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**AGENDA FOR THE LICENSING SUB COMMITTEE B**

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Members of Licensing Sub Committee B are summoned to a meeting, which will be held in Committee Room 4, Town Hall, Upper Street, N1 2UD on, **15 August 2017 at 6.30 pm.**

**Yinka Owa**  
**Director of Law and Governance**

Enquiries to : Jackie Tunstall  
Tel : 020 7527 3068  
E-mail : [democracy@islington.gov.uk](mailto:democracy@islington.gov.uk)  
Despatched : 7 August 2017

**Membership**

Councillor Alex Diner (Chair)  
Councillor Diarmaid Ward  
Councillor Aysegul Erdogan (Vice-Chair)

**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.



<b>A.</b>	<b>Formal matters</b>	<b>Page</b>
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 Meeting	1 - 8
<b>B.</b>	<b>Items for Decision</b>	<b>Page</b>
1.	Essex Road Mini Market, 234 Essex Road, N1 3AP - Review application	9 - 36

**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 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) **Responsible Authorities** 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) **Interested Parties** 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 objectors on matters arising from their submission.
- 8) **The applicant** 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) **Responsible Authorities**
  - 13) **Interested parties**
  - 14) **Applicant**
- 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.

## 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 applicant (interested party or responsible authority) 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) **Other 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.

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London Borough of Islington

## Licensing Sub Committee B - 19 June 2017

Minutes of the meeting of the Licensing Sub Committee B held at Committee Room 4, Town Hall, Upper Street, N1 2UD on 19 June 2017 at 6.30 pm.

**Present:**           **Councillors:**       Alex Diner (Chair), Aysegul Erdogan (Items B1 and B4), Gary Poole (Item B3) and Flora Williamson  
**Also Present:**       **Councillors:**       Gary Poole (Item B1).

### Councillor Alex Diner in the Chair

#### **153        INTRODUCTIONS AND PROCEDURE (Item A1)**

Councillor Alex Diner welcomed everyone to the meeting and officers and members introduced themselves. The procedure for the conduct of the meeting was outlined.

#### **154        APOLOGIES FOR ABSENCE (Item A2)**

Apologies for absence were received from Councillor Diarmaid Ward.

#### **155        DECLARATIONS OF SUBSTITUTE MEMBERS (Item A3)**

Councillor Gary Poole substituted for Councillor Aysegul Erdogan for Item B3 and Councillor Flora Williamson substituted for Councillor Diarmaid Ward for the meeting.

#### **156        DECLARATIONS OF INTEREST (Item A4)**

There were no declarations of interest.

#### **157        ORDER OF BUSINESS (Item A5)**

The order of business would be Item B3, B1 and B4. It was noted that Item B2 had been agreed by all parties and had been withdrawn.

#### **158        MINUTES OF PREVIOUS MEETING (Item A6)**

##### **RESOLVED:**

That the minutes of the meeting held on 21 February 2017 be confirmed as an accurate record of proceedings and the Chair be authorised to sign them.

#### **159        TITANIA, 113 HOLLOWAY ROAD, N7 8LT - NEW PREMISES LICENCE (Item B1)**

The licensing officer reported that this item had been deferred from the 1 June. New conditions 27- 29 had been agreed with the acoustic officer since the report had been published. The police had agreed the hours and conditions. The noise officer had concerns regarding the acoustic report and had asked that it be disregarded.

The noise officer reported that, where there was perceived to be a risk of homophobic hate crime, the licensee would need to manage that risk.

## Licensing Sub Committee B - 19 June 2017

The licensing authority stated that there had been engagement prior to the application. The applicant had stated that they would apply for core hours but when the application was submitted the hours applied for were later hours. The applicant had met with the residents. The authority considered that this was a bar and not a nightclub and did not consider that core hours for a nightclub would be appropriate. The other premises the applicant had in the West End was operated until midnight. The authority was not opposed to the grant of a licence but the hours would need to be reduced.

In response to questions it was reported that, at the residents meeting, the applicant stated that they wanted nightclub hours. The licensing authority did not consider that the cumulative impact of these hours had been dealt with in the application. The licensing authority did not consider a social club was the same as a nightclub and did not consider that the applicant had rebutted the presumption of the cumulative impact policy in relation to hours.

The public health authority informed the Sub-Committee that 43% of ambulance related ambulance call outs in the area occurred after 11pm. This was a cumulative impact area and within a 250m radius of the premises there were 32 alcohol-related callouts between January and December 2016. They were concerned about the late night impact of this premises in a cumulative impact area.

In response to a question to the public health authority it was noted that they were concerned regarding an 11pm cut off hour based on the collected public health data.

Two local residents and Councillor Gary Poole spoke against the application. Councillor Poole reported that the applicant had not recognised the cumulative impact policy. He stated that the proposal for a LGBT club was a smokescreen. There was no exception to the cumulative impact policy with regard to this premises. Good management and another premises elsewhere was not a consideration under the policy. This was a nightclub application and the premises would be adding to the impact in the area. One resident reported that they had not objected because of the previous problems with the premises or because they wanted to harm nightlife but considered that there needed to be a balance with the needs of residents. Even though the previous club had closed, residents were still routinely woken up by pub goers and people in cars with loud music. No noise report could indicate this noise. The premises would have a capacity of over 160 people and would have hours long past midnight. This would have a negative impact on the area. He asked the Sub-Committee to balance the application with the amenity of residents. Another resident raised objections as the application was in a cumulative impact area. The applicant had not provided evidence that the premises would be an exception to the policy. An exception may be that the premises was not alcohol led. This premises had an emphasis on alcohol and not food. Good management should be a minimum standard. The more alcohol the more likelihood of noise from patrons. The hours were a significant extension to the hours of the premises in Westminster. There had been no noise survey agreed and there was a high density of residents in this area. There were no exceptional circumstances relating to this application.

In response to a question it was confirmed that good standards of management were not considered an exception in the policy.

The applicant's representative stated that the premises had planning permission. The application was not a smokescreen for the future. The premises would be run as a social club for the lesbian community. This was a far cry from the previous premises that was there. The applicant had met with residents and licensing officers and it was clear that residents were not happy with an application beyond 11pm. The applicant had never stated that she would accept these hours. Conditions and reduced hours had been agreed with



## Licensing Sub Committee B - 19 June 2017

the police. There were many gay bars for men but none for women and Titania in Westminster was now closed for redevelopment. Since it had been closed a number of women had been left isolated and required a similar premises to go to. This application was for a private members club with a fob key so there would be no waiting outside. The police, who were the crime and disorder experts, were happy with the application. The police had sought reviews for the previous premises. This was more of a nightclub than bar with a dance area downstairs. The dispersal plan was detailed in the papers. The cumulative impact was considered to have been addressed in the detailed operating schedule. It was stated that 98% of patrons would use public transport so would not use cars. The tube ran throughout the night on Friday and Saturday nights. There had been no issues regarding drunkenness at the Titania in Westminster.

In response to questions it was noted that the Westminster premises had operating hours until midnight on Friday and Saturday evenings. There was concern expressed that these hours were significantly longer for this application with the same business model. The applicant's representative stated that there were two other ladies' venues in Westminster that remained open until 2 or 3 in the morning and patrons could move onto these. In this Holloway premises there would be no other place for patrons to go. This would be a social club but with a dance area and the same issues applied to the later hours. It was considered that a later licence was necessary as the patrons would have nowhere else to go and the extra hours were designed for them and their safety. In response to a question about noise the applicant's representative stated that the survey had stated that many patrons would get Taxis from the premises. There would be one door supervisor. The Sub-Committee raised concerns that the previous premises had more than one door supervisor but could not manage the noise nuisance. The applicant's representative informed the Sub-Committee that there was a detailed dispersal policy which detailed how the area would be policed by the supervisor. It was noted that the premises was on a red route. It was noted that the cumulative impact policy had not been addressed in the operating schedule but was detailed in the tabled submission. The relaxation area would have benches around the outside. The function room contained the dance floor. The applicant's representative considered that the meeting with residents had been cordial. He understood that some residents would agree the application if normal public house hours had been applied for. The applicant had gone a long way to meeting residential concerns. The applicant's representative stated that there had been temporary event notices at the Westminster premises and had no issues. They would not serve patrons if they appeared drunk.

In summary, the noise officer stated that the applicant had not adequately dealt with the potential impact. The dispersal policy detailed door supervisors but mentioned only one. One door supervisor for over 100 patrons did not seem very practical. Residents stated that the applicant had bristled at the meeting with residents and her representative had to calm her down. The applicant had destroyed the goodwill of residents. The applicant had stated that 98% of patrons would take the tube but it was noted that from the survey 50% would use taxis or their cars.

The applicant stated that at the residents' meeting they had put their point of view across. This application was not a smokescreen but a female venue. There was a concern about safety as masculine looking women were attacked regularly. This was a genuine bar/social club and they took safety seriously.

### **RESOLVED**

That the application for a new premises licence, in respect of Titania, 113 Holloway Road, N7 8LT 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

## Licensing Sub Committee B - 19 June 2017

2003, as amended, and its regulations, the national guidance and the Council's Licensing Policy, particularly regarding policies 2 and 8.

The Sub-Committee took into consideration Licensing Policy 2. The premises fall within the Holloway Road and Finsbury Park 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 Sub-Committee heard evidence from the responsible authority for public health that the area in which the premises is located had 72 alcohol related ambulance callouts between January and December 2016 and that 43% occurred after 11pm. The Sub-Committee noted that the responsible authority's concerns related to the fact that this was a further alcohol led premises proposing to operate after 11pm.

The Sub-Committee heard evidence from local residents that even after the closure of the previous business at the premises they were still routinely woken by people passing through the area. People parked cars, played loud music, or were drunk and noisy. The Sub-Committee noted resident concerns that the premises were alcohol led and had a capacity of 160 people. Residents submitted that there was no noise survey in relation to properties abutting the rear of the premises and that no noise report could reflect what residents heard on a regular basis. The Sub-Committee noted residents' particular concerns as to the dispersal of patrons and use of taxis as the premises was on a red route.

The Sub-Committee heard various representations from local residents and a ward councillor as well as public health and the licensing authority in relation to the location of the premises within the Holloway Road and Finsbury Park cumulative impact area. The Sub-Committee noted representations that good management in proposed premises, or the fact that an applicant had previously managed similar premises did not make an application exceptional. The capacity of the premises was considerably higher than that referred to in the policy and the premises were clearly alcohol led. The Sub-Committee noted the licensing authority's view that the core hours for a nightclub, as set out in the policy, would not be appropriate for the premises as the licensing authority saw the premises as a bar and not a nightclub.

The Sub-Committee concluded that the applicant had failed to rebut the presumption that the grant of a new licence for the premises would add to the existing cumulative impact. The premises were not small premises; the capacity was 160 and it was difficult to see how this number of people leaving the premises late at night would not impact adversely on the area. This would be so regardless of whether the premises closed at midnight, as suggested by the licensing authority, or 2am as requested by the applicant. Although the premises intended to operate as a members' only club, the Sub-Committee was of the view that the size of the premises, combined with the hours sought and the proposed operation of the premises would impact adversely on the promotion of the licensing objectives, particularly in respect of the prevention of public nuisance.

The Sub-Committee particularly considered paragraph 2.15 of the national guidance which stated that licensing authorities should focus on the effect of the licensable activities on persons living and working in the area around the premises. The Sub-Committee was persuaded by the concerns of the residents and did not believe that the application showed sufficient detail in relation to the cumulative impact policy. Although the Sub-Committee noted the detailed conditions agreed with the responsible authorities, particularly the noise team, it concluded that the licence, even with the conditions, would add to the existing

cumulative impact and that it was therefore appropriate and proportionate to refuse the application.

**160 MAIL RAIL, PHOENIX PLACE, WC1X 0DF - NEW PREMISES LICENCE (Item B2)**

The Sub-Committee noted that Item B2 had been withdrawn from the agenda as conditions had been agreed with the interested parties.

**161 CAFE TROPICAL, 240 HORNSEY ROAD, N7 7LL - NEW PREMISES LICENCE (Item B3)**

The licensing officer reported that the representation on page 239 of the agenda had been withdrawn and the remaining objector had submitted a further representation.

The applicant stated that the application was for a restaurant which was under 50 covers and was restricted with core hours to be policy compliant. There would be restaurant conditions on the licence. He stated that it would be a quality establishment which was a café in the morning and sold pizza/pasta from lunchtime. He hoped to bring trade to a depressed area and he had no complaints with his other restaurant. He would not bring the same noise problems as the nearby public house mentioned in the objection. He had agreed detailed conditions with the noise team and proposed a limit of six smokers outside the premises although he reported that smokers may move down the road and out of control of the premises. He hoped to bring trade to the area.

In response to questions it was noted that that patrons would normally leave earlier than midnight. The kitchen would shut at 10.30pm and the premises would normally close at 11pm. There may be a couple of tables that would stay later. There would be some takeaway business. They may use a delivery service but not for their core time. Deliveries would mainly be by cycle so there would be no obstruction and no queues. There was not expected to be a large number for the take away service. There would be no alcohol included with the take away service.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Café Tropical, 240 Hornsey Road, N7 7LL, be granted to allow:-
  - a) The supply of alcohol, for consumption on the premises from 10 am until 11 pm Sunday to Thursday and from 10 am until midnight Friday and Saturday.
  - b) The provision of recorded music from 10 am until 11pm on Sunday to Thursday and from 10am until midnight Friday and Saturday.
  - c) The provision of late night refreshment from 11pm to midnight on Friday and Saturday.
- 2) That conditions outlined in appendix 3 and detailed on pages 243 and 244 of the agenda be applied to the licence with the following addition:-
  - That there be a limit of 6 patrons smoking outside the premises.

**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 2. The premises fall within the Holloway Road and Finsbury Park 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.

Two local resident objections had been received. The Sub-Committee noted that one of those objections was withdrawn before the hearing. The Sub-Committee further noted that the noise team objection was also withdrawn after the applicant had agreed conditions.

The Sub-Committee noted that the hours sought were within the hours specified in licensing policy 8.

The Sub-Committee heard evidence that the premises was a small premises with under 50 covers and that the application had been deliberately restricted to within the core hours so as to comply with the policy. The Sub-Committee noted that the applicant hoped to bring business to a depressed part of Hornsey Road and that he did not want to cause trouble. The Sub-Committee heard that detailed conditions had been agreed that dealt comprehensively with noise issues. The applicant did not want late hours. It was noted that the applicant was prepared to agree a further condition limiting the number of smokers outside the premises.

The Sub-Committee noted the resident's concerns about the number of patrons, the possibility of eating or drinking outside the premises, the possibility of loud music in the premises and possible noise from deliveries.

The Sub-Committee was satisfied that, with the conditions agreed, together with an extra condition in relation to smokers, the grant of the licence would promote the licensing objectives. The Sub-Committee noted that the capacity of the premises was less than 50 and that the applicant proposed to operate within the core restaurant hours under licensing policy 8. The Sub-Committee noted that the applicant had agreed to conditions preventing vertical drinking and making alcohol ancillary to a meal. The Sub-Committee was therefore satisfied that the application fell within the exemptions to the cumulative impact policy and that the grant of the licence, with the conditions, was appropriate and proportionate and would promote the licensing objectives.

**162**      **YASAR HALIM, PATISSERIE AND COFFEE SHOP, 167 FAIRBRIDGE ROAD, N19 3HS - NEW PREMISES LICENCE (Item B4)**

The licensing officer reported that there had been no response to the email sent to the objector from the applicant

The applicant's representative stated that this was a coffee shop/bakery with other branches in North London. The application had two resident representations, one in support. The objector raised concerns about anti-social behaviour but it was not considered that this premises would cause problems. Conditions had been agreed.

**RESOLVED**

- 1) That the application for a new premises licence, in respect of Yasar Halim, 167 Fairbridge Road, N19 3HS, be granted to allow:-
  - a) The supply of alcohol, for consumption on the premises from 11 am until 9.30 pm Monday to Sunday.
  - b) Opening hours to be:- 6am to 10pm Monday to Sunday.

- 2) That conditions outlined in appendix 3 and detailed on pages 267 and 268 of the agenda be applied to the licence.

**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.

One local resident objection had been received and one resident wrote in support of the application. There had been representations from the police and noise team and conditions had been agreed.

The Sub-Committee noted that the licensing officer had forwarded, on behalf of the applicant, an email to the objector but that there had been no response.

The Sub-Committee heard evidence that the premises were a coffee shop and patisserie. The premises were run by a well-known and established firm with a number of bakeries in north London. The applicant had noted the objector's concerns regarding possible noise and anti-social behaviour but did not believe that the premises would cause problems and had agreed conditions.

The Sub-Committee concluded that the grant of the licence with the agreed conditions would promote the licensing objectives. Comprehensive conditions had been agreed with the police and noise team and the hours sought and nature of the business was such that the Sub-Committee was satisfied that the grant of the licence was appropriate and proportionate.

The meeting ended at 8.30 pm

**CHAIR**

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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	15 August 2107		St Peter's

Delete as appropriate		Non-exempt
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**Subject: REVIEW APPLICATION  
ESSEX ROAD MINI MARKET, 234 ESSEX ROAD, LONDON, N1 3AP**

## 1. Synopsis

- 1.1 This is an application by the Licensing Authority for a Review of the Premises Licence under Section 51 of the Licensing Act 2003 made by Islington Council's Trading Standards Service.
- 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	Yes
Noise	No
Health and Safety	No
Trading Standards	NA
Public Health	No

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

### 3. Background

3.1 Papers are attached as follows:-

- Appendix 1: review application form
- Appendix 2: current premises licence
- Appendix 3: representations
- Appendix 4: map of premises location.

3.2 The premises is currently licensed for the sale of alcohol for consumption off the premises from 08:00 until 23:00 Monday to Sunday. The opening times of this premises are 24 hours a day.

3.3 This property granted a licence since 21 June 2011, the current licence holder Mr Dogan transferred and became the designated premises supervisor on the 11 March 2015.

### 4. Planning Implications

4.1 There are no planning implications.

### 5 Recommendations

5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.

5.1 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as appropriate for the promotion of the four licensing objectives.

5.2 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 application in the light of all relevant information, and if approval is given, it may attach such conditions as 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**

<b>Signed by</b>		3/8/17
	Service Director – Public Protection	Date

<b>Received by</b>	Head of Scrutiny and Democratic Services	Date
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Report author: Licensing Service  
Tel: 020 75027 3031  
E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

WRK/170017294

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 Alonso Ercilla, Trading Standards Manager

*(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>Essex Road Mini Market</b>	
<b>234 Essex Road</b>	
Post town: <b>London</b>	Post code: <b>N1 3AP</b>

Name of premises licence holder or club holding club premises certificate: <b>Hasan Dogan</b>
--

Number of premises licence or club premises certificate: <b>LN 13180-110315</b>
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**Part 2 - Applicant details**

I am

**Please tick ✓/yes**

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

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

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

a responsible authority (please complete (C) below)

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

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

Name and address	
<b>Alonso Ercilla Trading Standards Manager Public Protection Division 222 Upper Street London N1 1XR</b>	
Telephone number:	<b>020 7527 4028</b>
E-mail:	<a href="mailto:alonso.ercilla@islington.gov.uk">alonso.ercilla@islington.gov.uk</a>

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

On 28<sup>th</sup> March 2017, as a result of intelligence, an officer visited these business premises and identified a large consignment of non-duty paid alcoholic beverages that we believe was bought from an itinerant supplier trading from a van.

The items identified as being non-duty paid were:

1. *Beer*

- Fosters: 18 trays
- Holsten Pils: 7 trays
- Perla Mocna: 5 trays
- Perla Green: 4 trays
- Budweiser: 3 trays
- Zywiec: 3 trays
- Carlsberg (green): 3 trays
- Tyskie: 2 trays
- Becks: 2 trays
- Strongbow Original: 2 trays
- Strongbow Dark Fruit: 1 tray
- Guinness Original: 1 tray
- Lech: 1 tray
- Stella Artois: 1 tray
- Zasztelan: 1tray

2. *Wine*

- Fortinia (13 x 75cl)
- Michelangelo (5 x 75cl)
- Tallini (55 x 75cl)
- Pierre Monte (21 x 75cl)
- Dogarina Millesimato Extra Dry (71 x 75cl)
- G & G Vino Spumante (26 x 75cl)

The DPS/PLH was not able to demonstrate that, with no paperwork made available to evidence the purchases, the alcoholic beverages identified had been bought from a legitimate source.

Apart from the breach of the law that this represents, there is not insignificant detriment caused:

1. Although we have not tested the composition of the alcoholic beverages, it is not unknown for some non-duty paid drinks, in particular wines, to have illegitimate origins and a composition that does not meet satisfactory standard.
2. There is loss of revenue to the Exchequer in unpaid duty.
3. There is unfair competition by traders buying non-duty paid alcohol, where non-duty paid beverages are generally sold more cheaply than competitors can.
4. The public is deceived by being sold items that cannot legitimately be sold (because duty has not been paid on them).

## Recommendations

- We believe that this matter is of a seriousness that merits suspension of the licence for a period of no less than four weeks.
- *We would also like the licence amended as suggested below:*

The addition of:

- No alcoholic goods or tobacco products will ever be purchased or taken from persons calling to the shop.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.
- 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.
- 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 on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the cctv system and how to deal with visits from authorised officers. 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 authorised officers. Staff shall sign to confirm that they have received and understood the training.
- Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
- The licensee shall put arrangements in place to ensure that before serving alcohol or other age-restricted goods to customers 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.
- Super strength beer (ie. that of a strength of 7.5% abv or greater) shall not be sold at less than the verifiable cost of the product to the business and the price of such beers will be clearly displayed to consumers.

The removal of conditions 10 (duplicated by 11) & 12-15 (updated by the proposed conditions).

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

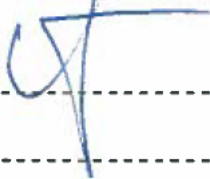
I understand that if I do not comply with the above requirements my application will be rejected

**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

8.6.17

Capacity Trading Standards Manager

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)

DL/4

**Love, Douglas**

---

**From:** Love, Douglas  
**Sent:** 19 April 2017 18:38  
**To:** [REDACTED]  
**Cc:** Jones, Carol; Forde, Niall  
**Subject:** Visit today

Hi, Hasan.

Further to the visit today, three things:

- Please could you provide a copy of footage from all cameras for the last hour of trading on Thursday 13<sup>th</sup> April. Condition 7 on your licence allows me to request this. Please provide by the start of next week (ie. Monday 24<sup>th</sup> April). Call me when it is ready to pick up, or bring it to the Council offices at 222 Upper Street and leave it at Reception in a sealed envelope marked with my name by midday on that Monday.
- Please provide the invoices for the wine I requested by the end of next week (ie. 5pm on Friday 28<sup>th</sup>)
- Please confirm whether the invoice, dated 30<sup>th</sup> March, attached is truly the invoice that goes with the delivery I witnessed on 28<sup>th</sup> March. If you made a mistake when you told me it was – and by the date and the differences in goods recorded to those that I saw, I think you probably have – it's better to say so now. If it is not the correct invoice, please say whether you are still hoping to be able to produce one.

I hav cc'd Carol, who was with me today, and Niall Forde, who is your regular Licensing Officer.

Many thanks,

Doug

DL/1

## Love, Douglas

---

**From:** Love, Douglas  
**Sent:** 10 January 2017 17:52  
**To:** [REDACTED]  
**Subject:** Training next week  
**Attachments:** Map 222us.pdf

Hi, Hasan.

Just to confirm, the training is next Tuesday, 17<sup>th</sup> January @ 1.30. Please aim to arrive at the Council offices (222 Upper Street – not the Town Hall) a few minutes early, so that we can make a prompt start.

If you find any invoices with the super-strength beers at prices lower than these, I'd be very interested to see them: I've not seen many invoices from Hare Wines, but the prices below are the lowest I've seen in the last 18 months or so.

Kestrel Super / Skol Super - £32.99 + VAT - £1.65 per can including VAT

Tennent's Super - £35.99 + VAT - £1.80 per can

Carlsberg Special Brew - £36.99 + VAT - £1.85 per can

Perla Mocne (black can) £29.99 + VAT - £1.50 per can

Given the strength of these beers and the issues that many people who drink them have with alcohol, I don't think it is responsible for a licensee to sell them at less than cost price.

See you next week.

Regards,

Doug



# Illicit Alcohol & Tobacco in Islington

Training for Age-restricted Goods Sellers

2016/17

Doug Love – 020 7527 3874 – [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)

## Illicit Alcohol & Tobacco

- Counterfeit and Non-UK duty paid goods are high priorities for enforcement agencies, including Trading Standards and HMRC
- Businesses where such goods are found can expect serious consequences including licence review or prosecution
- In Islington, 23 premises licences revoked and 15 suspended (average 37 days) after illicit goods found, over last five years.
- Many businesses closed / sold as no longer financially viable

**DON'T TAKE THE RISK!!**

## What's the harm?

- Public Safety
  - Counterfeit alcohol is dangerous to drink and produce: hundreds of deaths worldwide each year; some in the UK
  - Cheap tobacco makes it easier to start smoking; harder to stop; and users start to smoke more
  - Increased risk of house fires – counterfeit / non-EU cigarettes do no self-extinguish when not being smoked
- Unfair competition
- Organised crime gangs profit and become more powerful
- Approx £2.5bn per year in lost revenue that could fund public services
- Your business will be worth much less if your premises licence is revoked

## How can I avoid problems? (1)

Follow the guidance provided

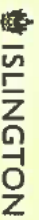
- **GOLDEN RULE:** Never buy alcohol or tobacco from anyone calling to the shop, whatever their story
- Deal only with reputable traders
- Do some basic checks on purchased alcohol
  - Does the UK Duty Stamp fluoresce (ie. change colour) when uv light is shined on it?
  - Is the (back) label stuck on properly – straight and with no air bubbles? Are there glue marks showing outside the label? Is the printing of the usual quality? Has it been stuck over another label?
  - Is the alcohol in a resealed case?

DL/2

## How can I avoid problems? (2)

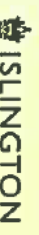
- Be suspicious of any alcohol that is unbelievably cheap
  - Duty payable on whisky?  
**£7.74 / 70cl bottle; £46.47 / case of 6x70cl**
  - Duty payable on wine?  
**£2.08 / bottle; £12.50 / case of 6 bottles**
  - Duty + VAT payable on strong (8% abv) beer?  
**£1.14 / 500ml can**
- Never allow any foreign / duty free tobacco to be kept in the shop
- Only allow trained employees to buy alcohol
- Ensure you can show where alcohol was bought from
- Provide information about sellers of illicit alcohol & tobacco – because it protects your business and it is the right thing to do

## The Alcohol Wholesalers' Registration Scheme (AWRS)



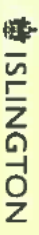
- In 1 April 2017 the ARWS scheme will begin
- From that date, only registered wholesalers will be allowed to supply alcohol to other businesses
- Retailers will be obliged to check that wholesalers they buy from are registered
- Retailers that buy from unregistered wholesalers will commit an offence, whether or not the alcohol itself is legal, and may be liable for criminal or civil penalties
- For more info, look at the Gov.UK website – search for 'AWRS'

## Warning re illicit beer



- More attention now paid to beer possibly bought from 'unofficial' sources
- Beers for retail sale at less than typical cash & carry prices will attract attention
- 'Loss leader' excuse unlikely to be accepted
- 'Irresponsible promotions' not permitted by the Licensing Act

## Illicit Tobacco



- HMRC estimates illicit tobacco accounts for:
  - 10% of cigarettes smoked
  - 39% of hand rolling tobacco smoked
- Many counterfeit products – including some made to look 'merely' smuggled. All lower quality; some even more dangerous.
- All products legal for sale in the UK will carry English language warnings and picture warnings and 'UK Duty Paid' marking
- Don't be fooled by convincing counterfeits – we won't be
- 'Illicit whites' – poor quality 'unofficial' brands made to resemble known brands.

### Examples of Illicit Whites



Questions and comments?

### Providing information

- Please provide any information to TS / HMRC about people calling at the shop offering illegal alcohol or tobacco for sale.
- All information treated in confidence and source never revealed.
- Reasons why you should:
  - Helps prevent unfair competition
  - It will be investigated (as far as possible)
  - Hard to detect without intel (tobacco especially)
  - It shows you are promoting the licensing objectives
- What to look for:
  - Regular customers buying elsewhere
  - 'Unusual' deliveries (odd time of day; only alcohol etc.)
  - Particularly cheap goods on offer

DL/2

# Trading Standards Visit Report



# ISLINGTON

Time: 14:00

Date: 28/03/17

Name of officer: [Redacted]

Job title: TSO

Phone number: 020 7527 3874

Email address: [Redacted]

Trading Standards  
222 Upper St  
London  
N1 1XR

0207 527 4028

www.islington.gov.uk

trading.standards@islington.gov.uk

Reason for visit

Routine

Enquiry/Complaint

Project

The powers of the authorised officer and the rights of the occupier are summarised overleaf. An officer will show you their authorisation and identification when visiting and on request.

Relevant legislation: Consumer Protection from Unfair Trading Regs 2008 / Licensing Act 2003

Officer's report:

- Seized as illicit : 2 x 70cl High Commissioner Whisky in bag ME058 023
- Invoices <sup>to be</sup> produced for the following:
  - Fortina Vinobianco Chardonnay x 13 bottles
  - Michelangelo Cabernet Sauvignon x 5 bottles
  - Tallini Shiraz x 10 bottles; Merlot x 9 bottles
  - Pierre Monte Merlot x 6 bottles
  - Degaria Millesimato Extra Dry x 12 cases of 6 bottles
  - G&G Vino Spumante x 5 cases of 6 bottles
- Invoice for delivery from Halil Yesil, in NECovan NX 58 EAP on 28/03/17: (54 cases of beer)

Name of Occupier: [Redacted]

Trading name of business: Essex Rd Mini-Market

Position of Occupier: PLM

Address: 234 Essex Rd, N1 3AP

Signature of Occupier: Not present: VR completed later

Legal entity:

Please ensure that this report is brought to the attention of the owner of the business or appropriate manager.

Licensed Premises:

Essex Road Mini Market  
234 Essex Road, N1 3AP

-----  
WITNESS STATEMENT OF  
DOUGLAS LOVE  
-----

I have worked in Trading Standards since 1990. Since June 2010 I have been employed by Islington Council. My main responsibilities during this employment have been to lead the Trading Standards team's work on illicit alcohol and tobacco and on age-restricted goods.

1. On 13<sup>th</sup> December 2016, I was leading a Challenge 25 test purchasing operation, visiting shops along Essex Road. I asked a male volunteer, aged 19, to attempt to buy alcohol at 234 Essex Road without showing any proof of age. He was able to do this and it transpired that he was served by the Premises Licence Holder (PLH) Hasan Dogan.
2. After the purchase attempt I went into the shop with the volunteer, [REDACTED] that he had believed the volunteer to be 22 or 23 years old. This is a breach of Annex 2, condition 12 of the licence, that requires the use of Challenge 25, but a subsequent test purchase by an underage volunteer resulted in proof of age being requested and no sale being made. I am aware of no evidence that suggests underage sales are being made from the premises. I left a letter containing details of the training courses that Trading Standards runs for age-restricted goods retailers and recommended that Mr [REDACTED] attended one of the sessions.
3. While I was in the shop, however, I noticed that there were some super-strength beers (ie. those over 7.5% abv) on sale for much less than I believed them to be available for

from legitimate cash and carry businesses. I saw Perla Mocna (7.6% abv) on sale for £1.00 – 9p less than duty + VAT, meaning that a mandatory licence condition prohibiting the sale of any alcohol for less than duty + VAT was being breached. I also saw other super-strength beers (Kestrel Super, Skol Super and Carlsberg Special Brew, which are all 8% abv) on sale for £1.49, compared to the cheapest I had seen them on cash and carry invoices: £1.65 per can for the first two named and £1.80 for the Carlsberg. I requested, in writing, [REDACTED] provide me with invoices for these beers. Food safety and financial regulations require such invoices are kept.

4. On 10<sup>th</sup> January I revisited the business, as I had not received any invoices. On this occasion, the prices had been slightly increased – Perla Mocna was £1.10, just over Duty + VAT, and the other three were £1.69. The prices of the Perla Mocna and the Carlsberg Special Brew were still lower than I believe that they could have been legitimately purchased. I explained [REDACTED] that I believed that selling this type of beer for less than cost price was an irresponsible practice, given the attraction of super-strength beer to many alcoholics and asked him to increase the prices. No invoices were available in the shop, either. [REDACTED] booked a place on the training course that was being held the following week.
5. When I returned to the office, I e-mailed [REDACTED] with confirmation of his booking and details of the minimum prices I had seen for the super-strength beers in his shop and confirming my opinion that they should not be sold at less than cost price. **I produce a print of this e-mail as exhibit DL/1.**
6. [REDACTED] attended the training course, which I deliver, on 17<sup>th</sup> January. One part of the training is about illicit alcohol and tobacco and during that section I warn attendees that I pay particular attention during illicit checks beers and suggest the 'golden rule' to avoid stocking illicit alcohol is never to buy from people calling at the store. All attendees are given a copy the slides used during the presentation to take away at the end of the

course. I produce a copy of the Illicit Alcohol and Tobacco slides in use in January 2017 as exhibit DL/2.

7. On 28<sup>th</sup> March, I was passing the shop when I noticed a green van parked outside, apparently delivering beer to the shop. I approached the vehicle on foot and observed a person take a number of trays of beer into the shop. I did not see anything other than beer delivered from or on the van. I was suspicious of the delivery as I believe it is unusual that legitimately purchased beer is delivered in this way. When the van driver closed the rear doors of the van, suggesting the delivery was complete, I entered the premises. [REDACTED] was present.
8. I asked [REDACTED] if there was any paperwork relating to the delivery and was told there was not. I asked where the delivery had come from: he could not answer. I went out to the van and asked the driver to come into the shop, which he agreed to do. I asked him who he worked for, but he could not say. He claimed that he had picked up the beer from a 'new place' – he didn't know the name or address – and had delivered it, as instructed. He, also, did not have any paperwork. I let him go after taking his name and a telephone number.
9. I looked around the shop. There was beer stacked in three places: in front of the beer fridge opposite the counter, at the back of the shop and at the top of the stairs down to the cellar. [REDACTED] confirmed that all the beer in the stacks – 54 trays – had been delivered from the van. There were the following:
  - Fosters: 18 trays
  - Perla Moczna: 5 trays
  - Budweiser: 3 trays
  - Carlsberg (green): 3 trays
  - Becks: 2 trays
  - Strongbow Dark Fruit: 1 tray
  - Holsten Pils: 7 trays
  - Perla Green: 4 trays
  - Zywiec: 3 trays
  - Tyskie: 2 trays
  - Strongbow Original: 2 trays
  - Guinness Original: 1 tray

- Lech: 1 tray

- Stella Artois: 1 tray

- Zasztelian: 1tray

10. I checked the rest of the alcohol and tobacco stock. No suspect spirits were found, except two bottles of High Commissioner whisky, which had fake back labels and were seized. [REDACTED] said that he believed that these were old stock transferred with the shop. I believe this, as they had the old label design: the new-style labels came in some time before [REDACTED]. No illicit tobacco was found.
11. I was, however, very suspicious of a large amount of wine. Several cheap Italian 'brands' were present – Fortinia (13 btls), Michelangelo (5), Tallini (55) and Pierre Monte (21) – which I have seen before and recognise as brands which are often supplied apparently without paperwork. I was also struck by the amount of sparkling wine there was in a shop of this nature in particular two types – Dogarina Millesimato Extra Dry (71 bottles in the shop) and G & G Vino Spumante (26 btls). I was not familiar with these wines, it seemed unusual that there should be so much in a fairly small shop. I verbally requested invoices for the suspect goods and later left a written request of the same nature, on a Trading Standards Visit Record. **I produce a print of a scanned copy of this document as exhibit DL/3.**
12. I requested colleagues from the Licensing Team to make a test purchase after hours and then to accompany me on a revisit to the premises.
13. On 13<sup>th</sup> April, Licensing Officer [REDACTED] was able to purchase a can of Strongbow cider from the shop at approximately 23.45 – 45 minutes after the terminal hour for alcohol sales.
14. I returned to the store with Ms Jones on 19<sup>th</sup> April. [REDACTED] who [REDACTED] recognised as the person who had sold her the Strongbow, was present. [REDACTED] checked for compliance with the premises licence conditions. She was satisfied that [REDACTED] [REDACTED] was complying with the conditions, except for the CCTV condition. We



attempted to view her purchase, but [REDACTED] could not find it. I requested that footage from that occasion and the previous hour be provided, as allowed by conditions 3 and 7 of the licence, and subsequently repeated the request in writing. I produce a print of an e-mail intended for [REDACTED] as exhibit DL/4. The e-mail was sent to an incorrect address, but a hard copy was received by [REDACTED] in the shop on 12<sup>th</sup> May – still within the 31 days for which recordings should be available.

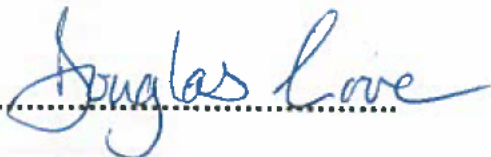
15. While we were in the premises, I was shown a copy of an invoice for 66 trays of beer, dated 30/03/2017, from Crown Cash and Carry. There was a suggestion that this related to the delivery I had seen, but as it was dated two days after the delivery and was for different items, I do not believe that it is. I produce a print of a photo I took of this invoice as DL/5.

16. [REDACTED] and I visited the premises again on 12<sup>th</sup> May. On this occasion [REDACTED] confirmed that there were no invoices for the wine, which he said had also come from the person in the green van. He said that he had stopped buying from this person and explained that he had been unable to download the requested CCTV footage and that he was getting the CCTV system repaired.

**STATEMENT OF TRUTH**

**THE CONTENTS OF THE STATEMENT ARE TRUE TO THE BEST OF MY KNOWLEDGE AND BELIEF.**

Signed.....



**DOUGLAS LOVE**

**Dated this 24<sup>th</sup> day of May 2017**



## Premises Licence Summary Licensing Act 2003

<b>Premises licence number</b>	LN13180-110315	<b>Date of original grant*</b>	20 July 2011
--------------------------------	----------------	--------------------------------	--------------

*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b>			
<b>ESSEX ROAD MINI MARKET</b>			
<b>234 ESSEX ROAD</b>			
<b>Post town</b>	London	<b>Post code</b>	N1 3AP
<b>Telephone number</b>	020 7226 6844		

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

<b>Licensable activities authorised by the licence</b>
<ul style="list-style-type: none"> <li>The sale by retail of alcohol</li> </ul>

<b>The times the licence authorises the carrying out of licensable activities</b>																												
<ul style="list-style-type: none"> <li>The sale by retail of alcohol: <table style="margin-left: 20px;"> <tr><td>Monday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Tuesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Wednesday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Thursday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Friday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Saturday</td><td>08:00</td><td>to</td><td>23:00</td></tr> <tr><td>Sunday</td><td>08:00</td><td>to</td><td>23:00</td></tr> </table> </li> </ul>	Monday	08:00	to	23:00	Tuesday	08:00	to	23:00	Wednesday	08:00	to	23:00	Thursday	08:00	to	23:00	Friday	08:00	to	23:00	Saturday	08:00	to	23:00	Sunday	08:00	to	23:00
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Sunday	08:00	to	23:00																									

<b>The opening hours of the premises:</b>																												
<table style="margin-left: 20px;"> <tr><td>Monday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Tuesday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Wednesday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Thursday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Friday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Saturday</td><td>00:00</td><td>to</td><td>24:00</td></tr> <tr><td>Sunday</td><td>00:00</td><td>to</td><td>24:00</td></tr> </table>	Monday	00:00	to	24:00	Tuesday	00:00	to	24:00	Wednesday	00:00	to	24:00	Thursday	00:00	to	24:00	Friday	00:00	to	24:00	Saturday	00:00	to	24:00	Sunday	00:00	to	24:00
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Sunday	00:00	to	24:00																									

<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 Hasan Dogan

**State whether access to the premises by children is restricted or prohibited**

No restrictions

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

Summary

## **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.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

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

3. A digital CCTV system shall be installed incorporating recording and viewing facilities. Any recording shall be retained and stored in a suitable and secure manner for a minimum of 31 days.
4. The CCTV coverage of all public entrances and exits from the premises; the area directly in front of the premises, the till area and all the areas where alcohol is stored and displayed.
5. The CCTV system shall comply with all other essential legislation, including that signs informing customers of the CCTV recordings are prominently displayed.
6. The CCTV system will be maintained and fully operational throughout the hours that the premises are open for any licensable activity
7. There must be someone at the premises who can download the images and provide a copy of recording or a request by Police or Local Authority officer within no later than 48 hours of such request.
8. Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2) fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.
9. All emergency exits shall be kept free from obstruction at all times.
10. All customers will be asked to leave quietly.
11. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to the neighbours.
12. The licensee and staff shall ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
13. The challenge 25logo and poster will be displayed at the premises.
14. All staff will be trained for underage sales prevention regularly.
15. A register of refused sales shall be kept and maintained on the premises.

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

**Annex 4 – Plans**

Reference Number:

Licence

**Your** License Review  
**Our** Licensing/NI  
**Date:** 02/07/2017



PREMISES LICENSE REVIEW:  
ESSEX RD MINI MARKET  
234 ESSEX ROAD  
N1 3AP

**METROPOLITAN POLICE  
SERVICE**  
Islington Police Licensing Team  
Islington Police Station  
2 Tolpuddle Street  
London  
N1 0YY  
Telephone: 07799133204

Email:  
licensingpolice@islington.gov.uk

**2nd July 2017**

Dear Sir/Madam

**Re: Premises License Review: Essex Rd Mini Market 234 Essex Rd N1 3AP.**

With reference to the above application, I am writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license under Section 51 Licensing Act 2003.

I have read the application submitted by Mr Alonso Ercilla, Trading Standards Manager, 222 Upper Street N1 1XR.

I am in full agreement with his assessment of the premises. I believe that the management standards are, at this time, far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

The evidence put forward in Mr Ercilla's report makes it clear to me that Mr Hasan Dongan had purchased a substantial amount of alcohol from a non reputable source and fully intended to sell this alcohol without giving any consideration for the customers who would purchase it and in a deliberate effort to avoid paying duty on it.

All that said I cannot find any details relating to incidents of crime or disorder related to the venue, although it has been reported that groups of youths do hang around the venue and these youths are involved in Anti-Social Behaviour.

I do support and agree with the clear recommendations in Mr Ercilla's report and feel that a minimum 4 week suspension should be served and the conditions suggested added to the license. I would also put forward the following CCTV condition to replace the current CCTV condition on the license as I feel that this condition is now inadequate.

**CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:**

**The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;**

**One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;**

**The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;**

**The system shall record in real time and recordings will be date and time stamped;**

**Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request; &**

**At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence.**

Islington Police Licensing Team  
Pc Steven Harrington 425NI

## **Annex 4**

### **Suggested conditions in line with review application submitted by the Council Trading Standards**

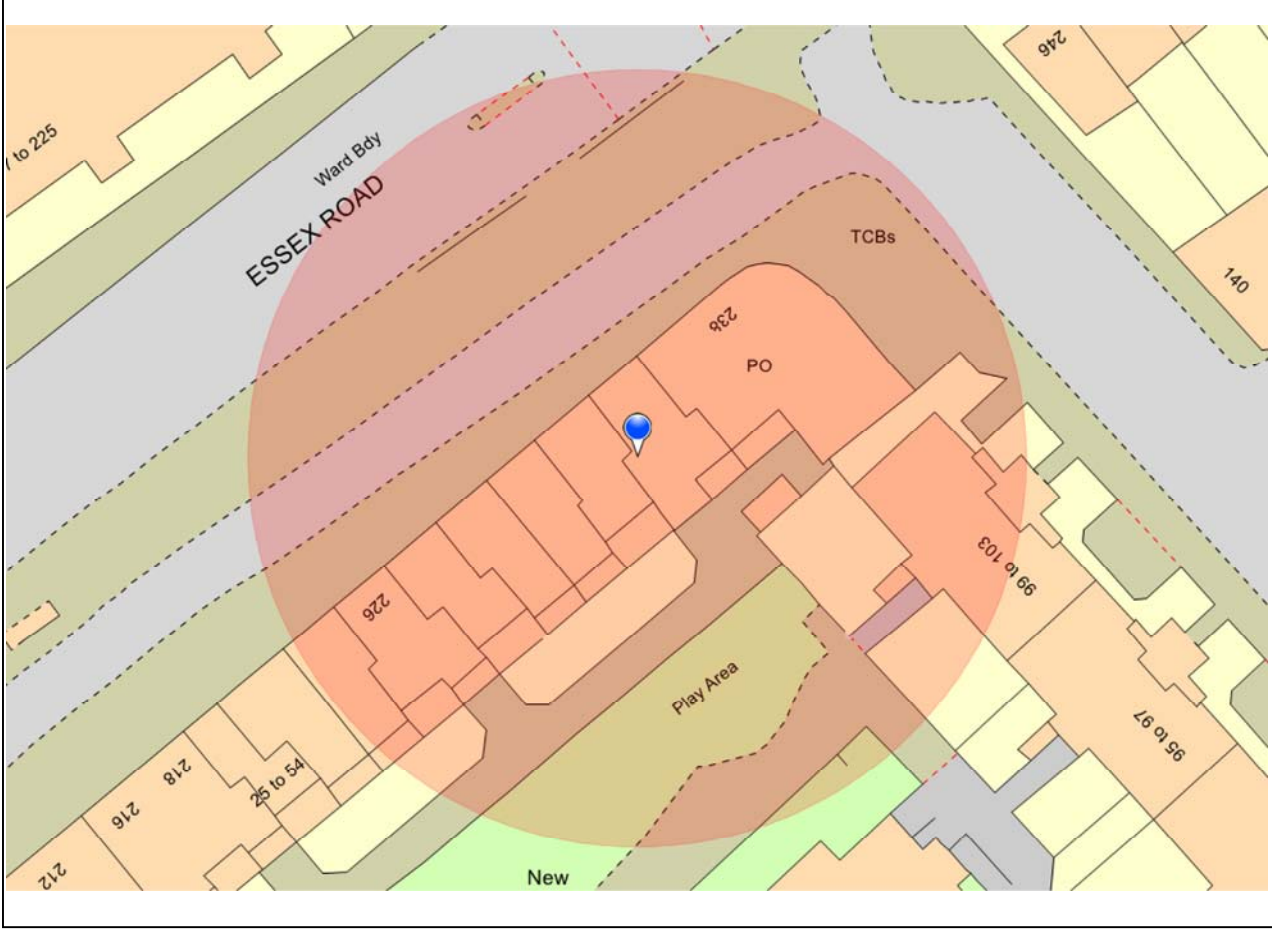
1. No alcoholic goods or tobacco products will ever be purchased or taken from persons calling to the shop.
2. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol or tobacco products.
3. Only alcoholic drinks which are detailed on 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.
4. 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.
5. The licensee shall ensure that staff are trained on relevant matters including the conditions on the premises licence; age restricted products; and (if they are ever left in charge of the shop) the operation of the CCTV system and how to deal with visits from authorised officers. 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 authorised officers. Staff shall sign to confirm that they have received and understood the training.
6. Age-restricted products training shall cover the following steps: the assessment of age; how and when to challenge for proof of age; acceptable proof of age and how to check it; and recording refusals.
7. The licensee shall put arrangements in place to ensure that before serving alcohol or other age-restricted goods to customers 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.
8. 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.
9. Super strength beer (ie. that of a strength of 7.5% abv or greater) shall not be sold at less than the verifiable cost of the product to the business and the price of such beers will be clearly displayed to consumers.

### **Suggested conditions in line with representation from the Metropolitan Police service.**

10. CCTV shall be installed, operated and maintained, at all times that the premises is open for licensable activities, so as to comply with the following criteria:
11. The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;
12. One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;
13. The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;
14. The system shall record in real time and recordings will be date and time stamped;



15. Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request; and at all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request and to supply a copy of footage immediately to Police to assist with the immediate investigation of an offence.



Title: Essex Road Mini Market

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