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## AGENDA FOR THE LICENSING SUB COMMITTEE C

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Members of Licensing Sub Committee C are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **9 December 2014 at 6.30 pm.**

**John Lynch**  
**Head of Democratic Services**

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Despatched : 28 November 2014

### **Membership**

Councillor Gary Poole (Chair)  
Councillor Satnam Gill (Vice-Chair)  
Councillor Michelline Safi Ngongo

### **Substitute**

All other members of the Licensing committee

Quorum: is 3 Councillors

**Welcome :** Members of the public are welcome to attend this meeting.  
Procedures to be followed at the meeting are attached.



**A. Formal matters** **Page**

1. Introductions and procedure
2. Apologies for absence
3. Declarations of substitute members
4. Declarations of interest

If you have a **Disclosable Pecuniary Interest\*** in an item of business:

- if it is not yet on the council's register, you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent;
- you may **choose** to declare a Disclosable Pecuniary Interest that is already in the register in the interests of openness and transparency.

In both the above cases, you **must** leave the room without participating in discussion of the item.

If you have a **personal** interest in an item of business **and** you intend to speak or vote on the item you **must** declare both the existence and details of it at the start of the meeting or when it becomes apparent but you **may** participate in the discussion and vote on the item.

**\*(a)Employment, etc** - Any employment, office, trade, profession or vocation carried on for profit or gain.

**(b) Sponsorship** - Any payment or other financial benefit in respect of your expenses in carrying out duties as a member, or of your election; including from a trade union.

**(c) Contracts** - Any current contract for goods, services or works, between you or your partner (or a body in which one of you has a beneficial interest) and the council.

**(d) Land** - Any beneficial interest in land which is within the council's area.

**(e) Licences-** Any licence to occupy land in the council's area for a month or longer.

**(f) Corporate tenancies** - Any tenancy between the council and a body in which you or your partner have a beneficial interest.

**(g) Securities** - Any beneficial interest in securities of a body which has a place of business or land in the council's area, if the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body or of any one class of its issued share capital.

This applies to **all** members present at the meeting.

5. Order of Business
6. Minutes of Previous Meetings 1 - 18

**B. Items for Decision** **Page**

1. Mini Food Store, 8 Kings Cross Road, WC1X 9AQ - Application for a premises licence review. 19 - 52

**C. Urgent non-exempt items**

Any non-exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

**D. Exclusion of public and press**

To consider whether, in view of the nature of the remaining items on the agenda, any of them are likely to involve the disclosure of exempt or confidential information within the terms of the Access to Information Procedure Rules in the Constitution and, if so, whether to exclude the press and public during discussion thereof.

**E. Urgent Exempt Items (if any)**

Any exempt items which the Chair agrees should be considered urgently by reason of special circumstances. The reasons for urgency will be agreed by the Chair and recorded in the minutes.

## ISLINGTON LICENSING SUB-COMMITTEES -

### PROCEDURE FOR HEARING LICENSING REVIEW APPLICATIONS UNDER THE LICENSING ACT 2003

#### INTRODUCTION

#### TIME GUIDE

- 1) The Chair of the Sub-Committee will open the meeting and invite all members of the Sub-Committee, Officers, the applicant and anybody making representations, including witnesses (who have been given permission to appear) to introduce themselves.
- 2) The Chair will introduce the application and draw attention to the procedure to be followed as detailed below.

#### CONSIDERATION OF APPLICATIONS:

**N.B. The Sub-Committee have read all the papers. All parties should use this time to present a summary of their key points and not to repeat the detail already provided in the report.**

- 3) **The Licensing Officer** will report any further information relating to the application or representations. Where necessary the relevant parties will respond to these points during their submissions.
- 4) **The applicant (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 5) The Sub-Committee to question the responsible authorities on matters arising from their submission.
- 6) **Other representatives (interested party or responsible authority)** to present the key points of their representations; and clarify any points requested by the Authority. Witnesses, given permission by the Authority, may appear. 10 mins
- 7) The Sub-Committee to question the other representatives (interested party or responsible authority) on matters arising from their submission.
- 8) **The licensee** to present the key points of their application, address the representations and clarify any points requested by the Authority. Witnesses given permission by the Authority may appear. 10 mins
- 9) The Sub-Committee to question the applicants on matters arising from their submission.
- 10) If required, the Licensing Officer to clarify matters relating to the application and the Licensing Policy.
- 11) The Chair may give permission for any party to question another party in the order of representations given above.

#### CASE SUMMARIES

- 12) **Applicant**
  - 13) **Oher representatives**
  - 14) **Licensee**
- 2 mins each

#### DELIBERATION AND DECISION

- 15) The Sub-Committee may retire to consider its decision. The Committee Clerk and Legal Officer will remain with the Sub-Committee.
- 16) If the Sub-Committee retires, all parties should remain available to provide further information or clarification.
- 17) The chair will announce their decision giving reasons and any conditions to be attached to the licence. All parties will be informed of the decision in writing.

# Agenda Item 6

London Borough of Islington

## Licensing Sub Committee C - 22 September 2014

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 22 September 2014 at 6.30 pm.

**Present:**           **Councillors:**           Gary Poole (Chair), Angela Picknell and Nick Wayne

### Councillor Gary Poole in the Chair

**18**           **INTRODUCTIONS AND PROCEDURE (Item 1)**

Councillor Poole welcomed everyone to the meeting, asked members and officers to introduce themselves and outlined the procedures to be followed at the meeting.

**19**           **APOLOGIES FOR ABSENCE (Item 2)**

Received from Councillors Gill and Ngongo.

**20**           **DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

Councillor Picknell substituted for Councillor Gill and Councillor Wayne substituted for Councillor Ngongo.

**21**           **DECLARATIONS OF INTEREST (Item 4)**

None.

**22**           **ORDER OF BUSINESS (Item 5)**

The Chair stated that the applications would be discussed in the order they appeared on the agenda.

**23**           **BEST MANGAL BAR AND RESTAURANT-CLUB REINA, 85 CHARTERHOUSE STREET, EC1 - VARIATION APPLICATION (Item 1)**

The Licensing Officer reported that an application for a variation of DPS had been received to permit Mr Stefano Del Core to replace Mr Sinan Kurt as DPS. He also reported that the applicant was not now seeking off sales of alcohol. There were additional conditions which the Licensing Authority wished to see applied to the licence and which had been discussed with and agreed by the applicants, should the Sub-Committee be minded to approve the application. These had arisen largely as a result of the applicant's responses to representations made by the Licensing Authority and were detailed on pages 34 and 35 of the agenda.

The Licensing Officer also reported that a certificate of lawfulness under Section 191-2 of the Town and Country Planning Act 1990 (as amended) was pending, though he had been copied into correspondence between the applicant and the Council's Building Control Services, which satisfied him that this particular matter was being progressed.

In response to questions, the Police Officer reported that he had been impressed with the way the applicants had engaged with the Police and confirmed that the majority of the outstanding documentation referred to on page 40 of the agenda, comprising the representation from the Islington Police Licensing Team, had now been received. The Police Officer stated that, in view of the history of crime and disorder reported at the

## Licensing Sub Committee C - 22 September 2014

premises in the past, he was working with the applicants to ensure that this did not happen in the future.

The Noise Team representative stated that a copy of the calibration certificate supplied by an acoustician and the Noise Management Plan for the premises were awaited. The applicant stated that these documents had been posted to the Council's Noise Team on the preceding Friday.

The applicants responded to Members' questions about the management of access to the first and second floors of the building, capacity limits on each floor of the building and how that was to be managed, controlling the flow of persons outside the venue and access to and capacity of the designated smoking area .

Members of the Sub-Committee left the room at 6.58pm to deliberate before returning at 7.10pm to announce their decision.

### **RESOLVED:**

(a) That the application for a variation of a premises licence in respect of Best Mangal Bar & Restaurant/Club Reina, 85 Charterhouse Street EC1M 6HJ be granted to:

- i) remove conditions 16,18,25, 28 and 29 of the current premises licence in so far as they apply to the ground floor of the premises
- ii) amend the floor plans attached to the current premises licence.

(b) That the conditions detailed in appendix 3 of the report and the following conditions be attached to the licence:

That the ground floor be used solely as a restaurant

That no more than 10 smokers at a time be permitted in the designated smoking area

That capacity checks be recorded in writing hourly

That a minimum of two personal licence holders be on duty at all times

The premises may not be used until signed off by a Building Control Officer

The conditions suggested by the Police shall be included in the schedule of conditions

### **REASONS FOR DECISION**

The Sub-Committee listened to all of the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The application was for a variation of an existing licence.

The present owners purchased the premises in November 2013. The premises consisted of 3 floors and the application was to remove 5 conditions from the current licence as they apply to the ground floor of the premises and to amend the floor plans.

The Sub-Committee considered the representations made by the Licensing Authority, the Police and the Noise Team, as well as representations made by the applicant.

At the hearing, the Licensing Authority requested additional conditions to those originally referred to in the papers.

The additional conditions were agreed to by the licensee.

The Sub-Committee considered whether the proposed variation with the proposed conditions would impact on the promotion of the licensing objectives and concluded that they should not have an adverse effect.

The variation was accordingly agreed.

**24**     **BOROUGH WINES, 63 EXMOUTH MARKET, EC1 - NEW APPLICATION (Item 2)**  
The Licensing Officer reported that the applicant had agreed to the suggested conditions on page 79. However, he noted that condition 14, which related to the closure of doors and windows at the premises at all times when recorded music was being played and during trading hours, was not necessary since the premises would be operating a buzzer entry system. A copy of a further letter (dated "12 September 2013" (sic)) from one of the persons who had made a representation was passed around to Members, outlining concerns on opening hours, the area covered by the licence and security. The Police representative stated that the Police had made no representations against this application. He commented that the inclusion of a buzzer entry system to the premises, which formed part of one of the objections to the application, had probably been suggested by the Police, as a mitigating factor to noise from the operation of the shutters and to keep noise to the residents at a minimum.

The applicant stated that there was no buzzer to gain entry to the premises, rather an entry system, so there would be no additional noise caused to local residents. In addition, the shutter to the entrance was inside and electrical, so noise would be reduced.

In response to questions from the Sub-Committee, the applicant said that she had not liaised directly with local residents about the application, although she had spoken to the managing agent for the building.

The applicant stated that, although the application was to permit the sale of alcohol off the premises from 09:00 hours to 23:00 hours from Monday to Sunday, the expected operating schedule would be 10:00 hours to 22:00 hours, and the requested hours were mainly to give some leeway on wine tasting events. In response to a question, the applicant confirmed that there were no restrictions on planning.

Members of the Sub-Committee left the room at 7.25pm to deliberate before returning at 7.32pm to announce their decision.

**RESOLVED:**

That the application for a new premises licence in respect of the premises Borough Wines, 63 Exmouth Market, EC1R 4QL, be granted, to permit the premises to sell alcohol for consumption off the premises from 09:00 to 23:00 on Monday to Sunday, subject to the following conditions:

The conditions outlined in appendix 3 and detailed on page 79 of the agenda, with the following amendments/additions: the addition of conditions 2-9 from the Noise Team on page 72.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached their decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

This was an application for a new premises licence for the sale of alcohol for consumption off the premises from 09:00 hours to 23.00 hours, Monday to Sunday.

The business intended to sell fine wines, craft beers and boutique spirits to a specific clientele. Wine tastings were also planned for the premises from time to time.

A representation was made by the Noise Team and two written representations were received from residents, who did not attend the hearing. The Noise Team submitted recommended conditions, which were agreed to by the applicant.

The Sub-Committee considered the fact that the premises were in a cumulative impact area and that there was accordingly a rebuttable presumption that applications for new premises licences that were likely to add to the cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact, or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee was satisfied that the Operational Schedule provided by the applicant demonstrated that the planned business would not add to the cumulative impact and adversely impact on the licensing objectives.

The Sub-Committee accordingly decided to grant the application for a new premises licence in respect of the premises Borough Wines, 63 Exmouth Market, EC1R 4QL to permit the premises to sell alcohol for consumption off the premises from 09:00 to 23:00 on Monday to Sunday.

**25** **MEDITERRANEAN RESTAURANT, 131-133 CENTRAL STREET, EC1 - NEW APPLICATION (Item 3)**

The Licensing Officer reported that, due to an error, twenty four letters from residents of Barnabas House, King's Square, EC1, concurring with the views expressed in the letter of objection at pages 99 and 100 of the agenda, had been omitted from the papers circulated with the agenda. The Chair of the Sub-Committee read out the terms of the standard statement signed by the twenty four objectors and copies were passed to the applicant and his representative and to members of the Sub-Committee.

The Licensing Officer highlighted the fact that there was a planning restriction on the operating hours of the premises, permitting use only between the hours of 08:00 hours to 23:00 hours on weekdays and Saturdays and requiring closure on Sundays and Bank Holidays. The application before the Sub-Committee sought permission to supply alcohol on the premises from 11:00 to 23:00 hours and late night refreshment from 23:00 to midnight, from Monday to Sunday.

The Police representative pointed out that the premises was situated in a cumulative impact zone and that there had been two and a half thousand crimes in the area in 2013/14, including assaults and anti-social behaviour. He had asked the applicant's agent to contact him at the end of July to discuss how they proposed to mitigate the situation and to ensure that their premises did not add to the existing problems in the area, but had not been



contacted by the end of August. He was concerned that, as the application stood, the premises could operate as another bar in the area. If granted, he asked the Sub-Committee to consider the addition of a condition to ensure that the premises were operated solely as a restaurant. In response to a question from a member of the Sub-Committee, the Police Officer said that anti-social behaviour was the main problem in the area, rather than crime, and there had been many Police call-outs to the area. He also confirmed, in response to another question, that the only operating schedule he had seen from the applicant was that detailed on page 89 of the agenda and that no further documents had been supplied in that regard.

The Noise Officer stated that she had spoken with the applicant about a further condition which should be applied to the licence, if the Sub-Committee were minded to agree the application. This proposed condition had been agreed by the applicant: "That there be no bottling out, collections or deliveries between the hours of 22:00 hours and 07:00 hours".

A representative of residents at Barnabas House in King's Square stated that the premises was situated in a residential area and she could not understand why they proposed to stay open until midnight, when other businesses in the vicinity closed at 11pm. She and other residents remained concerned about anti-social behaviour in the area. She stated that residents had enjoyed good relationships with other businesses in the area, that they were not opposed to the proposed new restaurant and were keen to see no empty units in King's Square.

The applicant's agent apologised if there had been miscommunication with the Police, but she believed that a message had been left with them. She asked that the request for late night refreshments from 23:00 to midnight from Monday to Sunday, detailed on page 92 of the agenda, be withdrawn. She also asked that the supply of alcohol be amended to 11:00 hours to 22:30 hours, as her client wished to close the premises at 23:00 hours. She stated that it was not her client's intention to run a bar at this premises. Her client owned a restaurant in King's Cross and this restaurant would be run along similar lines, with six to eight staff and there would be no tables or chairs outside, or vertical drinking. She passed around copies of the menu which were available at the existing restaurant in King's Cross and would be similar for the proposed restaurant in King's Square. There would be extensive CCTV at the proposed premises, comprising ten cameras, and she stated that she accepted the conditions proposed by the Licensing Officer and the Police.

The applicant's agent stated that she had attempted to speak to the Police Officer this evening. She apologised again for any miscommunication and pointed out that August was her holiday period. She hoped to be able to invite the Police to the restaurant in King's Cross and the new premises, when established. She understood that it was important to work with the Police.

The Chair asked the agent whether there had been any engagement with the local community, particularly in view of the concerns and anxieties which had been expressed by them this evening. The applicant's agent stated that her client was new to the area and had received only one letter. She stated that her client would work with and engage with local residents, although there had been no contact to date.

The Chair noted that, although the premises was situated in a cumulative impact zone, he had no assurance from the operating schedule that the applicant would take seriously his responsibilities to reduce alcohol harm and prevent crime in the area.

The applicant's agent said that this would be achieved by the conditions applied to the licence and the extra conditions which had been accepted by the applicant.

## Licensing Sub Committee C - 22 September 2014

In response to a question to the resident objectors who were asked whether they felt reassured by the reduction in the proposed hours of operation of the premises and the menu, one of the residents said that she remained concerned. Another objector stated that the applicant was new to the area, but not to business and stressed again the high level of crime in the area. There had been no attempt by the applicant to communicate with local residents. The residents were also concerned that there was no identified smoking area and, if patrons of the restaurant chose to smoke in Lever Street, this was directly under bedroom windows.

In response, the applicant's agent said that, once the premises was open and the licence had been granted, details of matters such as the main point of contact at the premises would be available. There was no intention to run the premises as a bar and alcohol would be ancillary to the provision of meals. It was her wish and that of her client to work with the Police and local residents. In response to a further question about how the applicant would engage with the local community if the licence was granted, the agent stated that the local community would be invited to a meeting. The applicant had spent substantial sums of money on the lease and works to the premises. She added that this was a seated restaurant and therefore no security would be required.

A member of the Sub-Committee asked about the restriction on hours of use, required by Planning. The applicant's agent said in response that they would have to withdraw Sundays from their application.

Members of the Sub-Committee left the room at 8.15pm to deliberate before returning at 8.33pm to announce their decision.

### **RESOLVED:**

That the application for a new premises licence in respect of Mediterranean Restaurant, 131-133 Central Street, EC1V 8AP be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The original application was for supply of alcohol for consumption on the premises from 11am to 23:00 Monday to Sunday and for Late Night Refreshment both on the premises from 23:00 to midnight Monday to Sunday.

During the course of the presentation of the application, the applicant's representative stated that the application would be varied and that there would no longer be an application for Late Night Refreshment and that the sale of alcohol was only for 11am until 10.30pm and permission was not sought to sell alcohol on Sundays.

The Sub-Committee heard submissions from the Police, 3 residents and the applicant's representative.

The objection from the Police was on the basis that the premises were in the Bunhill Cumulative Impact Area and there had been 2541 reported crimes in the area in the year April 2013 to March 2014, of which 200 reported crimes were assault.

## Licensing Sub Committee C - 22 September 2014

The police further referred to the weak application that had been presented. The applicant had refused to engage with the police prior to the application. No attempt had been made by the applicant prior to the hearing to resolve the issues and lack of detail in relation to the application.

More information had been sought by the Police in July 2014 and they had not received any response thereto. The Licensee's representative apologised for this at the hearing.

The Sub-Committee took into consideration the submissions made by all representatives and in particular the submissions made by the Police and the Licensee's representative.

The premises are situated in the Bunhill Cumulative Impact Area. Licensing Policy Number 2 provides that the cumulative impact area policy creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless the applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The operating schedule set out in the application and the submissions made at the hearing by the applicant's representative failed to adequately deal with this issue and failed to demonstrate that there would be no adverse cumulative impact on the licensing objectives. There was no mention of any proposed dispersal arrangements and smoking areas for customers appeared not to have been considered.

Insufficient management and operational details were provided by the applicant and his representative.

The Police submitted that the granting of the application would undermine the Licensing objectives, in particular the prevention of crime and disorder and public nuisance.

The Sub-Committee took into consideration Paragraph 9.12 of the Revised Home Office Guidance issued under section 182 of the Licensing Act 2003 ( June 2014), which states:

*“ in their role as a representative authority, the police are an essential source of advice and information on the impact of licensable activities, particularly on the crime and disorder objective. The Police should be the licensing authority's main source of advice on matters relating to the promotion of crime and disorder objective..... The licensing authority should accept all reasonable and proportionate representations made by the police.”*

The application was accordingly refused on the basis that the applicant did not demonstrate why the operation of the business would not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The meeting ended at 8.34 pm.

**CHAIR**

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**Licensing Sub Committee C - 2 October 2014**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 2 October 2014 at 6.30 pm.

**Present:**           **Councillors:**           Osh Gantly, Satnam Gill and Flora Williamson.

**Satnam Gill in the Chair**

- 26**           **INTRODUCTIONS AND PROCEDURE (Item A1)**  
Councillor Satnam Gill welcomed everyone to the meeting and asked members and officers to introduce themselves. He outlined the procedures for the meeting.
- 27**           **APOLOGIES FOR ABSENCE (Item A2)**  
Apologies were received from Councillor Michelline Ngongo and Councillor Gary Poole.
- 28**           **DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**  
Councillor Williamson substituted for Councillor Poole and Councillor Gantly substituted for Councillor Ngongo.
- 29**           **DECLARATIONS OF INTEREST (Item A4)**  
None.
- 30**           **ORDER OF BUSINESS (Item A5)**  
The order of business would be as the agenda.
- 31**           **MINUTES OF PREVIOUS MEETINGS (Item A6)**  
The minutes of the meetings held on the 17 July and the 22 July 2014 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.
- 32**           **MILLY'S MINI MARKET, 49 UPPER STREET, LONDON, N1 0PN - APPLICATION FOR A NEW PREMISES LICENCE (Item B1)**  
The licensing officer reported that revised conditions had been tabled. These would be interleaved with the agenda papers.

The solicitor for the applicant reported that the hours for the sale of alcohol has been amended to 10:00 am to 23:00 hours. A number of conditions had been proposed to control anti-social behaviour, sales of underage children, street drinking and staff training.

A local resident raised objections on the application based on the cumulative impact policy and stated that however good the management was, there would still be an increase of alcohol on the streets of the area. The residents should be protected from the resulting anti-social behaviour.

The legal advisor informed residents that there was not a blanket ban on applications in the cumulative impact area but the policy created a rebuttable presumption.

The police spoke against the application and asked that it be refused. He reported that there had been just less than 3500 recorded crimes in the area between April 2013 and March 2014 and this area was the second busiest in the Borough for the police. The police were tasked each weekend to this area in attempts to deal with crime and disorder. The

## Licensing Sub Committee C - 2 October 2014

police had spoken to the applicant and was concerned that he had not demonstrated strong management skills. This was an area of high crime with a large number of licensed premises and he considered that an increase in alcohol on the streets would increase alcohol related crime.

Christopher Rees-Gay solicitor, supported by Mustafa Has, the applicant, informed the Sub-Committee that the applicant had seven years' experience and had operated at a licensed premises in Bethnal Green for the last four years with no problems. The applicant had given the local resident his email address should there be any issues. The shop had been licensed for the previous nine years and recently until 01:00 am.

The premises was a small mini market and alcohol sales were required. The applicant was a responsible operator, had met with the trading standards officer and had gone through the licensing policy and tailored the application in order that all licensing objectives were promoted.

He reported that the concerns raised in the licensing policy regarding the Angel area related to the late night economy and not for the hours that this application related to. The Holloway/ Finsbury Park area policy did mention street drinking but it had not been stated in relation to this area. The terminal hour had been moved from 08:00am to 10:00am due to concerns of residents. The hours applied for reflected those stated in the guidance and the premises would not be selling alcohol after midnight. All staff would be fully trained and would not serve people when drunk. He did not believe that off licences would encourage pre-loading. The representation from PS Walsh related to street drinking. The applicant had met with the officer from trading standards in the afternoon and he was satisfied with the conditions proposed. Residents were unable to pinpoint problems to this one specific premises.

He considered that, with the conditions proposed, the application would not undermine the licensing objectives. There was the review process that the police could use if there were issues relating to the premises.

In response to questions it was noted that the applicant had run two other businesses but these were not for licensed premises. His previous business was licensed. In his licensed business he had maintained a good relationship with the police, had passed underage test purchases and had removed strong alcohol from his shelves voluntarily. He stated that alcohol sales were expected to be about 30-40% of his business and alcohol was stored on shelves around the walls and not in the centre of the shop. The applicant's solicitor accepted that conditions were added at a late stage but stated that this was as his other premises had no issues and the licensing authority in Tower Hamlets were happy with those conditions.

In summary, the police considered that he did not consider that alcohol in the premises would be stored discretely as it would be located on all sides of the shop.

The local resident stated that yet another outlet selling alcohol must increase the cumulative impact of alcohol in the area and anti-social behaviour still occurred on the street even when alcohol was purchased prior to 11pm.

The applicant stated that the cumulative impact policy in the Angel area was not specific to this type of premises. Strict conditions were proposed which would prevent adverse impact on the licensing objectives. The licensing hours were to end at 11pm. The applicant had four years of previous licensing experience with no incident and had met with trading standards officers.

### **RESOLVED**

That the application for a new premises licence in respect of Milly's Mini Market, 49 Upper Street, N1 be refused.

**REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee carefully considered the representations made by the local residents, the applicant and the police.

The local residents referred to anti-social behaviour in the area and high levels of crime.

The Police representative submitted that the area in question experienced 3499 recorded crimes between April 2013 and March 2014. The crimes included Assault, GBH, affray and sexual assaults. The Police submitted that the large number of licensed premises in the area impacted greatly on the resources of the Police and other emergency services.

The Police stated to the Sub-Committee that the conditions proposed by the applicant did not assist sufficiently to prevent a likely adverse effect on crime and disorder and public nuisance that the granting of the application would result in.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.

The Sub-Committee concluded that the further availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour would have an adverse impact on the licensing objectives.

**33 THE COFFEE WORKS PROJECT, 96-98 ISLINGTON HIGH STREET, LONDON, N1 8EG  
- APPLICATION FOR A NEW PREMISES LICENCE (Item B2)**

The applicant reported that planning permission for A3 use had been granted on the 22 January 2014. A letter sent from the applicant to residents was tabled and would be interleaved with the agenda papers.

The noise officer reported that the applicant had accepted the proposed noise conditions.

Three local residents spoke in objection to the application. They reported that the coffee shop was in the cumulative impact area. There considered that there was no reason to sell alcohol with coffee. There was regular anti-social behaviour in the area. Concerns were raised that the premises would not be as well managed by a future licensee. Police did not consider anti-social behaviour a priority. The residents gave an example of anti-social behaviour that took place after midnight on the 18 June 2014. It was considered that the Angel had reached saturation point and it was for the applicant to rebut the presumption of cumulative impact. The premises were close to a school and public transport links and asked members to refer to the Home Office guidance regarding this. They raised concerns regarding the off sales and how this would be managed. They stated that additional alcohol

## Licensing Sub Committee C - 2 October 2014

sold would be likely to add to further anti-social behaviour and also to the existing cumulative impact in the area. Residents welcomed a coffee shop in the area but did not consider that it was necessary for the shop to sell alcohol.

The applicant spoke in support of the application. He reported that the premises was a speciality coffee house serving the local community. He employed local staff and operated an in house training programme. He did not intend to become a bar or a club and would only serve alcohol until 8pm and this would be ancillary to food sales. Wine would only be served to seated customers. He did not consider that it would create further noise or impact on the local community. He had spoken to the local police, recognised his responsibility to local residents and was sensitive to issues regarding drinking, noise and protection of children. He reported that he would work in partnership with residents.

In response to a question from the legal adviser he reported that, as a compromise to residents, he would withdraw the off sales he had applied for.

In summary, the residents reported that they were unhappy with the addition to the number of licensed premises, which would increase the cumulative impact.

The applicant reported that he was a responsible manager and had withdrawn off sales as a compromise. He would continually review the business and liaise with residents.

### **RESOLVED**

1) That the application for a new premises licence in respect of The Coffee Works Project, 96-98 Islington High Street, N1 be granted to permit the sale of alcohol for consumption on the premises only from 12:00 to 20:00 on Monday to Saturday and 12:00 to 17:30 on Sunday.

2) Conditions as outlined in appendix 3 as detailed on pages 100-103 of the agenda shall be applied to the licence as amended due to the removal of the application for off sales.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 002. The premises fall under the Angel and Upper Street cumulative impact area. Licensing policy 002 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Sub-Committee noted that the police did not object to the application and the Noise Team had no objections.

The Sub-Committee also considered the representations made by the local representatives.

The Sub-Committee was concerned that the granting of the new licence would undermine the licensing objectives. In accordance with Licensing Policy 7, the Sub-Committee noted the cumulative impact that the proliferation of late night venues and retailers in the borough is having on the promotion of the licensing objectives.



## Licensing Sub Committee C - 2 October 2014

The policy was not absolute. The circumstances of each application must be considered on its merits. The business in question was a coffee shop and the hours requested for the licence were 12:00 to 20:00 Monday to Saturday and 12:00 to 17:30 on Sunday.

During the application the applicant withdrew his request for an off sales licence. The Sub-Committee therefore only had to consider whether the applicant should receive an on sales licence for the times referred to above.

The Council's licensing policy refers to examples where application should be considered as exceptional to any cumulative impact policy.

The examples referred to are:-

- Small premises with a capacity of 50 persons or less who only intend to operate during hours specified in Policy 8.
- Premises which are not alcohol led and operate only within the hours specified in Licensing Policy 8 such as coffee shops.

Licensing Policy 8 states that when dealing with new applications the Licensing Authority will give more favourable consideration to applications with certain closing hours and times. With regard to restaurants and cafes, the closing times referred to are 11pm (Sunday to Thursday) and midnight (Friday and Saturday).

The premises in question was a coffee shop, it was not alcohol led and the operating hours are within the hours referred to in Policy 8.

In light of the above and the lack of submissions by the police, the Sub-Committee concluded that the granting of the application subject to the conditions attached was proportionate and reasonable.

The meeting ended at 8.30 pm

**CHAIR**

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**Licensing Sub Committee C - 18 November 2014**

Minutes of the meeting of the Licensing Sub Committee C held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 18 November 2014 at 6.30 pm.

**Present:**           **Councillors:**           Gary Poole (Chair), Angela Picknell and Flora Williamson

**Councillor Gary Poole in the Chair**

**34           INTRODUCTIONS AND PROCEDURE (Item 1)**

Councillor Poole welcomed everyone to the meeting, asked members and officers to introduce themselves and informed all present that the procedures were outlined in the agenda pack.

**35           APOLOGIES FOR ABSENCE (Item 2)**

Apologies were received from Councillor Gill and Safi Ngongo.

**36           DECLARATIONS OF SUBSTITUTE MEMBERS (Item 3)**

Councillor Picknell substituted for Councillor Gill and Councillor Williamson substituted for Councillor Safi Ngongo.

**37           DECLARATIONS OF INTEREST (Item 4)**

None.

**38           ORDER OF BUSINESS (Item 5)**

The order of business was as the agenda.

**39           THE AULD TRIANGLE PUBLIC HOUSE, 52 ST THOMAS ROAD, N4 2QW - PREMISES LICENCE VARIATION (Item 1)**

The Sub-Committee noted that the applicant, legal representative or the designated premises supervisor had not attended the meeting.

The Chair of the Sub-Committee stated that the Licensing Authority may wish to take further action in relation to the premises.

**RESOLVED** that the application for the premises licence at The Auld Triangle Public House, 52 St Thomas Road, N4 be refused.

**REASONS FOR DECISION**

The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The applicant and the licensee did not attend the Sub-Committee meeting. The Sub-Committee did not require any further submissions to be made by the Licensing Authority, the Police or the Noise Team representative. No residents or ward Councillor was present. In advance of the hearing the Sub-Committee carefully considered all the evidence and submissions and read all the material.

The Sub-Committee carefully considered the application and in particular the steps that the applicant offered to take in relation to promoting the licensing objectives.

The applicant was an existing licence holder, holding a licence for the sale of alcohol on and off the premises, the playing of recorded music for 24 hours a day and the provision of late night refreshment.

The application was for a variation of that licence, to amend the hours for the sale of alcohol to that of Fridays and Saturdays from 10:00 to 1am the following day on Fridays and Saturdays only.

The Sub-Committee noted that there had been a licensing officer panel meeting in May 2014 after the premises had been found operating until after midnight, in breach of the licensing hours. Following the panel the premises was found to be selling alcohol and playing live music after hours on 30 May 2014. There had been a visit by licensing officers in August 2014 and alcohol was again witnessed being sold after hours.

The Sub-Committee further noted that the licence holders or the designated premises supervisor did not appear to be involved in the day to day licensable activities. There had also been complaints regarding noise in the rear yard and noise from entertainment at the premises.

The Sub-Committee accordingly was of the opinion that the decision to refuse the variation application was appropriate and proportionate for the promotion of the licensing objectives.

40

**AN APPLE A DAY, 621 HOLLOWAY ROAD, N19 - NEW PREMISES LICENCE APPLICATION (Item 2)**

The licensing officer reported that additional information had been passed to the Sub-Committee relating to the purchase of the leasehold interest. These papers would be interleaved with the agenda papers.

The police reported that there were 19 licensed premises in a 250 m radius. There were over 1000 crimes for the ward during 2013/14. There had been only two reported crimes for the premises over the last six months since the previous revocation of the licence. He raised concerns that there would be the temptation to sell alcohol out of hours with 24 hour opening. He had agreed three conditions with the applicants which he would like to be added to the licence if it was agreed.

In response to questions, the police reported that they did have concerns regarding the cumulative impact of the premises. He considered that the premises would have an impact on the area. He reported that the CCTV condition was a step in the right direction for the prevention of crime and disorder. This was not a big premises and he considered that there was not much else that the applicant could do.

Mr Haken Er and Mrs Nursever Arabacier, training consultants, supported by the applicant Mr Yalchin Hajiev, reported that they had liaised with the trading standards team and the police. They stated that trading hours for the sale of alcohol would be reduced from the previous licence to 11pm and the volume of alcohol sold would be less. No rubbish would be removed or waste collected between the hours of 23:00 and 07:00. The pictures of waste outside the premises in the agenda pack were from 6 or 7 months previously. The area was not like that now. The CCTV could be used to collect evidence for crime and disorder. If the licence was granted all staff would be trained. The consultants had been training businesses for eight years.

## Licensing Sub Committee C - 18 November 2014

In response to questions, Mr Hadjev reported that there was no connection between him and the previous owner. He only knew him through buying the premises. Alcohol would be kept behind locked cabinets after licensing hours in order that staff resisted pressure from customers. He considered that the business would not be viable without an alcohol licence. The business would be selling a variety of produce including organic food and wines. When unable to respond to a question, the Chair informed Mr Hadjev that abv was an acronym for alcohol by volume. He reported that all staff had changed from previously. Mr Hadjev stated he would train staff every three months. Following translation he stated that he would keep a record of all training. He stated that 20 or 30 % of sales would be alcohol. He worked in a shop in Muswell Hill for one year before this shop. He was a snooker club manager prior to this. No alcohol was sold in the shop but was in the snooker club. Challenge 25 would be covered in the training.

In summary, the police reported that he was pleased with the additional conditions but had concerns as the premises was in a cumulative impact area.

The applicant stated that conditions had been agreed with the trading standards team and he was happy to attend a trading standards training session in January. In response to a question regarding cumulative impact the applicant stated that his variety of product was different to other shops and he was there to support local needs. The upstairs room could be used as a training venue. There were two personal licence holders on the premises.

**RESOLVED** that the application for the premises licence for An Apple a Day, 621 Holloway Road, N19 be refused.

### **REASONS FOR DECISION**

The Sub-Committee listened to all the evidence and submissions and read all the material. The Sub-Committee reached the decision having given consideration to the Licensing Act 2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy.

The Sub-Committee took into consideration Licensing Policy 1, 2, 3, 7 and 10. The premises fall under the Junction area of Archway cumulative impact area. Licensing policy 2 creates a rebuttable presumption that applications for new premises licences that are likely to add to the existing cumulative impact will normally be refused, unless an applicant can demonstrate why the operation of the premises involved will not add to the cumulative impact or otherwise impact adversely on the promotion of the licensing objectives.

The Junction area of Archway, in which these premises are situated, is covered specifically under licensing policy 3. The Junction ward in Archway has one of the highest concentrations of off licences of any ward in the borough with an average of one off licence per 317 residents. The policy recognises that as the density of licensed premises increases so does the number of incidents of alcohol crime and disorder.

The Sub-Committee noted and considered the written submissions made by the Metropolitan Police, four local residents and two other bodies. It further considered the written applications made by the applicant in his application.

The Sub-Committee heard oral submission from Steve Harrington of the Metropolitan Police and the applicant, who was further assisted by a licensing consultant.

The Sub Committee noted that there were 19 off sales outlets/businesses in the area and that one had also existed at the premises in question. That licence was revoked earlier this year. The present applicants were not connected to the previous licence holder. The Metropolitan police provided evidence of crime figures for the area and stated that the

## **Licensing Sub Committee C - 18 November 2014**

specific area in question traditionally suffers from high levels of crime and disorder. It was recognised that crime in this area was often a result of high levels of consumption of alcohol.

In light of the above, strong, informed management was required to deal with potential difficulties that may arise from any problematic customers.

The Sub Committee questioned the applicant about his plans for management and the training of staff and was not satisfied that this aspect had been considered sufficiently by the applicant. In particular, areas around the training of staff and how frequently this was to take place, appear to have not been given adequate consideration by the applicant.

Licensing Policy 10, provided that the applicant must be able to demonstrate a commitment to high standards of management. The Sub Committee found that the applicant was unable to demonstrate a comprehensive knowledge of best practice in this regard.

The Sub-Committee concluded that the premises licence would add to the availability of alcohol in an area where there was already a large number of licensed premises with associated anti-social and criminal behaviour and therefore have a cumulative impact on the licensing objectives. The applicant failed to rebut the presumption that the application if granted, would add to the cumulative impact area. The applicant did not show any exceptional circumstances as to why the Sub-Committee should grant the application. In accordance with licensing policy 2, 3 and 10, the Sub-Committee was satisfied that the grant of the application would undermine the licensing objectives. The decision to refuse that application was accordingly, appropriate and proportionate.

The meeting ended at 7.30 pm

**CHAIR**

# Agenda Item 1



# ISLINGTON

Environment & Regeneration  
Municipal Office, 222 Upper Street, London, N1 1XR

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	9 December 2014		Clerkenwell

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION**  
**Mini Food Store, 8 King's Cross Road, London WC1X 9QA**

## 1. Synopsis

- 1.1 This is an application by the Trading Standards Service 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 is related to the licensing objective:
- i) Prevention of crime and disorder.

## 2. Relevant Representations

Licensing Authority	No
Metropolitan Police	No
Pollution Team	No
Health and Safety	No
Trading Standards	Yes
Public Health	No

Safeguarding Children	No
London Fire Brigade	No
Local residents	No
Other bodies	No

### 3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol off supplies Mondays to Saturdays 08:00 to 23:00 and on Sundays from 10:00 until 22:30.

3.2 Papers are attached as follows:-

- Appendix 1: application form from Trading Standards
- Appendix 2: current premises licence
- Appendix 3: suggested conditions and map of premises location.

3.3 Mr Kiros Kidane has held a premises licence for these premises since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales, regulated entertainment and provision of late night refreshment. In 2011, Mrs Astier Kidane became joint licence holder, with Mr Kidane, and she was appointed Designated Premises Supervisor.

### 4. Planning Implications

4.1 The Planning Service has reported that the lawful use for the site is as a retail shop (A1).

### 5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must, having regard to the application and any relevant representations, take such steps as mentioned in Section 52(4) of the Act (if any) as it considers appropriate for the promotion of the licensing objectives.
- 5.3 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.



**6 Conclusion and reasons for recommendations**

6.1 The Council is required to consider this review application in the light of all relevant information, and must take such steps as is considered appropriate 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 25/11/14

**Received by**

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

DUE: 06/11

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I David Fordham, Service Manager Trading Standards

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 / ~~apply for the review of a club premises certificate under section 87 of the Licensing Act 2003 for the premises described on Part 1 below (delete as applicable)~~**

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description:  <b>Mini Food Store</b> <b>8 Kings Cross Road</b>	
Post town: <b>London</b>	Post code: <b>WC1X 9QA</b>

Name of premises licence holder or club holding club premises certificate: <b>Kiros Kidane and Astier Kidane</b>
---

Number of premises licence or club premises certificate: <b>LN / 3164 - 250311</b>

**Part 2 - Applicant details**

I am

**Please tick ✓/yes**

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

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

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

a responsible authority (please complete (C) below)

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

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

**Please tick**

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

**Surname**

**First names**

**I am 18 years old or over**

**Please tick ✓/yes**

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

**Post town**

**Post Code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

Name and address
Telephone number (if any)
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address	<b>David Fordham Service Manager (Trading Standards) Public Protection Division 222 Upper Street London N1 1XR</b>
Telephone number:	<b>020 7527 3458</b>
E-mail:	<u><a href="mailto:david.fordham@islington.gov.uk">david.fordham@islington.gov.uk</a></u>

This application to review relates to the following licensing objective(s)

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 objectives to prevent crime and disorder and licensing policies 26 & 10. It particularly relates to the seizure of 25 bottles of Italian wine, believed to be non-duty paid, and a failure to exhibit a high standard of management at the business – specifically in regard overseeing the actions of other staff.

The business is a small shop selling alcohol, tobacco, a few household goods and some souvenirs. A husband and wife partnership own the business – Mr Kiros Kidane and Mrs Astier Kidane. Both are co-licensees and Mrs Kidane is the designated premises supervisor (DPS). Mr & Mrs Kidane have owned the business for around 18 years.

In February 2011, the business sold to an underage volunteer. Mrs Kidane attended an Officer Panel meeting to discuss the sale in March 2011. A letter was sent following the meeting that referred to illicit alcohol and a guidance sheet was enclosed which explained easy checks that businesses could take to identify illicit alcohol.

Since that sale, there have been attempted underage test purchases in March and September 2011 and April 2014, all of which have resulted in no sale.

In March and December 2012, the Kidanes were sent letters about the high amount of illicit alcohol that had been found in the borough and warning them that Trading Standards may apply for a licence review if illicit alcohol was found in their shop. Guidance was attached to the letters which explained easy checks that businesses could take to identify illicit alcohol.

In September 2012, Doug Love of Trading Standards visited the business to undertake a check for illicit alcohol and wine. Illicit Glens vodka (22 x 70cl bottles) that was easily identifiable as illicit if the advice in the guidance letters had been followed and cheap Italian wine (63 bottles of labelled as Terre d'Italia and Belvedere) were removed from the business. Both 'brands' of wine were known to be commonly distributed by unsolicited callers selling from vans at that time. No invoices were ever provided for these goods, despite requests on the Inspection Record and in subsequent letters. Wine sold in this manner, without paperwork, is clearly going to be non-duty paid.

Several attempts were made to interview the business, but the licensees were out of the country and could not attend.

Mr Kidane did, eventually, return to the country and appeared at the Council Offices and met with Mr Love on 21<sup>st</sup> February 2013. He said that he and Mrs Kidane had been out of the country between August 2012 and February 2013 and had left an employee, Brehane Grabru, in charge. Mr Grabru had left the business while the Kidanes were out of the country, leaving someone else (Israel Habetesellasse) running the shop. Only verbal instructions had been given to Mr Grabru.

Trading Standards should have applied for a review of the licence at this stage, but the delays caused by the difficulties in making contact with the licensees meant the matter was rather stale and so on balance I took the decision not to review, particularly as we thought at this stage that the Kidanes were back in the country and taking proper responsibility for what was happening at the shop.

On 31<sup>st</sup> March 2014, Mr Love returned to the shop to undertake another check for illicit goods. On this occasion, 25 bottles of cheap Italian wine was seized pending the production of invoices as Mr Love recognised them to be of a similar nature to a great deal of Italian wine that he had previously seized, most of which turned out to have come from a 'man in a van' making unsolicited calls to businesses, or cash and carry businesses that had not provided proper paperwork.

Soon after the seizure Israel Habetesellasse came to the Council officers. He told Mr Love that the Kidanes were out of the country on business and that he was managing the business in their (extended) absence. He also said that he had bought the wine from Glenn & Co (Essex) Ltd of Barking and provided an invoice purporting to show that 5 cases of 'Italian White' and 5 cases of 'Italian Wine Rose' had been supplied in March 2013. (Nb. Of the seized bottles, 11 were red wine, so would not have been covered by this invoice in any case).

Mr Love examined the invoice and was not satisfied with it:

- it was not on headed paper;
- it was clearly not produced with carbonated copies;
- there were no contact details (telephone number, e-mail or website) shown;
- there were no product codes shown;
- it had the same address, but a different postcode as a genuine business of that name;
- there was a missing capital in the supplier address ('river Road')
- the product descriptions for the Italian wine were too vague; &
- the invoice number appeared to be misaligned.

Mr Habeteselassie had said that Mr Kidane would soon return to the UK, so Mr Love wrote inviting the licensees to an interview on 2<sup>nd</sup> May 2014. On this date Mr Habeteselassie came to the offices, but Mr Love explained that he could only interview those with legal liability. It was suggested that Mr Kidane would be back at the end of May.

Mr Love sent a further letter on 13<sup>th</sup> May 2014 inviting the licensees to an interview on 5<sup>th</sup> June 2014. The day before the scheduled interview, Mr Kidane left voicemail messages for Mr Love saying that he would be out of the country under an unspecified date in July.

In an attempt to avoid similar delays that were experienced after the first seizure, the licensees were sent a letter on 16<sup>th</sup> June 2014 giving them the option of making a minor variation to their licence to add on appropriate conditions and taking a period where they voluntarily ceased selling alcohol to for a minimum period of two weeks to allow them to comply effectively with the new conditions and to act as a deterrent to allowing the management to slip. The release from the voluntary suspension would be dependent on Mr Love being satisfied there was evidence that the business could comply with the new conditions. There was a deadline set for an answer of 7<sup>th</sup> July 2014.

On the 18<sup>th</sup> June 2014, Mrs Kidane, who had returned to the UK ahead of her husband, visited the Council offices and spoke with Mr Love. She explained that she would now be working at the shop full time from this point. Mr Love extended the deadline for a decision until mid-July to give her and her husband (who was still out of the country) time to discuss the offer. Mr Love also offered to speak with anyone employed to represent the business.

On 15<sup>th</sup> August 2014 Mr and Mrs Kidane both visited the Council offices and spoke with Mr Love. Mr Kidane indicated a willingness to make the minor variation, but not to voluntarily cease selling alcohol for a period. Mr Love indicated that he thought it was unlikely that I would agree to just the minor variation, so said that he would give them them until he returned from leave in September to consider the offer further.

When he returned from leave nothing had been heard from the Kidanes and Mr Love wrote to them to give them a final deadline of 15<sup>th</sup> September 2014.

On 10<sup>th</sup> September 2014, Mr Love was contacted by a Mr Simet from Lumbini Solicitors who said he was representing the Kidanes. Mr Simet said he would contact Mr Love with a decision by the deadline. Then, when Mr Love called him the day after the deadline, he said it there would be a response by 18<sup>th</sup> September 2014. None was received.

A further e-mails to Mr Simet and a voicemail to Mr Kidane elicited no response, so on 30<sup>th</sup> September 2014, Mr Love e-mailed both saying that the offer was now withdrawn and that Trading Standards would be applying for a review of the licence.

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

Sept 2012	Seizure	Illicit vodka and wine seized. No evidence of legitimate purchase provided
31/03/14	Seizure	25 bottles of suspected non-UK duty paid Italian wine seized. Invoice provided, by not convincing.
Apr - present	Failure to engage	Due initially to the licensees' absence from the country, but latterly unexplained.

### Recommendations

I believe that the licence should be suspended and conditions added.

There have been two seizures of illicit alcohol from the shop. Both were relatively small, but neither have been adequately explained and if Trading Standards advice had been followed, both could have been avoided.

The Kidanes appear to have been absent from the shop for lengthy periods, which has prevented the effective management of the shop one should expect of individuals named on the licence. This may have been a factor in the illicit alcohol being bought by the business.

Mrs Kidane, the DPS, now says she is full time at the business and this may improve matters. No repeat underage sales suggests that the business is capable of improvement.

The lack of a definite response to Trading Standards' offer of a voluntary variation and suspension is disappointing, particularly after the licensees engaged representatives. I offered this option as I felt that revocation was unnecessary at that time. One of the advantages from a regulatory point of view is that the 'suspension' is only released when Trading Standards are happy that the business is able to comply with the new conditions, so it gives a good incentive to improve. This process is also very time effective as it avoids the need for a review to be called.

Now, I have no alternative but to ask this Sub-Committee to suspend the licence for a period they believe to be proportionate and to add the following conditions:

- No alcoholic goods will ever be purchased or taken from persons calling to the shop.
- No spirits shall be purchased in a resealed box, without first making all appropriate checks to be satisfied that the goods are not illicit.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- Only alcoholic drinks which are detailed on invoices will be purchased or accepted as part of a 'free' offer. Invoices (or copies) for all alcoholic goods on the premises will be 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 business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards as soon as possible.

- The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the prominent display of posters.
- 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 training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
- The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, 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 upon request by the licensing team, police or trading standards.
- CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately.
- No high strength beer, lager or cider of 6.5% abv or above shall be sold other than premium beer, lager or cider priced at £1.95 or above per 500ml.

**Annex 2, condition 2 to be amended to read:**

- Alcohol shall not be sold in an open container or consumed on the premises. Notices warning customers that no alcohol can be consumed in the street shall be prominently displayed near the exit, at the counter and near any chilled cabinets containing alcohol.

In its Licensing Policy, Islington Council has outlined its commitment to act if licensed premises are found to be stocking illicit alcohol or tobacco. The Policy is clear about its commitment to ensure businesses and licensees operate responsibly and of their need to demonstrate a commitment to high standards of management. As identified above, this business has fallen far short of these standards.

Section 11.27 of that guidance states that there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. This includes *"the use of licensed premises for the sale of smuggled tobacco and alcohol"*. 11.28 of this guidance states that *"it is envisaged that licensing authorities would use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered"*.



Please tick ✓ yes

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

If yes please state the date of that application

Day		Month		Year	

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

N/A

Please tick ✓ yes

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



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



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

**Part 3 – Signatures** (please read guidance note 3)

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

Signature



Date

9<sup>th</sup> October 2014

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)

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

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

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

Our ref: Mailshot

Date: March 2011

The Licensee and Proprietor

Dear Sir/Madam,

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

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

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

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

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

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



CUSTOMER SERVICE EXCELLENCE

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

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

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

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

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

Goods that have been regularly seized are as follows:

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

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

Yours sincerely



Dave Fordham  
Service Manager, Trading Standards



# Smuggled Alcohol and Tobacco Products

## 1. Introduction

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

Smuggled goods:

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

Islington Trading Standards have been carrying out visits to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked or suspended**.

## 2. General rules

- **NEVER BUY ALCOHOL, CIGARETTES OR TOBACCO FROM ANYONE WHO BRINGS THE GOODS TO THE SHOP.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – you won't have a means of contacting the seller and the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.

Door to door sellers will often claim to be from genuine business and even produce paperwork with genuine business details on. **Don't be fooled!**

- **Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still check purchased goods, especially if the seller is not a business you know and trust. If smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices.

Beware of 'special offers'. Some cash and carry business have sold smuggled wine on 'Buy one, get one free' offers for a cost less than the excise duty payable and disguise it by not putting the 'free' goods on the invoice, so it appears you have paid a reasonable price.

- **Train anyone who is allowed to buy stock** and make a record of their training.
- **Control your stock** so you can be sure what goods come from where eg. mark boxes of alcohol with the supplier and date of purchase. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

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



**ISLINGTON**

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods. Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

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

### Check the Duty stamp



Black & white representation of a UK Duty stamp

**Is a duty stamp required?** Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

**Does it fluoresce?** The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

**Is it separate to the other labelling?** Separate stamps are allowed, but must start with a unique code starting with 'V' for vodka; 'W' for whisky etc. Check that it is not stuck over any labelling – this is not permitted.

**Check the back label** Labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on. Warning signs that should make you suspicious are:

- Back labels stuck over another label
- Poor printing on the label
- If the label is crooked or bumpy where it has not been stuck on properly
- If the label is not in English, it was clearly not produced for the UK market.

**Is the case resealed?** If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.

**Is anything about the deal odd?** Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

Has someone told you a story (eg: "It's old stock from a shop I've closed") to make themselves appear convincing?

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

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

## 5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

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

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

The Licensee and Proprietor

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

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

Our ref: Mailshot

Date: December 2011

Dear Sir/Madam,

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

In March 2011, all independent off licences in Islington were sent guidance on how to avoid stocking illicit alcohol and tobacco, following a large amount of seizures in the previous months. Owners and Licensees were warned that licences may be reviewed and possibly revoked by Councillors if future seizures were made.

Unfortunately, the message does not seem to have got through. Since, the guidance was sent out:

- **Over 75% of off licences are still stocking illicit alcohol**
- **Trading standards have applied for the licences of 13 more businesses to be reviewed**

The consequences of having your licence reviewed could be very serious for your business. Altogether

- **Eight businesses have had their licences revoked – that is, taken away permanently, so the business can no longer sell alcohol at that premises**
- **Nine licences suspended – taken away for a specified period up to 3 months, during which no alcohol can be sold**

This is clear evidence that the Council's Licensing Committee are taking the presence of illicit alcohol very seriously. Two of the decisions to revoke have been appealed, but on both occasions the Magistrates' Court agreed with the Council's decision.

Trading Standards will continue to visit off licences to look for illicit alcohol. We will work with businesses, but will not tolerate licensees who are willing to take risks with their customers' health, compete unfairly with other businesses or steal from the public purse

- **Counterfeit alcohol can cause breathing difficulties, blindness or even death.** There have been deaths in the UK attributed to counterfeit alcohol containing methanol – a type of alcohol that is particularly dangerous to ingest. Thousands of deaths are reported worldwide to be caused by counterfeit spirits – five men producing illicit vodka died in the UK earlier this year after an explosion at an illegal vodka factory in Lincolnshire.
- Goods such as these are distributed by **organised crime gangs** who will often be involved in other crimes, such as people trafficking, violent crime and even terrorism. Selling illicit alcohol is not a ‘harmless’ crime that benefits your customers, but one that harms society as a whole.
- **Over £1bn per year in tax revenue** is estimated to be lost through illicit alcohol.

I have attached updated guidance. It is important that you understand and follow the advice given. We will not apply for a review for a business that follows our guidance even if they innocently stock smuggled goods.

**It is also important to check your existing stock. We are more than happy to verify any goods you are unsure of if you ask us to, but will not accept the fact that it is ‘old stock’ as an excuse for illicit alcohol we find.**

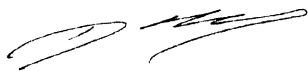
Trading Standards can supply you with a uv light for the small charge of £5 and an officer can visit your shop to give you a practical demonstration of how to use it.

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

Trading Standards remains committed to working with law-abiding businesses to improve legal compliance and to protect them from unfair competition. If you need further advice or have any questions, please contact me on the number shown above.'

**However, we will continue to take strong measures against businesses that break the law and cause a hazard to the public. Do not let your business suffer the consequences of illegal trading.**

Yours sincerely



Dave Fordham  
Service Manager, Trading Standards

## Illicit Alcohol and Tobacco – Business Guidance

### 1. Introduction

Illicit alcohol and tobacco are goods which are non-duty paid (ie. genuine product on which the appropriate tax has not been paid) or counterfeit (ie. fake products on which no tax will be paid).

Islington Council has found a great deal of illicit alcohol and tobacco recently - the high amount of tax payable on the goods makes it very profitable to distribute them. However, we will take strong action against licensed premises found selling illicit goods. We will do this because:

- the goods may be unsafe as counterfeiters ignore normal quality standards;
- law-abiding business will suffer from unfair competition;
- selling illicit goods boosts the profits of organised criminals;
- huge losses are caused to the UK's tax revenues by the trade in illicit alcohol and tobacco.

Islington Trading Standards intend to carry out many more visits to counter this widespread problem. Businesses selling illicit goods may be **prosecuted** and / or their **alcohol licence may be revoked or suspended**.

### 2. General rules

**NEVER BUY ALCOHOL, CIGARETTES OR TOBACCO FROM ANYONE WHO BRINGS THE GOODS TO THE SHOP.** This is the **Golden Rule**. Illicit alcohol will be illegal in some way – non duty-paid, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – you won't have a means of contacting the seller and the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.

Door to door sellers will often claim to be from genuine business and even produce paperwork with genuine business details on. **Don't be fooled!**

**Only deal with reputable traders** and get proper invoices. Cash and carry businesses have been known to deal in illicit goods, so you must still **check purchased goods**, especially if the seller is not a business you know and trust. If illicit goods are found then we will expect you to be able to produce these invoices.

**Beware of 'special offers'**. Some cash and carry business have sold non-duty paid wine on 'Buy one, get one free' offers for a cost which is less than the excise duty payable and disguise it by not putting the 'free' goods on the invoice, so it appears you have paid a reasonable price.

**Train anyone who is allowed to buy stock** and make a record of their training.

**Control your stock** so you can be sure where and when you bought it eg. by marking the goods or cases with the supplier and date purchased. Do not accept returns of tobacco or alcohol from customers who have changed their minds in case they have substituted illicit goods.

### 3. What are the penalties if I sell illicit alcohol or tobacco?

Anyone selling illicit alcohol or tobacco can be **finned or even imprisoned**. Further, if you hold a licence to sell alcohol, it is likely to be **reviewed** and may be **revoked** if these goods are found in your shop.



#### 4. How do I tell if goods are illicit?



Black & white representation of a UK Duty stamp

##### Check the Duty stamp

**Is a duty stamp required?** Spirits must carry a UK Duty stamp, normally on the back label if:

- the alcohol content is at least 30% alcohol by volume (abv)
- the bottle size is at least 35cl.

**Does it fluoresce?** The stamp will be pink in colour, but will glow white, yellow or green when ultra violet (UV) light is shined on it. It should not reflect blue / violet and any stamp that does is likely to be fake. UV lights are easy and cheap to buy and checking your stock with such a light is a sensible precaution, although please note that some fakes are good enough to have stamps that do glow as if genuine.

**Is it separate to the other labelling?** Separate stamps are allowed, but must start with a unique code starting with 'V' for vodka; 'W' for whisky etc.

Check that it is not stuck over any labelling – this is not permitted.

**Check the back label:** Labels without duty stamps used on export stock are often replaced with labels with fake duty stamps on. Warning signs that should make you suspicious are:

- Back labels stuck over another label
- Poor printing on the label
- If the label is crooked or bumpy where it has not been stuck on properly
- If the label is not in English, it was clearly not produced for the UK market.

**Is the case resealed?** If spirits are sold in cases that have been resealed with tape or have the 'UK Duty Paid' statement crossed through – indicating that export bottles may have been removed to have their back label changed for one carrying the UK Duty Stamp – don't buy them.

**Is anything about the deal odd?** Is the price too low? The excise duty on a bottle of wine is £1.81 (£10.86 per case of 6) and £7.15 on a standard bottle of spirits (£10.21 per litre). This has to be added to the cost of the product; transportation costs and VAT.

Has someone told you a story (eg: "It's old stock from a shop I've closed") to make themselves appear convincing?

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

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

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

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

**222 Upper Street, London, N1 1XR**

**Tel: 020 7527 3198**

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

Glenn & Co (Essex) Ltd  
 41-45 river Road  
 Barking  
 Essex  
 UK  
 IG11 0HZ  
 VAT Reg No: 418 4560 49

Invoice

Page 1

Mini Food Store  
 8 KingCross Rd  
 Wcl x9qa

15717

14/03/2013

VAT Reg No:

MINIF

Quantity	Details	Unit Price	Net Amount	VAT Rate	VAT
3.00	Stella Artois 500ml Can	19.99	59.97	20.00	11.99
3.00	Kronenberg 1664 Can 500ml	16.99	50.97	20.00	10.19
3.00	Foster 4% can 500ml	16.99	50.97	20.00	10.19
3.00	Carlsberg Can	15.99	47.97	20.00	9.59
5.00	Italian White	18.99	94.95	20.00	18.99
5.00	Italian Wine Rose	18.99	94.95	20.00	18.99
5.00	Ilborge Pinot Bianco	18.99	94.95	20.00	18.99
2.00	Grolsch 500ml	16.99	33.98	20.00	6.80
2.00	Skol Super	35.99	71.98	20.00	14.40
2.00	Kestral Super	32.99	65.98	20.00	13.20

<b>Total Net Amount</b>	666.67
<b>Carriage Net</b>	0.00
<b>Total Tax Amount</b>	133.33
<b>Invoice Total</b>	800.00



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

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

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

Our ref:

Date: 16/06/14

Mr Kiros Kidane and Mrs Astier Kidane  
**Mini Food Store**  
8 Kings Cross Road  
London  
WC1X 9QA

Dear Mr & Mrs Kidane,

### Seizure of illicit wine

Thank you for your voicemails left on Wednesday 4<sup>th</sup> June, when I was out of the office, saying that you were still out of the country until an unspecified date in July. Unfortunately, you did not leave a means of contacting you by phone or e-mail.

Your absence leaves me with a problem. I cannot ignore the wine that I have seized as the invoice I have been provided with is absolutely inadequate in a number of respects. If the wine was purchased by Mr Habeteselassie at the address on the invoice as he says it was, I believe that he should not have accepted such a poor invoice. Also, I allowed your delays after the previous seizure of alcohol from your premises in September 2012 (22 x 70cl bottles of Glens vodka and 63 bottles of Italian wine) to deflect me from taking the appropriate action at that time.

Certainly the Glens and the recent wine should have been easily spotted as illicit, if Trading Standards advice had been followed. I never did receive any invoices for the goods seized in 2012, despite requests on the Inspection Report and in subsequent letters, so I can only assume that this wine, too, was from not from a reputable source.

I am considering recommending that the licence is reviewed as you have failed to prevent crime and disorder and provide a high standard of management. There is a strong possibility that if this happens the licence will be revoked.

I will do this in the week starting 7<sup>th</sup> July, but I note that apart from two seizures the business has caused comparatively few problems (one underage sale in 2011 but three subsequent refusals), so I am prepared to make the following suggestion. If, before that date:

- **You apply to transfer Mr Habeteselassie, or another personal licence holder, onto the licence as Designated Premises Supervisor (DPS)** (it is totally inappropriate for you to hold this role if you are out of the country a lot of the time); &
- **You agree to vary your licence to add on conditions** (see the attached Schedule); &
- **You voluntarily stop selling alcohol at the shop (and remove it from the shop floor) from the time that the variation application for at least two weeks and until I have seen evidence that you are complying with the new licence conditions.** (This will give you time to implement the new conditions).

If you are willing to do this, I will put your offer forward to my manager. If he agrees – and he has indicated that he is open to such as offer in principle – we can dispose of this matter without the need to review your licence.

Please note that Trading Standards cannot require you to vary your licence or make a DPS transfer, but if you choose not to then it is very likely that Mr Fordham will apply for a review of your licence. It may be appropriate for you to take independent legal advice.

Any conditions on your licence must be complied with at all times when you are selling alcohol and you will be committing an offence if you do not.

The conditions proposed on the Schedule are designed to ensure that the licensee takes appropriate steps to prevent sales of age-restricted goods to children and to prevent even the innocent supply of illicit alcohol. We believe that all licensees who are fulfilling their duty to promote the licensing objectives will be already complying with many of these conditions. These are the type of precautions needed to meet our Licensing Policy's requirement of a high standard of management.

The Police Licensing team would also like you to add conditions, regarding CCTV and 'super-strength' beers and ciders, such as Tenants Super, Carlsberg Special Brew, Diamond White and K cider. The Council and Police are working with partners to tackle anti-social behaviour associated with street drinking and conditions such as this one have been shown to help in other areas.

Please let me know urgently what you wish to do. If there is anything in this letter that needs further explanation, please contact me.

Yours sincerely

Doug Love  
Islington Trading Standards



# ISLINGTON

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

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

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

Our ref:

Date: 05/09/14

Mr Kiros Kidane and Mrs Astier Kidane  
**Mini Food Store**  
8 Kings Cross Road  
London  
WC1X 9QA

Dear Mr & Mrs Kidane,

### **Proposed voluntary variation and suspension**

Further to our previous discussions, most particular your visit to these offices and my e-mail of 15<sup>th</sup> September and my telephone conversation with Mr Kidane on Wednesday, I am writing to you to give you a final deadline of **9am on Monday September 15<sup>th</sup>** to indicate whether you are prepared to accept our offer of a voluntary variation and suspension.

If you choose not to, or we do not hear from you before the deadline, it is very likely that my manager will review the premises licence. If this is the case, it is possible that the licensing Committee will suspend the licence for longer, or revoke it entirely. It is also possible, but in my opinion unlikely, that a Committee's decision would affect the business less than our proposal. Once a review application has been submitted, it cannot be withdrawn.

Mr Kidane said that you were consulting a solicitor. I would be very happy to discuss the matter with him next week, if this would help.

Yours sincerely

Doug Love  
Islington Trading Standards

0202 7527 3874

**E-mail correspondence with Kiros Kidane and Lumbini Solicitors**

**From:** Love, Douglas  
**Sent:** 12 August 2014 15:51  
**To:**  
**Subject:** Proposed voluntary variation / suspension

Dear Mr Kidane,

Please find the letter and schedule, as discussed.

I will be pleased to meet you on Friday morning to discuss this further, but I think it is likely that my manager will wish to review the licence if you do not accept the alternative offer and make a minor variation to add the proposed conditions and agree to stop selling alcohol for a short period.

Your wife tells me that she will now be working full-time at the shop, so I have agreed that no DPS transfer is needed at this stage. I do think, however, that you should consider making a transfer in the future if both of you are to be abroad for long periods again.

Kind regards,

Doug Love

---

**From:** Love, Douglas  
**Sent:** 15 August 2014 14:38  
**To:**  
**Subject:** Minor Variation form

Dear Mr & Mrs Kidane,

Thank you for coming into the office to meet with me this morning.

I have attached a partially completed minor variation form. You have to fill in the rest of the form (I've already filled in Part 3) and send it to the Licensing Team at 222 Upper Street, London, N1 1XR with:

- The original licence; &
- Payment of £89 (cheques made payable to 'LB of Islington');
- The attached Schedule.

You must also display the attached notice in the shop window when you have made the application for a period of at least 10 days.

I have e-mailed my manager David Fordham with a summary of your thoughts on our request to voluntarily stop selling alcohol for a short period. As I told you, I expect Mr Fordham will maintain his view that if you choose not to agree to this, he will make an application to review your licence and leave it to the Councillors on a Licensing Committee to decide. If he does this, you may find yourself in a worse position: it is even possible that the licence will be revoked entirely.

I recommend that you seek independent legal advice.

Page 42

I'll be back on 1<sup>st</sup> September, so will contact you soon after that.

Kind regards,

Doug Love  
Islington Trading Standards

020 7527 3874

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**From:** Love, Douglas  
**Sent:** 05 September 2014 16:26  
**To:**  
**Subject:** Letter attached

Dear Mr Kidane,

Please find a self-explanatory letter attached.

Kind regards,

Doug

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**From:** Love, Douglas  
**Sent:** 10 September 2014 17:46  
**To:**  
**Subject:** F.a.o. Mr Simet

Dear Mr Simet,

Further to our discussion earlier, please find the invoice provided to justify the seized wine: Mr Habeteselassie said that he went there in person to buy it.

I am not convinced by the invoice for a number of reasons:

- It looks 'wrong': no heading / headed paper; poor layout.
- There is a missing capital letter in their own address ('river') – surely this would not happen had the whole invoice not been typed 'fresh'.
- The businesses address is incorrect: the postcode for 41-45 River Road (where a genuine business called Glenn & Co (Essex) Ltd does trade from is IG11 ODA, not IG11 OHZ.
- There is no phone number, e-mail address or website on the invoice. Surely **all** genuine invoices put these details on to encourage further business.
- The original was clearly not a carbonated copy: how would the seller retain a copy?
- The description "Italian wine" is not specific enough: I would expect a reasonable business to give a more detailed description / product code etc. so that they knew what they were selling.

I also note that the invoice is dated more than a year before the seizure and that there is no red wine mentioned (13 of the 25 seized bottles were red).

I am not necessarily of the belief that Mr Habeteselassie is giving an entirely false account, but I do believe (and am confident that a Licensing Sub-Committee would agree) that he should have recognised this invoice as inadequate and known not to rely on it.

As I said, from my discussions with my manager David Fordham, I do not believe that he will modify his position. He is concerned that this is the second time that illicit alcohol has been seized from the shop and that the Licensees / DPS left the shop to be run by someone else while they were out of the country for an extended

period(s). I'm sure that Mr Fordham will not accept the 'excuse' that Mr Kidane seemed to put forward when I met him – that whatever happened was Mr Habeteselassie's responsibility and would not be repeated now that he and his wife were back in control of the shop.

However, if you wish to make a written representation to Mr Fordham, you can by letter (same address as on previous correspondence); by e-mail via me or direct to [david.fordham@islington.gov.uk](mailto:david.fordham@islington.gov.uk). He works from Monday to Wednesday, so please ensure any such representation is with him by next Tuesday at 9am to give him time to consider it.

It is up to your client whether to accept the offer we have made: we have no way to compel him to. However, I would suggest that you cast an eye over recent decisions by Islington Licencing Sub-Committees before deciding to take a chance on a review. There is a history of very robust decisions (with a good record of being upheld on appeal at Magistrates Court) which suggests to me that there is a good chance that a review would result in a longer suspension or even a revocation.

Particularly, I would refer you to the reviews at  
and at <http://democracy.islington.gov.uk/mgDelegatedDecisions.aspx?bcr=1&DM=0&DS=2&K=0&DR=&V=0>.  
These were all TS reviews that resulted in a revocation and can be found at

Kind regards,

Doug

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**From:** Love, Douglas  
**Sent:** 23 September 2014 10:40  
**To:** 'lumbinisolicitors@outlook.com'  
**Subject:** F.a.o. Mr Simet - re MR & Mrs Kidane t/a Mini Food Store

Dear Mr Simet,

Further to our conversation of last Thursday (*nb. Should have read 'Tuesday'*), when I recall you telling me that you would communicate a final decision by Thursday last week, I note that I have still received nothing. Please contact me as a matter of urgency.

The delays in resolving this matter are concerning me and my manager: the seizure was in March, nearly 6 months ago. This follows a similar pattern of delays after vodka and wine was seized in September 2012.

I will have no option but to recommend to my manager that we withdraw the current offer and apply for a licence review, if I do not receive a response by the end of tomorrow.

Kind regards,

Doug

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**From:** Love, Douglas  
**Sent:** 30 September 2014 10:45  
**To:** '  
**Cc:** Fordham, David  
**Subject:** Mini Food Store

Dear Sirs,



The offer for the business to vary their licence and to take a voluntary period of suspension is withdrawn, as nothing has recently been heard from either of you, despite my attempts to contact you both.

My manager has now asked me to draft a review application for his consideration. It is likely that you will receive this by the end of next week.

Kind regards,

Doug Love  
Islington Trading Standards

020 7527 3874

**PREMISES LICENCE  
LICENSING ACT 2003**

<b>Premises licence number</b>	LN/3164-250311		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b>	MINI FOOD STORE 8 KINGS CROSS ROAD		
<b>Post town</b>	London	<b>Post code</b>	WC1X 9QA
<b>Telephone number</b>	020 7713 5720		

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

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

<b>The times the licence authorises the carrying out of licensable activities</b>
<ul style="list-style-type: none"><li>The sale by retail of alcohol: Monday 08:00 to 23:00 Tuesday 08:00 to 23:00 Wednesday 08:00 to 23:00 Thursday 08:00 to 23:00 Friday 08:00 to 23:00 Saturday 08:00 to 23:00 Sunday 10:00 to 22:30</li></ul> <p>Except on: Good Friday: 08:00 to 22:30 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p>

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

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

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

Mr Kiros Kidane & Mrs Astier Kidane  
8 Kings Cross Road  
London  
WC1X 9QA

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

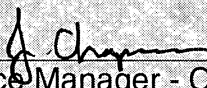
**Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol**

Mrs Astier Kidane  
8 Kings Cross Road  
London  
WC1X 9QA

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

PERS-LIC/1919 London Borough of Camden

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

  
Service Manager - Commercial  
26<sup>th</sup> August 2011  
Date of Issue

### **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence-
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

### **Annex 2 - Conditions consistent with the Operating Schedule**

- 1) The restrictions on hours during which the sale of alcohol is authorised does not prohibit:
  - a) during the first 20 minutes after the above hours, the taking of the alcohol from the premises, unless the alcohol is supplied or taken in an open vessel;
  - b) the ordering of alcohol to be consumed off the premises, or the despatch by the vendor of alcohol so ordered;
  - c) the sale of alcohol to a trader or club for the purposes of the trade or club;
  - d) the sale of supply of alcohol to any canteen or mess, being a canteen in which the sale or supply of alcohol is carried out under the authority of the Secretary of State or an authorised mess of members of Her Majesty's naval military.
- 2) Alcohol shall not be sold in an open container or be consumed in the licensed premises

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

Nil

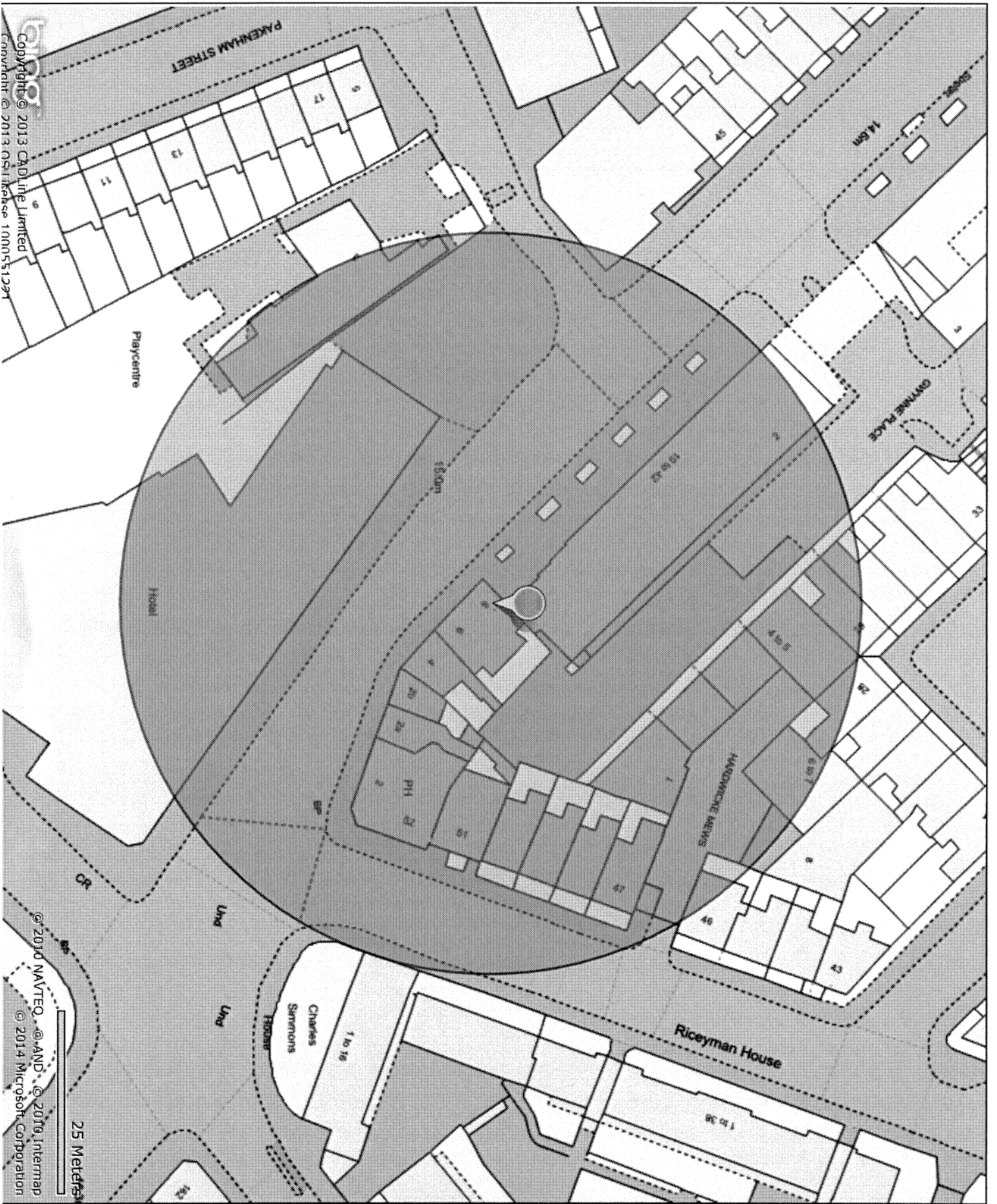
### **Annex 4 – Plans 88072-14/07/05**

**Conditions suggested by Trading Standards:**

1. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
2. No spirits shall be purchased in a resealed box, without first making all appropriate checks to be satisfied that the goods are not illicit.
3. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
4. Only alcoholic drinks which are detailed on invoices will be purchased or accepted as part of a 'free' offer. Invoices (or copies) for all alcoholic goods on the premises will be made available to officers from the council, police or HMRC upon request.
5. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
6. 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.
7. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards as soon as possible.
8. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences, and promote it through the prominent display of posters.
9. 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 training shall include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instructions given to staff, detailing the areas covered, and make them available for inspection upon request by the licensing team, police or trading standards.
10. The licensee shall put arrangements in place to ensure that before serving alcohol to persons they believe to be less than 25, staff ask to see accredited proof of age: that is, 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.
11. 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 upon request by the licensing team, police or trading standards.
12. CCTV shall be installed, operated and maintained in agreement with the Police. Maintained means that the system will be regularly serviced (at least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system shall record in real time, date and time stamped and will operate whilst the premises is open

for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately.

13. No high strength beer, lager or cider of 6.5% abv or above shall be sold other than premium beer, lager or cider priced at £1.95 or above per 500ml.
14. Alcohol shall not be sold in an open container or consumed on the premises. Notices warning customers that no alcohol can be consumed in the street shall be prominently displayed near the exit, at the counter and near any chiller cabinets containing alcohol.



**Title : Mini Food Store**  
 Islington Borough  
 Boundary

**Printed by :**  
 RO RO

**Printed at :**  
 25-11-2014

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