of £3,272. Comprising \$440 investigation costs and £2832 legal costs.

No directions were made as to how this should be paid as it is a civil debt and therefore between the council and Mr Gunes.

Do contact me if you have any query.

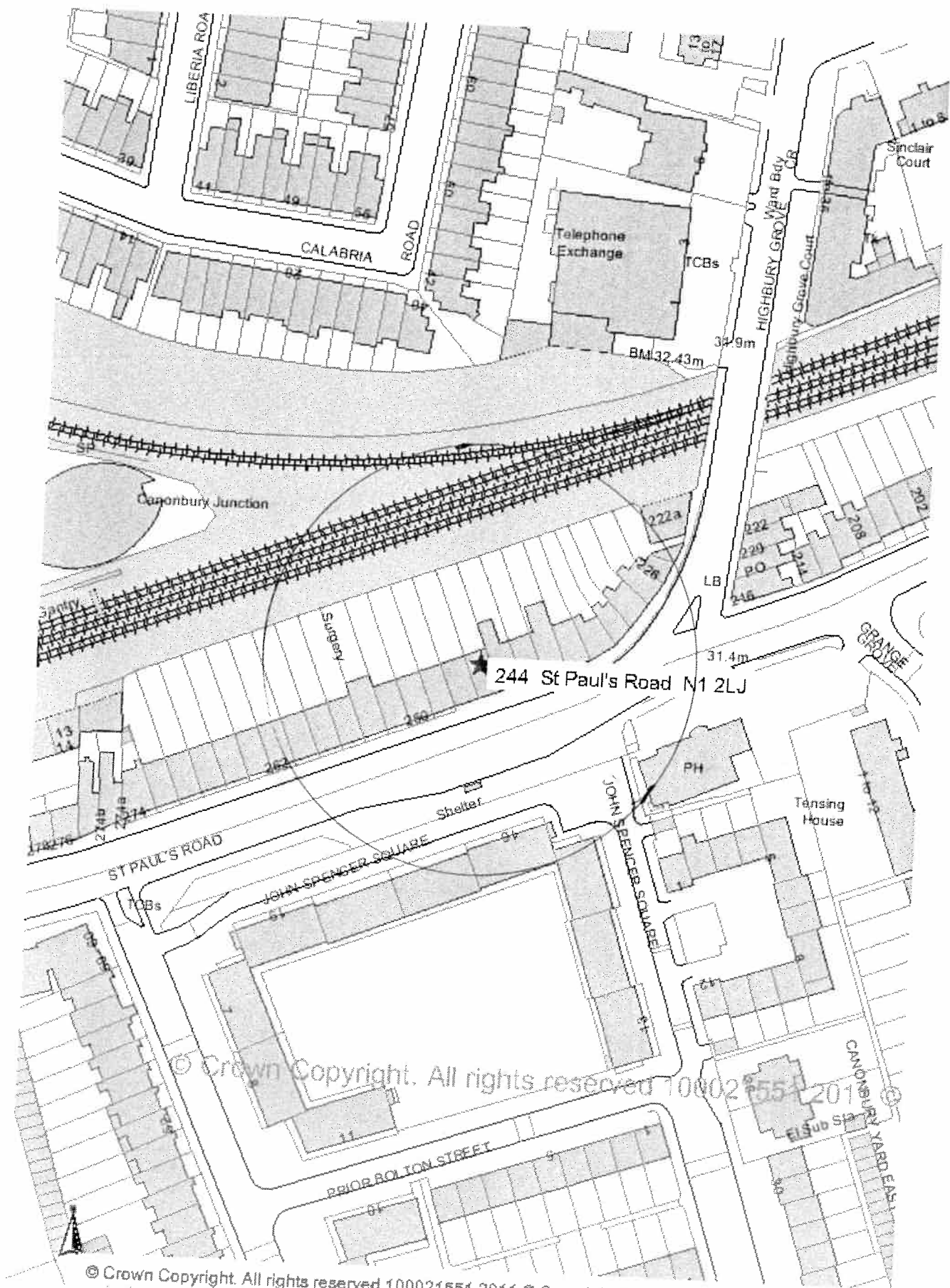
Suggested conditions of approval consistent with the operating schedule

1. The licensee shall ensure that all times when the premises are used for any licensable activity, there are sufficient competent staff on duty at the premises for purpose of fulfilling the terms and conditions of the licence for preventing crime and disorder.
2. The Licensee shall ensure that all staff will undertake training on the responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
3. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floors areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all the people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of the screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images – colour opening times; (8) Operate under the existing light levels within and outside the premises; (8) Operate under existing light levels within and outside the premises; (9) Have the recordings device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 13 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the Police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the Police on a standard computer. Copies must be made available to Police on request.
4. All exit routes shall be kept unobstructed, with non-slippery and even surfaces, free of trip hazards and clearly identified.
5. No alcoholic goods will ever be purchased from sellers calling to the shop.
6. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
7. No spirits in re-sealed cases will be purchased.
8. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
9. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
10. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
11. 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.
12. The licensee shall adopt the Challenge 25, the Retail of Alcohol Standards Group's advice for off-licences.

13. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The licensee shall keep records of training and instruction given to staff.
14. 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.
15. The licensee shall require staff to note any refusals to sell to young people in a refusals log. The refusals log shall be checked and signed monthly by the designated premises supervisor. The refusals log shall be made available for inspection by the licensing team, police or trading standards.

Conditions of approval recommended by Noise Team (accepted)

16. No deliveries will take place on Sunday or Bank Holidays and between the hours of 22:00 and 07:00 other days of the week.
17. No rubbish including bottles will be moved, removed or placed in outside areas on Sundays or Bank Holidays and between the hours of 22:00 and 07:00 other days of the week.



© Crown Copyright. All rights reserved 100021551 2011 © Copyright Collins Bartholomew Ltd. 2011