



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	22 July 2014		Highbury West

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: A & B Food & Wine, 72 Aubert Park, London, N5 1TS

1. Synopsis

- 1.1 This is an application by Trading Standards for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review are related to the licensing objectives:
 - i) The prevention of crime and disorder
 - ii) The protection of children from harm

2. Relevant Representations

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

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

3 Recommendations

- 3.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 3.2 To consider the representation from the Police in the light of the revised Secretary of State Guidance to Local Authorities issued on 25th April 2012 namely that the Licensing Authority should accept all reasonable and proportionate representations made by the Police unless the Authority has evidence that to do so would not be appropriate for the promotion of the Licensing Objectives.
- 3.3 The Committee must have regard to the application and any relevant representations. The Committee must take such steps as necessary for the promotion of the four licensing objectives.
- 3.4 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.

4. Background

- 4.1 The premises currently holds a licence allowing:
 - i) The sale by retail of alcohol, 08:00 until 23:00 on Monday to Sunday.
 - ii) The opening hours of the premises are 07:00 until 23:00 on Monday to Sunday.
 - iii) Papers are attached as follows:-
 - Appendix 1: application form,
 - Appendix 2: current premises licence
 - Appendix.3 representations
 - Appendix.4 map of premises location

5 Planning Implications

- 5.1 There are no planning implications in respect of the premises review application.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by

Service Director – Public Protection

Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing

Tel: 020 7527 3031

Fax: 020 7527 3430

E-mail: licensing@islington.gov.uk



ISLINGTON

Environment and Regeneration

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

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

T 020 7527 3874
F 020 7527 3038
E doug.love@islington.gov.uk
W www.islington.gov.uk

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

Date: 18/03/14

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

A & B Food & Wine, 72 Aubert Park, N5 1TS

Islington Trading Standards wishes to apply to have the premises licence of the business trading as A & B Food & Wine reviewed. There have been two recent sales of alcohol to underage volunteers working with Trading Standards.

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

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

Yours faithfully

PP **David Fordham**
Service Manager Trading Standards

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

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

WR/201440701.

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:

**Park Mini Market
(a. k. a. A & B Food & Wine)
72 Aubert Park**

Post town: **London**

Post code: **N5 1TS**

Name of premises licence holder or club holding club premises certificate:
Abdul Roaf

Number of premises licence or club premises certificate: **LN / 13162 - 080811**

COMMERCIAL LICENSING

18 MAR 2014

PUBLIC PROTECTION DIVISION
222 UPPER ST

Part 2 - Applicant details

I am

Please tick ✓ yes

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

a person living in the vicinity of the premises

a body representing persons living in the vicinity of the premises

a person involved in business in the vicinity of the premises

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

☐☐☐☐

a responsible authority (please complete (C) below)

☒

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

☐

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

Please tick

Mr ☐

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

First names

Please tick ✓ yes

☐

I am 18 years old or over

Current postal
address if
different from
premises
address

Post town

Post Code

Daytime contact telephone number

E-mail
(optional) address

This application to review relates to the objective to protect children from harm and licensing policies 25 & 10. It particularly relates to the sale of alcohol to underage volunteers working with Trading Standards and a failure to exhibit a high standard of management at the business.

Abdul Roaf is the premises licensee, a position he has held since August 2011. Wasseem Baig Mirza has been the designated premises supervisor (DPS) during this time.

On 24 November 2012, an underage test purchase was attempted at A & B Food & Wine during a Trading Standards operation. **Muhammed Umair sold a 568ml bottle of Magners Cider to a male volunteer, aged 16 years and 2 months.** It was evident that Mr Umair knew the law and was aware of Challenge 25, but it was apparent that the business was not following best practice. Mr Umair identified Raja Asif (his uncle) as the owner. Our standard advice pack, 'Selling age-restricted goods' was left in the shop on the day.

This sale led to Mr Asif (owner), Mr Roaf (licensee) and Mr Mirza (DPS) being invited to an **Officer Panel meeting on 14th December 2012.** In the event, only Mr Mirza appeared. He told the Panel that he also managed another supermarket in Hornsey Road.

A letter was sent to Mr Roaf and the other invitees after the meeting on 21st December 2012. This referred to the pack and advising him specifically of the importance of using Challenge 25; to keeping training records; and using posters etc. as reminders to staff.

On 6th December 2013, the business sold alcohol again to another underage test purchaser. This time **Ali Hassan sold 2 bottles of WKD Vodka Blue to a male volunteer, aged 17 years and 2 months,** who was accompanied by a female volunteer, aged 16 years. Mr Hassan was observed to be on the phone at the time of the sale. When Doug Love of Trading Standards spoke with him after the sale, he clearly knew the law and that he should have asked anyone under 25 for proof of age. He said that he had been given verbal training, but had not signed anything in respect of the training. He could not locate a refusals book. Mr Love noted that there were no posters or other signage indicating that Challenge 25 – or any other proof of age scheme – was in practice.

On this occasion, Mr Roaf was identified as the owner. Mr Love telephoned him the following week and believed he had **arranged to meet him at the shop** to review the precautions taken by the business to prevent underage sales. At the appointed time, however, Mr Mirza was at the shop, not Mr Roaf.

Mr Mirza confirmed that there were no training records kept, although he stated that there were regular staff meetings every couple of months which covered underage sales and trading on Arsenal matchdays (the business is located only 200yds from the Emirates). He was able to produce a refusals book showing records of 12 refusals between Dec 2012 and February 2013; one where the date was unclear; and 14 between Oct and December 2013, two of which were made by the seller, Mr Hassan. When asked about the large gap, Mr Mirza said that other records had been kept on a piece of paper, which had been mislaid. There was no evidence that the records had ever been checked by Mr Roaf, Mr Mirza, or anyone else.

On 19th December, **Mr Love wrote to Mr Roaf** as he was concerned at the lack of engagement he had had with the owner / licensee of the business – the man who holds the primary responsibility to trade legally. The letter gave Mr Roaf until January 24th to review and improve his management procedures and provide evidence of any such improvements before Mr Love reported the matter to me. Mr Love also offered further assistance to him, upon request. Up to the date of this review, Mr Love has had no contact from Mr Roaf or anyone else at the business in relation to this letter.

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.

(B) DETAILS OF OTHER APPLICANT

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

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

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

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

Please tick one or more
boxes

the prevention of crime and disorder
public safety
the prevention of public nuisance
the protection of children from harm

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

- 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 and HMRC 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 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 instruction 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.

To avoid duplication, Condition 1 in Annex 2 of the licence should be removed.

Here is a summary of events supporting this application

- | | | |
|----------|-----------------|--|
| 24/11/12 | Sale of alcohol | Muhammed Umair sold a bottle of cider to a 16 year old volunteer |
| 14/12/12 | Officer Panel | Attended by DPS Mr Mirza. It is unknown why Mr Roaf (licensee) did not attend. |
| 06/12/13 | Sale of alcohol | Ali Hassan sold 2 bottles of WKD Vodka Blue to a 17 year old volunteer |
| 19/12/13 | Letter | Mr Roaf is given a month to provide evidence of improved management. There is no response. |

Recommendations

I believe that the licence should be revoked.

Both test purchases made since Mr Roaf became the licensee have resulted in sales. Although the business has taken some precautions – both sellers appeared to have been trained; refusal records were kept (at least sporadically) – Trading Standards' advice has not been fully followed:

- Training records could have been kept and signed by the trainee. I feel that signing something to say you have received and understood the training would give the training more weight and increase the likelihood of it being followed;
- Keeping refusals records is primarily a management tool: they give managers the chance to overtly check them and ask questions of their staff about challenging;
- Displaying posters – a very easy precaution – can remind staff to challenge and make it easier for them (they can refer to the posters as an explanation for the challenge).

Of equal concern to the sales is the lack of engagement by Mr Roaf:

- He did not attend the Officer Panel meeting and sent Mr Mirza to meet with Mr Love after the second sale;
- He did not respond to Mr Love's subsequent letter requesting that he review and improve his management procedures and provide evidence of any such improvements.

If Members are of the view that a suspension is more appropriate then I would ask the Committee to add the following conditions, which I believe to be appropriate to promote best practice at the business and ensure a high standard of management:

- No alcoholic goods will ever be purchased or taken from persons calling to the shop.
- No spirits shall be purchased in a resealed box.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.

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

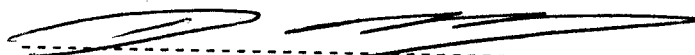


IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

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

18th March 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)

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.

Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.

This is the address which we shall use to correspond with you about this application.



ISLINGTON

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

Tel : 020 7527 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: OP141212

Date: 21/12/12

Raja Asif / Abdul Roaf / Waseem Baig Mirza
A & B Food & Wine
72 Aubert Park
London
N5 1TS

Dear Sirs,

WARNING LETTER

I write further to the recent Licensing Officer Panel to which you were all invited, but only Mr Mirza attended. You were invited to the meeting after a sale of alcohol to an underage boy.

On 24th November 2012, Muhammed Umair sold a bottle of Magners Cider to a 16 year old boy who was assisting Trading Standards. Mr Mirza said that Mr Umair had been reminded of his training and warned that his job would be in risk if he sold again.

I was the observing officer and I suspect the sale was one of many I have witnessing over the years where the seller is not operating a **Challenge 25 policy – that is, challenging anyone who may be 25 or less for proof of age**. In common with many young people of his age, our volunteer on this day was tall – over 6 feet (183cm) – and had a little facial hair. However, I would not believe anyone who claims, if they looked at him closely, that he could not be less than 25. Using Challenge 25 is the only way that businesses can give their staff a big enough margin of error to avoid mistakes.

The standard Trading Standards advice on avoiding underage sales also includes:

- **Ensure all staff are thoroughly trained** about the law and how to avoid sales of age-restricted goods to children and that **records are kept** of their training. The DVD and the Training Record Book in the guidance pack will help you do this.
- **Regularly remind staff of their training** and record these reminders in the book, also.
- **Make sure everyone serving customers knows what is acceptable proof of age.** A passport; driving licence (but beware – these can be held from the age of 17); and any proof of age card with the 'PASS' hologram and a photograph are acceptable. Always examine the proof of age closely to ensure it appears genuine and belongs to the person showing it.
- **Do anything else you can to remind staff of the requirements.** Displaying the posters, or attaching the badge in the pack to the till, for example, may provide regular reminders to staff and keep the issue at the front of their minds. All sales we discover are the result of staff not thinking 'Challenge 25', even where they have been well trained.

Further test purchasing will take place and any more sales will put your licence at risk of being reviewed. If this happens your licence may be either suspended, meaning you will not be able to sell alcohol for a specified period of up to three months, or revoked, preventing you from selling alcohol again.

In the advice pack that was left at the shop on the day of the sale, there was also guidance about illicit alcohol and tobacco. You are probably aware that Trading Standards do a lot of checks and will take action on any illicit goods that could have been identified if our advice was followed. Therefore, **please make the checks advised in the guidance to minimise your risk of innocently buying illicit goods.**

Please provide any information to us that may help us identify anyone who tries to sell you illegal alcohol or tobacco – for example, telephone numbers, vehicle registrations; CCTV recordings may all be useful. I'd also be happy to receive information about other shops selling these goods. This will help us find them and help protect honest businesses from unfair competition. Any information we receive will, of course, be treated in complete confidence – we will never say who it came from.

If anything in this letter requires further explanation or you would like further advice, please contact me. We can also supply extra copies of the contents of the advice pack if you want more.

Yours sincerely,

Doug Love
Islington Trading Standards



ISLINGTON

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

Tel : 020 7527 3874
E-mail : doug.love@islington.gov.uk
W www.islington.gov.uk

Date: 19/12/13

Abdul Roaf
A & B Food & Wine
72 Aubert Park
London
N5 1TS

Dear Mr Roaf,

Licensing Act 2003

I am writing to you further to the sale of a two 275ml bottles of WKD Vodka Blue to an underage volunteer working with Trading Standards on 06th December 2013. The sale of the vodka was contrary to section 146 (1) of the above Act.

I met with your DPS, Wasseem Baig Mirza last week and he told me that although staff had been trained, no records of this training were kept. I also noted that the refusals register, which the seller, Ali Hassan, had been unable to locate, was not used consistently and there was no record that you or Mr Mirza had checked it ever.

The presumption is after two recent sales that my manager will apply for the premises licence to be reviewed and if he does this it may result in a suspension of the licence for up to three months, or even total revocation.

However, I will not seek a final decision from my manager, or start to draft a review application until the week starting January 27th at the earliest and I anything I can tell him about improvements you have made to the management of the business to reduce the chances of future sales may influence his decision and the wording of the review application if one is made. **I recommend that you take advantage of this opportunity to review and improve your procedures and provide evidence of any such improvements by 24th January.** Please do not wait to act until after a review application has been made as the Licensing Sub-Committees are likely to view this as being prompted by the review and give it less weight than action taken promptly. I have previously left a copy of our advice pack at the shop, but if you need more assistance or materials, please contact me.

Please contact me if anything in this letter needs further explanation or if you have any questions.

Yours sincerely

Doug Love
Principal Consumer Services Officer

Premises Licence Summary

Licensing Act 2003

Premises licence number	LN/13162-080811		
Postal address of premises, or if none, ordnance survey map reference or description			
PARK MINI MARKET 72 AUBERT PARK			
Post town	London	Post code	N5 1TS
Telephone number			

Where the licence is time limited the dates
Not Applicable

Licensable activities authorised by the licence
Ground Floor
<ul style="list-style-type: none"> • The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities																												
<ul style="list-style-type: none"> • The sale by retail of alcohol: <table style="margin-left: 40px; border: none;"> <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>	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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Gaming Machine Provision:
Not authorised

The opening hours of the premises:																												
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Sunday	07:00	to	23:00																									

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

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

Abdul Roaf
23 Eltsley Road
Ilford
Essex
IG1 2EP

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

Name of designated premises supervisor where the premises licence authorises the supply of alcohol

Wasseem Baig Mirza

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

Tel: 020 7527 3031

Email: licensing@islington.gov.uk

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.
3. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

Annex 2 - Conditions consistent with the Operating Schedule

1. The premises shall enforce a proof of age scheme, which is approved by the Licensing Authority and by the Local Police.
2. A refuse bin shall be provided outside of the premises, this bin shall be kept in good order and shall be emptied when it is full.
3. Unless otherwise agreed with the police on days when Arsenal Football Club are playing home matches and between the times commencing 4 hours before the advertised start of the game finishes alcohol may not be sold in glass containers for consumption off the premises.

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

None

Annex 4 – Plans

Reference Number: LBI13130

Your

Our Licensing/NI

Date: 25/03/2014



PREMISES LICENSE REVIEW:
A & B Food and Wine
72 Aubert Park
N5 1TS

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

Email:
licensingpolice@islington.gov.uk

25th March 2014

Dear Sir

Re: A & B Food and Wine

With reference to the above application, we are 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.

We have read the application submitted by Mr David Fordham Service Manager Trading Standards and we are in full agreement with his assessment of the premises. We believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy 2013-2017.

The evidence put forward in Mr Fordham's report makes it clear that there have been two underage sales dating back to November 2012. There have only been two test purchases carried out at the premises and both resulted in sales. There is an alarming lack of contact from the licensee, Mr Roaf, despite attempts by Mr Love to engage with him.

The borough of Islington is a controlled drinking zone (CDZ) and has a designated public places order (DPPO) in effect. This is something that we expect all licensees to inform their customers of, especially on days of events at the Emirates Stadium. Police were witness to the owner of this premises failing to do this, and witness to his disregard to the mess being left on the street by his customers, stating it was not his concern. This is only further evidence of poor management and ownership to back up the underage sales.

Mr Roaf has failed to provide any evidence whatsoever of improvements to the management of the business. And as the licensing policy 2013-1017 expects high standards of management from all premises, this is unacceptable. It is our opinion that there is a disregard the CDZ and moreso for the health and safety of children and a lack of commitment to the Licensing objectives.

In light of the evidence submitted in this comprehensive report we would fully support revocation of the license and feel that this is the only and proportionate course of action in the circumstances.

If the committee is minded not to revoke the license but to impose further conditions as put forward in Mr Fordham's report then we would ask that the following conditions also updated:

Annex 2 - Conditions consistent with the Operating Schedule.

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) free of charge within 24 hours of any request.

The reason for this is that it will allow for Responsible Authorities to obtain evidence to prove or disprove any further suspected breaches of the license conditions and also to assist if underage sales continue.

2. All spirits to be located behind the counter

3. 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

The above two conditions are consistent with the 'reduce the strength' campaign. Essentially this was introduced to discourage street drinkers to a licensed premises/area. It is our belief that as there is evidence of sales to underage, the low cost of such alcohol would also be a draw for children. The removal of such would further deter this.

4. The premises to stop selling all alcohol two hours before the scheduled kick off and an hour after each game.

5. No more than four cans of beer or cider to be sold to an individual on a major event day at the stadium.

6. All persons buying alcohol, at any time, to be advised of the Street Drinking ban in the borough.

7. Be prepared to cease the sale of all alcohol should you be requested to do so by a police officer

The above four conditions all in relation to the evidence provided.

Islington Police Licensing Team

Pc Peter Conisbee

Pc Steven Harrington

Pc Paul Hoppe

Licensing Authority Representation

Licensing Act 2003

Application: A & B Food & Wine, 72 Aubert Park, London, N5 1TS

I am submitting a representation on behalf of the Licensing Authority with respect to the review application submitted by the Council's Trading Standards Manager.

The grounds for the representation are:

- Public nuisance
- Crime and disorder

Licensing Officer Observations

Licensing officers carry out a number of match day inspections in both the stadium and looking at the licensed premises in the vicinity of the stadium.

On 6 Nov 2013 when Arsenal played Schalke licensing officers had to request Arsenal Match day Police attend the premises to request that they stop selling due to anti-social behaviour and drinking witnessed outside.

On the 19 Feb 2013 when Arsenal playing Bayern Munich Licensing Officers found significant numbers of German supporters drinking outside premises, and customer witnessed urinating in a nearby garden. A resident came to the premises to complain during this visit. Officers visited the premises with match day Police to warn them of their behaviour.

Wed 6th Nov 2013 when Arsenal was playing Borussia Dortmund found significant numbers of German supporters drinking outside premises.

On the 19 February 2014 the ASB team received a complaint about drinking in the street, urinating on garden wall/ street leaving beer cans & litter on the street outside the premises.

It should be noted that the two nearest licensed premises to this premises both have implemented voluntary measures relating to the sale of alcohol on match days for the last two seasons.

The Tesco's on Drayton Park doesn't sell alcohol for 4 hours before the match until an hour after each game, the other small off licence, secondly Addis Food and Wine on Drayton Park doesn't sell any glass bottles of beers or ciders during the same period and will only sell cans or bottles of wine to known local residents.

Licensing Policy Considerations

Licensing Policy 10
Licensing Policy 13
Licensing Policy 25

High Standards of management
Alcohol induced crime and anti-social behaviour
Tackling the illegal sale of alcohol to children

Licensing Policy 10

The licensee has not shown an ability to commit to high standards of management. In addition to the sale of alcohol to under age volunteers the premises has been witnessed on numerous occasions to be selling to large groups of football supporters, who have then consumed alcohol on the curtilage of the premises, and have even witnessed the use of a neighbouring garden as a toilet.

The licensing authority has also witnessed verbal complaints from residents on match days and received complaints about customers drinking alcohol and anti-social behaviour related to the premises on other occasions.

Licensing Policy 13

The licensing authority expects licensees to operate to the highest standards of management, and to co-operate with responsible authorities to prevent; the sale of alcohol to under age children and drunkenness on premises.

Licensing Policy 25

The Licensing Authority is committed to tackling the illegal sale of alcohol to children.

Summary and recommendations

The Licensing Authority has considered this application using the Licensing Policy framework, in particular:

- the location of the premises
- feedback from partners
- the management of the current licensed premises

The licence holder has not demonstrated the capacity to manage the premises responsibly and has also shown that the ability to control the sale of alcohol on match days.

Therefore should the Licensing Committee not impose the recommendation of the trading standards team to revoke the licence then the Licensing Authority recommends that this licence is amended to prevent the premises selling alcohol before and after match days.

- The premises to stop selling alcohol two hours before the scheduled kick off and for an hour after each game.

Janice Gibbons
Service Manager
Janice.gibbons@islington.gov.uk
020 7527 3212

15 April 2014

Suggested conditions of approval recommended by the 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.
3. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
4. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
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 made 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 the ultra-violet light, or are otherwise suspicious, the licensee shall identify this supplier to Islington Trading Standards and HMRC 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 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 will include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff 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 young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
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.

Suggested conditions of approval recommended by the Police

1. CCTV shall be installed, operated and maintained in agreement with the Police. The system will enable a frontal head and shoulders image of every person entering the premises. The system shall record in real time and operate whilst the premises are open for licensable activities. The recordings shall be kept available for a minimum of 31 days. Recordings shall be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) free of charge within 24 hours of any request.

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4. The premises to stop selling all alcohol two hours before the scheduled kick off and an hour after each game.

This condition is also suggested by the Licensing Authority in their representation

5. No more than four cans of beer or cider to be sold to an individual on a major event day at the stadium.
6. All persons buying alcohol, at any time, to be advised of the Street Drinking ban in the borough.
7. Be prepared to cease the sale of all alcohol should you be requested to do so by a police officer

**Title : A & B Food &
Wine, 72 Aubert Park**

Islington Borough
Boundary

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