



Report of: Service Director, Public Protection

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 th November 2014		Bunhill

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
BEERS WINES SPIRITS, 426 ST JOHN ST, LONDON, EC1V 4NJ

1. Synopsis

- 1.1 This is an application by the 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 is related to the licensing objective:
- i) Prevention of crime and disorder.
 - ii) Protection of children from harm

2. Relevant Representations

Licensing Authority	No
Metropolitan Police	Yes
Pollution Team	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. Background

3.1 The premises currently holds a licence allowing:

- i) The sale of alcohol for consumption off the premises Sunday to Wednesday from 10:00 to 00:00 and Thursday to Saturday from 10:00 to 02:00.

3.2 Papers are attached as follows:-

- Appendix 1: application form from Trading Standards.
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and map of premises location.

3.3 The premises has been licensed since November 2005, when Islington took over responsibility as the Licensing Authority for alcohol sales.

3.4 On 17 June 2007 an application was made to vary the license to extend the terminal hour for the sale of alcohol for consumption on the premises to 02:00 Monday to Saturday and midnight on Sunday.

3.5 On 7 February 2008 the licensee of the premises Faisel Kashmiri and Majid Saeed Butt was invited into Licensing Officer Panel following a sale to a person under 18 years of age.

3.6 A review application was made by Trading Standards following a further sale of alcohol to a person under 18 years of age. The premises licence was revoked by LSC on 7 July 2008

3.7 On 19 August 2008 an application for a new premises licence was made by Kurram Butt with Amir Saeed Butt as the proposed DPS. The application received representations from Trading Standards, The Police, The Noise Team and Health & Safety. This application was made following a licensing enforcement visit on 14 August 2008 by licensing officers where they found alcohol still displayed at the premises.

3.8 On 7 October 2008 an application was made to transfer the licence to City Food & Wine (UK) Ltd. This application was made the day before the application was determined by LSC. The directors of the company on that date were Khurran Butt and Majid Saeed Butt.

3.9 On 8 October 2008 the LSC granted a new premises licence to start on 7 November 2008. The hours granted were Sunday to Wednesday from 10:00 to 00:00 and Thursday to Saturday from 10:00 to 02:00.

3.10 On 12 June 2012 an application to transfer was made by Beers Wines Spirits (UK) Ltd. The sole director of this company is Haseeb Kashmiri.

3.11 On 12 September 2014 a DPS variation was made that appointed Faisel Kashmiri as the DPS.

4. Planning Implications

- 4.1 The Planning Service has reported that there are no restrictive conditions in force.

5 Recommendations

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 5.2 The Committee must 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.
- 5.3 The steps stated in Sections 52(4) of the Act are as follows:
- a) to modify the conditions of the licence; and for this purpose the conditions of the licence are modified if any of them are altered, omitted or any new condition is added;
 - b) to exclude a licensable activity from the scope of the licence;
 - c) to remove the designated premises supervisor;
 - d) to suspend the licence for a period not exceeding three months;
 - e) to revoke the licence;
 - f) the Committee also have the option to leave the licence in its existing state;
 - g) the Committee also has the power in relation to steps a) and b) to provide that the modification and exclusion only has effect for a limited period not exceeding three months.

6 Conclusion and reasons for recommendations

- 6.1 The Council is required to consider this 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

Signed by


Service Director – Public Protection

Date

20/10/14

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

WK/201458241

Appendix: 1

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I David Fordham, Service Manager Trading Standards
(Insert name of applicant)

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

Postal address of premises or, if none, ordnance survey map reference or description:	
Beers, Wines, Spirits 426 St. John Street	
Post town: London	Post code: EC1V 4NJ

Name of premises licence holder or club holding club premises certificate: Beers, Wines, Spirits (UK) Ltd

Number of premises licence or club premises certificate: LN/10307-120612

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

The total duty payable on the seized goods is £454.

On 16th June, Katie Tomashevski, Licensing Officer, and Mr Love visited the business to carry out an assessment of their compliance with licence conditions. Several non-compliances were noted (detailed below). Ms Tomashevski had purchased a bottle of Becks before we introduced ourselves to show that the business was conducting licensable activities at that time. Haseeb Kashmiri was the only person working in the shop at this time.

Mr Love wrote to the business to invite them for interview on 22nd April, but the interview did not take place until 23rd July. There was some correspondence with Michael Cohen of JPC Law, who was representing the business in the interim. A summary of the key points of this correspondence follows:

- An invoice from ITN Traders was produced as evidence that the Smirnoff was responsibly purchased. The invoice is not on headed paper, has no colouring or design features that would make it easily recognisable or memorable like invoices often do and Mr Love was immediately suspicious whether the supplier was indeed 'reputable'. Mr Love made some initial checks on the invoice and noted that the address of the business appeared to be a residential property; the road name (Hampton Road) appeared on the invoice as 'Hampon Road'; the VAT registration number was not recognised when searched for on the HMRC website; the 'ex-duty' prices seemed strange (59p for a 70cl bottle of Smirnoff, 63p for a 35cl bottle and £1.63 for a 20cl bottle). Mr Love left at least two voice messages on the mobile number given on the invoice, asking for someone to contact him, but no-one ever did.
- On 17th June Mr Love informed Mr Cohen of breaches of conditions found at the business during a visit by him and Katie Tomashevski on 16th June. No written approval had been given regarding health and safety work (as required by Annex 2, condition 1); no personal licence holder was on the premises (as required by Annex 2, conditions 3 & 15 of the licence); no refusals book was being kept (Annex 2, conditions 6 & 13); no till prompt was in place (Annex 2, condition 14). Haseeb Kashmiri was in charge of the premises at this time.
- On 23rd June, Mr Love notified Mr Cohen that Adnan Choudhry, the DPS of the premises, had never been seen by Mr Love in the premises and had not lived at the address listed both on the premises licence and his own personal licence (issued by LB Waltham Forest) for over 4 years; that trading without a DPS was not permitted by the Licensing Act; and that he should contact Mr Love urgently. As nothing was heard, Mr Love sent a reminder in writing on 7th July. Both e-mails observed that the business could not sell alcohol without a DPS.

On the 22nd July, the day before the interview, Mr Scott purchased alcohol from the premises. He was served by Mohsen Kashmiri. After the purchase Mr Love and Jeff Scott of Trading Standards visited the business to see if there had been an improvement in the compliance with licence conditions. Mohsen Kashmiri was behind the counter and the only person in the shop. Haseeb Kashmiri came in very soon after we introduced ourselves. Neither held a personal licence.

On 23rd July, Faisal Kashmiri was interviewed by Mr Love in compliance with PACE guidelines. (Haseeb Kashmiri, the sole director, had given written authority to allow Faisal to speak on behalf of the company). PC Peter Conisbee (Islington Police Licensing Team) and Paul Minski, Solicitor, were also present. The main points of the interview were as follows:

- FK confirms that the Smirnoff was supplied by Avinder Singh of ITN Traders Ltd after he met him a few times at cash and carry businesses. AS told FK that he supplied alcohol and it was agreed that AS would come to the shop to talk further. A deal was done and goods were delivered later on 15th November 2013. This was the only purchase from ITN Traders – FK stated that they don't buy much in the first part of the year. AS has never tried to sell anything else to them.
- £115 was paid for each 24 x 35cl case of Smirnoff vodka. FK said that he normally paid approximately £125 to £130 pounds at a cash and carry.
- £48 was paid for each of ten 6 x 70cl case of Smirnoff. FK said that he normally paid £59-£60; sometimes, but rarely, £56.
- When asked if the cheap prices caused him to be suspicious he said they hadn't. He did not ask AS why they were so cheap.
- DL tells FK the ex-duty unit prices of the Smirnoff. Asked if he thought these prices appeared odd, FK replied that he'd never thought of it in that way.
- FK confirms that the cases were in the same state in which they were purchased (he later said that he comes across re-sealed cases all the time at cash and carries and didn't think it unusual). He did

not know what the obliterated marking on the cases was.

- No checks had been made on AS or the legality of the items purchased by the business.
- FK remembers his brother, Haseeb Kashmiri, attending the training organised by Trading Standards as part of the Bunhill CAP and recalls seeing a copy of the handout showing the slides used. He said he could not attend as his wife was pregnant.
- FK said he had been familiar with the premises licence conditions before the visit of Katie Tomashevski and DL on 16th June. When asked about Annex 2, condition 1 (the H&S condition), he said that he was not aware of it and that it had not been highlighted at the time the licence was transferred. He had never contacted the Council to ask about it or to clarify its meaning.
- When DL asked about conditions 3 & 15 in Annex 2 (requiring a personal licence holder to be present at all times) FK said that he thought the existence of a letter from the DPS authorising individuals to sell enabled the business to comply with these requirements.
- FK said that refusals records (Annex 2, 6 & 13) and training records (Annex 2, 12) had been kept, but that they may have been mistakenly thrown out in a recent clear-out. The keeping of refusals records had resumed since the visit, but no training records had been made: FK said he was waiting until his two brothers had completed the course he'd booked them on with the intention of them becoming personal licence holders.
- FK confirmed that there was no till prompt (Annex 2, 14), but queried whether it was necessary. He agreed he had never asked Licensing how to remove it from the licence.
- FK remembered the importance of licence conditions was covered when he did the training course before applying for his personal licence. DL advised him to speak with licensing if he wished to vary his licence.
- DL asked about Adnan Choudhry and FK confirmed that he worked at the business for a few hours, most days. DL observes that AC is committing an offence by having an incorrect home address on his personal licence and also that, despite the requests made, AC had not contacted him. DL asks for evidence that he is employed by the business – a pay-slip or a P60, for instance – to be provided. He also advises that his personal licence and the premises licence needed to be updated with his new address.
- DL asks if any improvements have been made to the management of the business since the seizure. FK replied that the refusals were being recorded again; the CCTV had been moved and improved (after PC Paul Hoppe of Islington Licensing Police had requested this during the visit of 31st March); that his two brothers had moved towards obtaining personal licences.

At the time of writing, nothing further has been heard from the business, JPC Law or Adnan Choudhry, the DPS.

Section 13(4) of Licensing Act 2003 and Regulation 7 of The Licensing Act 2003 (Premises Licences and Club Premises Certificates) Regulations 2005 makes a local weights and measures authority a responsible authority for the purposes of the legislation. Islington Council is a local weights and measures authority and that function is carried out by the trading standards team.

Here is a summary of events supporting this application

06/10/12	Sale of alcohol	The business sold alcohol to a 15 year old volunteer working with TS.
Jan / Feb 2013	Training attended	Haseeb Kashmiri attended one of the three training sessions put on by Trading Standards as part of the CAP
07/09/13	Sale of alcohol	The business sold alcohol to a 16 year old volunteer working with TS.
20/11/13	Failure to training	No one from the business attended the re-fresher training / warning meeting. No explanation of non-attendance.
Jan / Feb 2014	Failed C25 TP	The seller did not require proof of age before selling alcohol to an 18 year old man. (No offence committed).
31/03/14	Seizure	5 cases of 24 x 35cl Smirnoff vodka seized as illicit (non-duty paid).
16/06/14	Conditions check	Several breaches identified.
22/07/14	Conditions check	Several breaches identified.
23/07/14	PACE interview	Faisal Kashmiri, speaking on behalf of Beers, Wines, Spirits (UK) Ltd interviewed

Recommendations

I believe that this licence should be revoked.

There is evidence of serious problems with the management of the premises: underage sales and a failure to regularly follow best practice to require proof of age from young people; the presence of a significant amount (although only one brand) of illicit alcohol in the shop; the breaches of premises licence conditions.

There is also little evidence of a desire to improve. The business has had training, although the 'main' person, Faisal, did not attend. There has been no evidence provided that anything has been done to resolve several breaches of conditions noted by Mr Love two months ago. Despite concerns being raised about Mr Choudhry's role in the business, no evidence that he still works for the business – or even that the business is still in contact with him – has been provided since it was first requested on 23rd June.

In its Licensing Policy, Islington Council has outlined its commitment to act if licensed premises are found to be selling alcohol to underage persons or stocking illicit alcohol or tobacco. The Policy is clear about its commitment to ensure businesses and licensees operate responsibly and of their need to demonstrate a commitment to high standards of management. As identified above, this business has fallen far short of these standards, and as result, I firmly believe that the licence should be revoked. This recommendation is in line with Home Office Guidance regarding reviews where the licensing authority determines that the crime prevention objective is being undermined.

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

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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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 ☒

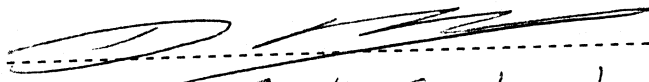
I understand that if I do not comply with the above requirements my application will be rejected ☒

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

2nd September 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)

(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)

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

Please tick one or more
boxes

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

This application to review relates to the licensing objectives to prevent crime and disorder and to protect children from harm and licensing policies 26, 25 & 10. It particularly relates to the seizure of five cases of illicit Smirnoff vodka from the business. There have also been two sales to an underage volunteer in recent years and failures to observe licence conditions, indicating poor management of the business.

Beers, Wines, Spirits (UK) Ltd has been the proprietor and licensee of the business trading as Beers, Wines, Spirits at 426 St. John Street for the last 2-3 years. Effectively, the business is a family concern: Faisal Kashmiri is the person who takes the main role in running the business; his brother, Haseeb, is the sole director of the company and works in the business; another brother, Mohsen, helps out occasionally. Adnan Choudhry, a family friend, is the Designated Premises Supervisor.

On 6th October 2012, the business sold alcohol to a female volunteer, aged 15 years and 10 months, during a round of test purchasing at the start of the Bunhill Community Alcohol Partnership (CAP). No formal action was taken against the business at this time, but they were notified of the sale and invited to take up places in a free training event organised by Trading Standards as part of the CAP. Interest was expressed on behalf of Haseeb and Faisal Kashmiri and another member of staff, Zeeshan Sheikh, but only the first of these attended.

The training was put on three times during January and February 2013. Talks were given on the following areas: Avoiding underage sales; Protecting yourself; Licensees' responsibilities, which included a warning of the importance of complying with licence conditions; and Illicit alcohol and tobacco. Trading Standards' advice packs were available at the sessions and the slides used were given as handouts at the sessions and later an electronic copy was e-mailed to the attendees. The standard Trading Standards advice age-restricted goods and illicit alcohol and tobacco was available at the sessions for attendees to take.

On 2nd July 2013, an 18 year old was correctly challenged to provide proof of age by the business when he attempted a 'Challenge 25' test purchase of alcohol.

On 7th September 2013, the business sold to an underage volunteer at the end of the CAP. The buyer was the same female volunteer who bought at the start of the CAP, now aged 16 years and 9 months.

As a result of this sale the DPS, Adnan Choudhry, was sent a letter, dated 07/11/13, which required him to attend a meeting at the Council on 20th November. It was clear that attendance was expected and it was stated that after two sales, the premises licence was very vulnerable unless improvements to management were made. No-one from the business, attended the meeting – the purpose of which was to re-iterate the training and give a final warning. No explanation was provided for the non-attendance.

Some time in January or February 2014 (the record sheet was misplaced before being entered on our database), another Challenge 25 test purchase was attempted by a young man, aged 18. He was not challenged for proof of age. The business committed no offence in making the sale, although it is an indication that best practice was not being followed.

On 31st March 2014, Mr Love of Trading Standards visited the business to do a routine check of the business' alcohol and tobacco stock. John Fitzpatrick of the International Federation of Spirits Producers, who is an authorised examiner for Diageo (the manufacturers of Smirnoff), and PC Paul Hoppe of Islington Licensing Police accompanied Mr Love. **Five cases of 24 x 35cl bottles of Smirnoff (42 litres)** were identified as illicit and seized. There were a number of tell-tale signs:

- the cases had all been opened and poorly re-sealed with sticky tape;
- the 'UK Duty Stamp' legend on each box had been crossed through (manufacturers often print this on all boxes and then cross through it if it is sold to be exported);
- the bottles inside the case were not shrink wrapped in groups of six, as they normally are (and as they were in cases of Smirnoff half-bottles that were considered legal and left in the shop);
- some back labels were affixed crookedly; some had dried glue marks around the label. (These are indications that the back label has been replaced. UK produced spirits for export are usually produced with a back label that does not carry a duty stamp. When spirits are 'diverted' back onto the UK market without duty being paid, these back labels are replaced with back labels that carry a 'fake' duty stamp);
- the duty stamp did not fluoresce under uv light in the way that Smirnoff normally does. (It normally fluoresces bright green);
- Mr Fitzpatrick also considered the back labels to be printed on much 'glossier' paper than they should be.

How can I avoid problems? (1)

Follow the guidance provided

- **GOLDEN RULE:** Never buy alcohol 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 a 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?

How can I avoid problems? (2)

- Be suspicious of any alcohol that is unbelievably cheap
 - Duty payable on whisky?
£7.51 / 70cl bottle; £45.04 / case of 6x70cl
 - Duty payable on wine?
£1.90 / bottle; £11.40 / case of 6 bottles
- Only allow trained employees to buy stock
- Ensure you can show where goods were bought from
- If in doubt, ask Trading Standards
- Provide information about sellers of illicit alcohol – to meet your responsibility to promote licensing objectives and because it is the right thing to do.



Illicit Alcohol and Tobacco – Business Guidance

1. Introduction

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

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

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

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

2. General rules

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

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

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

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

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

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

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

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

4. How do I tell if goods are illicit?



Black & white
representation
of a UK Duty stamp

Check the Duty stamp

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

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

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

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

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

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

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

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

Is anything about the deal odd? Is the price too low? The excise duty on a bottle of wine is £2.00 (£12.00 per case of 6) and £7.90 on a standard bottle of spirits (£11.29 per litre). This has to be added to the cost of the product; transportation costs and VAT.

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

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

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

5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading.standards@islington.gov.uk



ISLINGTON

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

Tel: 020 7527 4028
E-mail: trading.standards@islington.gov.uk

Website: www.islington.gov.uk

Our ref:

Date: 07/11/13

Adnan Choudhry
Beers, Wines & Spirits
426 St John Street
London
EC1V 4NJ

IMPORTANT INFORMATION

Dear Mr Choudhry,

END OF PROJECT TEST PURCHASING

As part of the Community Alcohol Partnership (CAP) project in the Bunhill ward over the last year, test purchases were undertaken on Saturday 7th September at all open off licences in the area. The intention of the tests was to see if there had been an improvement in the number of businesses challenging young purchasers of alcohol to prove their age. Sorry for the delay in writing to you with the results of these test purchases.

Overall, although there was some improvement from the visits at the start of the CAP in October 2012 – particularly from the businesses that had attended the free training offered by Trading Standards as part of the project – the results were disappointing.

Unfortunately, I have to report that your business sold to our 16 year old female volunteer. The seller was described as an Asian man early 30s with a beard, wearing a black and green hooded Adidas top. The seller was on the phone and did not appear to look at the volunteer. The sale was made at 14.32 pm.

The council is going to allow you a final chance to improve your management and prevent further sales, so we will take no further action about this sale, apart from requiring you to attend a meeting at the Council offices on **Wednesday 20th November at 2.30pm prompt**. This is the only date that will be offered so you are expected to attend. I think that it is fair to say that after two sales now since October 2012 the premises licence is very vulnerable unless improvements are made.

The purpose of this meeting is to re-iterate the main message of this training. That is:

- **ASSESSING** the age of customers (by concentrating on their faces)
- **CHALLENGING ANYONE WHO APPEARS UNDER 25** for proof of age
- **CHECKING** ID that is shown ('PASS' cards, passports and driving licences only)

Also, we will remind you of the seriousness of this matter. We have tried in this project to work with businesses and to ensure they have access to training, advice and support that will help them avoid underage sales. We will not, however, shy away from reviewing the licences of and/or prosecuting those businesses that sell when they have chosen not to follow our advice.

Please contact me if you have any questions about the circumstances of the sale or this letter.

Yours sincerely,

Doug Love
Islington Trading Standards

From: Michael Cohen
Sent: 01 May 2014 15:25
To: Love, Douglas
Subject: (DPS:1:GP:20031) Re: Consumer Protection from Unfair Trading Regulations 2008
Importance: High



Dear Mr Love

Re: Consumer Protection from Unfair Trading Regulations 2008
Beers Wines Spirits (UK) Ltd (Haseeb Kashmiri)

I have been instructed by Haseeb Kashmiri who has passed to us your letter of 22nd April. I am investigating the position and taking further instructions and will be replying to you in due course. It is too late for me to make arrangements to attend an interview on 2nd May so please cancel this.

I will write to you further in due course.

Regards

Michael Cohen
Solicitor
JPC Law



From: Love, Douglas [<mailto:Douglas.Love@islington.gov.uk>]
Sent: 12 May 2014 17:33
To: Michael Cohen
Subject: RE: (DPS:1:GP:20031) Re: Consumer Protection from Unfair Trading Regulations 2008

Dear Mr Cohen,

Do you know when you may be able to confirm whether your client wishes to be interviewed? I am away for the last week of May and if he does wish to attend, it would be good to fit it in before then - maybe on the afternoon of Thursday 22nd?

Kind regards,

Doug

From: Michael Cohen
Sent: 14 May 2014 08:40
To: Love, Douglas
Subject: RE: (DPS:1:GP:20031) Re: Consumer Protection from Unfair Trading Regulations 2008

JPC
LAW

I await the invoice relating to the supply of the goods under investigation and then I will write substantively to you.
I expect an interview will then prove unnecessary so propose you enjoy your leave and we will be in touch in June.
Kind regards

Michael Cohen
Solicitor
JPC Law



From: Love, Douglas
Sent: 05 June 2014 15:03
To: 'Michael Cohen'
Subject: RE: (DPS:1:GP:20031) Re: Consumer Protection from Unfair Trading Regulations 2008

Dear Michael,

Any news yet? I have to progress this matter soon - it is over two months since the seizure.

Would it be reasonable to suggest a deadline of 20th June (realistically by the following Monday morning) for you to send the letter you referred to or for your client to submit to an IUC? If he would prefer to meet, but not under caution, I may be amenable to this depending on the proposed nature of the meeting.

Obviously, I would prefer to discuss the matter with my manager (who will make the decision what, if any, action to take) with full knowledge of the facts and taking account of anything your client wishes to put forward. On what I know at the moment, my recommendation will be to review the licence. I suspect he will be in agreement and if this occurs recent Licensing Sub-Committee decisions would suggest that a revocation would be the likely outcome.

I look forward to hearing from you.

Kind regards,

Doug

Love, Douglas

From: Michael Cohen
Sent: 09 June 2014 11:37
To: Love, Douglas
Subject: (DPS:1:GP:20031) Re: Beers Wines Spirits (UK) Ltd
Attachments: ITN Traders Invoice.pdf

JPC

LAW

Mr D Love
Islington Council

Your Ref:

By email:

Our Ref: MC1/SI1/KAS012/002

Date: 9 June 2014

Dear Mr Love

Beers Wines Spirits (UK) Ltd
426 St John Street, London EC1V 4NJ

I have received further instructions. As you are aware it is part of my client's retail business carried on at the above address to sell alcoholic drinks for consumption off the premises. One of their suppliers is ITN Traders Limited, and I enclose a copy of their invoice for goods supplied on 15th November 2013.

A representative of ITN Traders Limited attended my client's premises on 15th November 2013. Mr Haseeb Kashmiri, to whom your 22nd April letter was addressed, was not at the premises at the time and the person in charge was Mr Kashmiri's brother who is the manager of the business. A number of items were purchased and supplied as listed in ITN Traders Limited's invoice of 15th November 2013. These were put into stock in the usual way and my client paid for the goods and was given a receipt, of which you now have a copy.

I understand that when you attended my client's premises you were contending that the vodka (or part of the vodka order) was fake but that you have subsequently decided that was not the case but there was some question as to whether or not duty had been paid upon it. As you will appreciate, it is impossible for my clients to know about this one way or the other. My clients are retailers who have purchased goods and paid for them in the usual manner. You will note that they were charged VAT for the supply of the goods and

they paid this so if any duty upon the goods at some other level of sale was not paid then of course my clients would not have any knowledge of that whatsoever.

Consequently I cannot see that my client's can provide any more useful information and an interview would be a complete waste of time for all concerned. However, if you have any further enquiries please do not hesitate to let me know what they are and I will be pleased to take instructions.

Kind regards

Michael Cohen
Solicitor
JPC Law



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Members: A list of members is available for inspection at the office

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ITN TRADERS LTD

1 WOODGRANGE COURT
HAMPTON ROAD
LONDON
E7 0PU
07448 474 966

DATE: 15/11/2013

INV. NO.: 001018

VAT REG: 148 6985 04

BEERS WINES SPIRITS (UK) LTD
426 ST JOHN STREET
LONDON
EC1V 4NJ

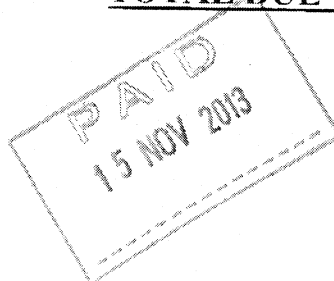
CONTACT:
FAISEL
020 7278 5811

QTY	DESCRIPTION	SIZE	UNIT	PRICE(£)	TOTAL(£)
10	SMIRNOFF	70CL	6	48.00	480.00
10	SMIRNOFF	35CL	6X4	115.00	1150.00
5	SMIRNOFF	20CL	6X8	180.00	900.00
5	BOMBAY SAPPHIRE	70CL	6	85.00	425.00
10	JACK DANIELS	70CL	6	85.00	850.00
10	JACK DANIELS	35CL	6	42.00	420.00

TOTAL £4225.00

VAT £845.00

TOTAL DUE £5070.00





ISLINGTON

Michael Cohen
JPC Law
Omni House
252 Belsize Road
London
NW6 4BT

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: 09/06/14

Dear Mr Cohen,

CONSUMER PROTECTION from UNFAIR TRADING REGULATIONS 2008
YOUR REF: MC1/SI1/KAS012/002

Thank you for your letter, dated 9 June 2014.

Regarding your third paragraph there was never any doubt in my mind that the seized vodka – five cases of 24 x 35cl Smirnoff - carried a fake back label and was non-UK duty paid, thus breaching the above legislation, although I have never believed that the goods were counterfeit. I did also enquire about invoices for some Russian Standard vodka. I was suspicious that the back labels were fake, but not convinced enough to seize them. I note that no invoices have been provided for these bottles.

I strongly disagree with your suggestion that an interview would be a waste of time, although it is, of course, your client's decision whether to make himself available.

At the moment, I would summarise the events in this way:

- Your client's business bought a large amount of alcohol from someone calling at the shop, purporting to represent ITN Traders Ltd. It is not known whether he had an existing relationship with this company at the time. The document produced looks like it was done on a personal PC – it would be surprising if a reputable company did not use a letterhead.
- Basic checks reveal that ITN Traders Ltd is registered at the address on the business, but this appears to be a residential property. The correct spelling of the road name is 'Hampton Road', not 'Hampon Road'. The VAT number is not recognised by the HMRC VAT registration check.
- Regardless of where the seized vodka came from, had your client followed advice given by Trading Standards in writing (attached) and at a training session put on by Trading Standards in January 2013 (relevant handout, attached), he would easily have spotted the seized goods as suspect.
- No evidence of any precautions taken by your client to ensure that goods he bought were legal to sell has been supplied to me.
- No evidence of any training or instructions given to your client's brother, who actually purchased the goods, have been supplied to me.

Without further explanation, I will be recommending that Trading Standards apply for a review of the licence and if this happens I suspect that it will be revoked.

I will allow your client a further week to consider this matter again, but if I do not hear anything to the contrary by 5pm on Monday 16th June, I will assume that he has chosen not to be interviewed and I will ask my manager to make a decision on what I have at present.

Yours sincerely

Doug Love
Principal Consumer Services Officer

Love, Douglas

From: Michael Cohen
Sent: 17 June 2014 10:12
To: Love, Douglas
Subject: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008
Attachments: Booker Invoices.pdf



Mr D Love
Islington Trading Standards Service
By email: Douglas.Love@islington.gov.uk

Your Ref:

Our Ref: MC1/LJW/KAS012/002

Date: 17 June 2014

Dear Mr Love

Consumer Protection from Unfair Trading Regulations 2008

I met with my clients on Friday, 13th June, to discuss your letter of 9th June and am instructed as follows:-

According to my clients, in your first telephone call with Mr Faisal Kashmiri on 31st March 2014 you indicated to him that you considered the vodka to be fake. Then there was a second call (he thinks the next day) when you informed him that you did not think the vodka was fake but that duty had not been paid upon it. Mr Faisal Kashmiri asked how he should have been aware of this and you were unable to provide a cogent explanation other than to say that it was his responsibility.

My clients did not trade with ITN Traders before 15th November 2013. The items specified in the invoice of ITN Traders Ltd dated 15th November 2013 are the only goods ever purchased by my clients from that company. And certainly in the light of your involvement, my clients have no intention of trading with them again. Consequently this is a singularly "one-off" situation. My client is not sure that he recalls the exact name of the representative of ITN Traders Limited but believes it was Avinder Singh. Mr Faisal Kashmiri, who is the manager and who has dealt with this hitherto, had previously met Mr Singh at Cash and Carry outlets when ordering goods for the off-licence. He appeared to Faisal to be a sincere and genuine person and he had no reason to suspect him. In the course of conversation Mr Singh informed Faisal that he did represent a company who supplied drinks to the trade and indicated he would like to do business with him and, in due course, that led to the meeting on 15th November 2013 when the goods referred to in the invoice of that date were supplied.

When the invoice was produced following the delivery of the goods, this was the first time my clients had seen this. I note that you deem it appropriate to say that my clients should have been suspicious about the invoice but frankly this is unfair. There is nothing particularly unusual about the invoice. I agree it has probably been done on a PC. This need not have been a personal PC. Later on in this letter I will make reference to another delivery from a company called Booker whose invoices might also have been prepared on a PC. Your suggestion that my clients should have noted that the spelling of the road is not correct (i.e. even assuming that you are right about that) is really bordering upon the absurd; likewise that my clients should have assumed that the address was necessarily residential and not commercial is again, with all due respect, quite absurd. Furthermore, the invoice is in proper form in that it contains the required statutory information, i.e. the address of the company, the company number and the VAT registration number and the invoice number. Frankly, I do not consider that your assertions that my clients should have been concerned about this to bear any relation to reality.

Furthermore, of the six items stated in ITN Traders Ltd's invoice, only one was the subject of challenge by yourself and this related to just 10 of the 50 packages supplied. Of those, 7 were still in stock and you saw fit to remove only 5 of them. In other words, we are dealing with an extremely isolated item in a single transaction.

Then you deem it appropriate to make reference to a document issued by "Islington" which you say is "advice" given by Trading Standards. You do not appear to contend that this had been provided to my clients in the past. You allege that no evidence of any precautions were taken by my clients to ensure the goods he bought were legal to sell. You do not provide any evidence of that statement. You say the evidence has not been brought to your notice. I am not aware that you have asked for it. I am not aware that you have asked for evidence that the owner of the business has given "training or instructions".

My clients and I went through the so called "advice"— particularly the section headed "How can I avoid problems?" and, so far as I can see, the "advice" was followed insofar as:-

1. My client had met the representative of ITN Traders Limited before and from conversations had seen that he was well versed and understood the trade and, consequently, had no reason to doubt that he was not bona fides (even if he is not reputable, this has not yet been established).
2. There appears to be no logical reason why my client should have shone a UV light on the goods – in my view such advice is bordering on the nonsensical.
3. The labels on the bottles were correctly applied and there were no bubbles or glue marks outside the label. The printing was indeed of usual quality and had not been stuck over another label.
4. The case in which the alcohol was stored had been properly sealed and packaged.
5. The price charged was competitive but not cheap. It was roughly £4.00 below what my clients normally pay. They did ask the representative about this and he said that he had over-ordered goods for Christmas and had too much stock which he was now trying to unload. That is a perfectly reasonable and rational explanation.

I now turn to a far more serious matter and that is your own conduct. On the one hand you point out, quite correctly, that my client is not legally bound to attend for an interview and then, on the other hand, you say that if he does not attend (which is his legal right) you will recommend steps be taken that may lead to my clients losing their livelihood. This is clearly intimidatory and it is quite outrageous that a public official should threaten a member of the public in this way. In the absence of a satisfactory explanation my clients intend to make a formal complaint, firstly to your supervisor and if that is not processed in a satisfactory way then to the Ombudsman. Furthermore, if any attempt is made to withhold

or withdraw my client's licence he will apply to the High Court for Judicial Review and will apply for an indemnity costs order against your Authority.

If, after all we have said by way of explanation, you still wish to interview my client then he is willing to be interviewed and, if you confirm, I will ask him to contact you to arrange an appointment or this may be dealt with via myself. You might, however, consider whether in the circumstances you are the appropriate person to carry out the interview but that is a matter for yourself.

Finally, you asked my client to provide some invoices relating to the supply of Russian Vodka. The supplier was Booker and copies of the invoices are enclosed.

Yours sincerely

Michael Cohen
Solicitor
JPC Law



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ISLINGTON

Michael Cohen
JPC Law
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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: 17/06/14

Dear Mr Cohen,

**CONSUMER PROTECTION from UNFAIR TRADING REGULATIONS 2008
LICENSING ACT 2003
YOUR REF: MC1/SI1/KAS012/002**

Thank you for your letter, dated 17 June 2014. Thank you also for the copy of the Booker invoice showing 6 cases of Russian Standard vodka had been purchased in August 2013. The request for evidence of 6 cases of 6 x 35cl Russian Standard is, however, outstanding.

I would still like to interview your client about the Smirnoff, as I believe the explanation provided does not indicate that Beers, Wines, Spirits (UK) Ltd are particularly close to providing sufficient evidence to show that they have a 'due diligence' defence. I will be asking about training / instructions given to Faisel in the interview, so I request that any documentary evidence about such training is provided at or before the interview.

Further, I attended the shop yesterday with a colleague from Licensing to undertake a check of licence conditions. Haseeb Kashmiri, the sole director of the company, was in attendance. Mr Kashmiri told us that he does not have a personal licence.

Your client appeared to be in breach of conditions 1, 3, 6, 14 and 15 in Annex 2 of the licence. My colleague had purchased a bottle of Becks beer from the premises, immediately prior to the announced visit, so there is evidence that your client has committed an offence under section 136 of the Licensing Act 2003. I also wish to ask questions about this alleged offence in the interview.

Please refer to my original letter to your client, dated 22/04/14, for further information about the interview. I will keep **Friday 27th June at 3pm** free. This should give you plenty of time to consider the new allegation. If it is not convenient, please contact me with an alternative date.

Regarding the last part of your letter your client can write directly to David Fordham (Service Manager, Trading Standards) or complain online, in writing or by telephone. Further details are on our website.

In the meantime, I will continue to be open and transparent in an effort to assist businesses to comply with the law and the Council's requirements of licensees. In this cause, I am willing to discuss the matter with you and invite you to see the goods in question prior to the interview, if you wish. This may help to expedite the interview itself.

Yours sincerely

Doug Love
Principal Consumer Services Officer

From: Love, Douglas
Sent: 23 June 2014 14:47
To: 'Michael Cohen'
Cc: Tomashevski, Katie
Subject: RE: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008

Dear Mr Cohen,

Further enquiries have revealed that the DPS for 426 St. John Street, Adnan Choudhry, has not lived at the address shown on the premises licence for over 4 years. On all my visits to the premises, I have never met Mr Choudhry, who I note was also DPS for the previous owners of the business.

May I request that your client instructs Mr Choudhry to contact me (020 7527 3874) or the licensing officer for the premises, Katie Tomashevski (020 7527 3882) as a matter of urgency to confirm that he still works at the business and to provide details of his new address. He may also have to contact the issuing authority for his personal licence, Waltham Forest with an update for their records. A personal licence holder who fails to update the issuing authority of a change of address commits an offence under the Licensing Act 2003.

Clearly the premises cannot sell alcohol without a DPS, so if Mr Choudhry is no longer associated with the business, they will have to stop doing so until the situation has been rectified.

Please confirm, further to our previous correspondence, that your client will be attending the PACE interview on Friday.

Kind regards,

Doug

Love, Douglas

From: Michael Cohen |
Sent: 26 June 2014 14:18
To: Love, Douglas
Subject: (DPS:1:LT:34465) Consumer Protection under Unfair Trading Regulations 2008
Attachments: Booker Invoice.pdf

JPC
LAW

Mr D Love
Islington Trading Standards Service
By email: Douglas.Love@islington.gov.uk

Your Ref:

Our Ref: MC1/LJW/KAS012/002

Dear Mr Love

Consumer Protection from Unfair Trading Regulations 2008

I thank you for your letter of 17th June.

The Booker invoices that I sent to you previously did include reference to the six cases of 6x35cl Russian Standard. I enclose that particular invoice again. You will see it is marked about 2/3rds of the way down.

My clients have a Premises Licence in the name of their company Beers Wines Spirits (UK) Ltd and there is a Personal Licence in the name of Adnan Choudhery who is an employee of the company. Mr Choudhery has authorised both Faisel Kashmiri and Haseeb Kashmiri to sell alcoholic drinks when he is not in attendance. I understand he has trained them both by giving them general understanding of the business and, in particular, informing them who they must not ever sell alcohol to. So far as purchases are concerned, Mr Choudhery's advice has always been to deal with reputable companies or wholesalers whom they know about and I appreciate that this is, in the present case, the grey area with which you are concerned but, as I have explained in previous emails, Mr Faisel Kashmiri had met the seller on previous occasions and was satisfied that he was bona fides. Indeed, at this stage, no evidence has yet been produced that Faisel was wrong about him.

I note your colleague purchased a bottle of Becks beer from Haseeb, which I hope he enjoyed. I trust the beer was not purchased at public expense! For the reasons stated above, it is considered Haseeb was not breaking any law in the sale.

I have asked my client to send me copies of his Licences so that I can take instructions

upon your alleged breach of conditions. I will need to do this before we meet so it may be too soon to agree 27th June. When we do come to fix the meeting, I hope you can arrange this for late one morning (circa 11:00 – 11:30) or, alternatively, you are welcome to have the interview at my office and I will make facilities for you to set up your recording equipment.

In view of the contents of your final paragraph, it is not my client's intention to make a formal complaint at this time.

Yours sincerely

PS: Since dictating the above, I have received your email of 23rd June and informed Faisel, who will ask Adnan Choudhery to contact you.

Michael Cohen
Solicitor
JPC Law



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

Date: 26/06/14

Michael Cohen
JPC Law
Omni House
252 Belsize Road
London
NW6 4BT

Dear Mr Cohen,

**CONSUMER PROTECTION from UNFAIR TRADING REGULATIONS 2008
LICENSING ACT 2003
YOUR REF: MC1/SI1/KAS012/002**

Thank you for your letter of today and for producing again the Booker invoice(s) for 6 cases of 6 x 35cl Russian Standard. My apologies for failing to look beyond the first page in your initial mail.

I have attached a copy of the licence, for your information. I am surprised that you felt confident to suggest in the fourth paragraph of your letter that no offence had been committed before you had read it.

I am concerned at the delays in this investigation. It is now over two months since I invited your client to an interview and I have offered at least three proposed dates, without you suggesting any alternatives. I will be away for most of next week, but I can interview your client at 11.15 on any of the following days: **Friday 4th July; Monday 7th July; or Friday 11th July.**

After this time – or unless we can arrange another date that is mutually convenient before the end of Friday 11th – I will withdraw my offer to interview your client and refer the matter to my manager for decision.

I am happy to explain to you why I know the Smirnoff bears fake back labels and why this means it will be non-UK duty paid by phone or in person prior to the interview.

Yours sincerely

Doug Love
Principal Consumer Services Officer

From: Michael Cohen
Sent: 07 July 2014 10:53
To: Love, Douglas
Subject: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008

Mr D Love
Islington Trading Standards Service

Your Ref:

By email: Douglas.Love@islington.gov.uk

Our Ref: MC1/LJW/KAS012/002

Date: 7 July 2014

Dear Doug

Consumer Protection from Unfair Trading Regulations 2008

I thank you for your letter of 25th June and my apologies for the delay in responding but I have been trying to contact my client. I will revert as soon as practical.

Kind regards

Michael Cohen ☐
Consultant
JPC Law

From: Love, Douglas
Sent: 07 July 2014 11:14
To: 'Michael Cohen'
Subject: RE: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008

Dear Michael,

Thanks for the update.

I ought to note that I have not heard from Adnan Choudhry, the person listed as the DPS on the licence. It is a matter of urgency that he makes contact. Without a DPS, your client cannot sell alcohol from the shop.

Kind regards,

Doug

From: Michael Cohen [
Sent: 08 July 2014 15:34
To: Love, Douglas
Cc: Paul Manski
Subject: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008

Mr D Love
Islington Trading Standards Service

By email: Douglas.Love@islington.gov.uk

Your Ref:

Our Ref: MC1/LJW/KAS012/002

Date: 8 July 2014

Dear Doug

Consumer Protection from Unfair Trading Regulations 2008

I thank you for your last email. I have spoken to my client who understood Adnan Choudhary had been trying to reach you. My client will remind Adnan to make further contact so hopefully you will shortly be in touch.

My client agrees to an interview with your good self and the representative from this firm will not be myself but Mr Paul Manski, who is a colleague.

Friday is not a good day for my client both for commercial and religious reasons. The best time for both my client and Paul Manski would be a Wednesday afternoon. Owing to Court commitments, the earliest Paul Manski can come would be Wednesday 23rd July. Perhaps we could set a meeting up for that day, starting at, say, 2 o'clock.

I look forward to hearing from you.

Kind regards

Michael Cohen ☐
Consultant
JPC Law

From: Love, Douglas
Sent: 09 July 2014 16:01
To: 'Michael Cohen'
Cc: Paul Manski
Subject: RE: (DPS:1:LT:34465) Consumer Protection from Unfair Trading Regulations 2008

Dear Michael,

I can confirm that I have had neither an e-mail or a voicemail from Mr Choudhry. Assuming he has my details (direct line: 020 7527 3874), it is clear that he has not been trying very hard to contact me.

I will reluctantly accept your suggestion of July 23rd for the interview, although I repeat my concern at the delays in concluding this investigation and if your client is not interviewed by this date, I will not agree to a postponement.

I repeat my offer to your colleague, Paul: if you would like to see the seized goods before the interview or clarify anything, please contact me.

Kind regards,

Doug

**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/10307-120914	Date of original grant*	24 November 2005
--------------------------------	-----------------	--------------------------------	------------------

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

Postal address of premises, or if none, ordnance survey map reference or description			
BEERS WINES SPIRITS 426 ST JOHN STREET			
Post town	London	Post code	EC1V 4NJ
Telephone number	020 7278 5811		

Where the licence is time limited the dates
Not Applicable

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

The times the licence authorises the carrying out of licensable activities				
Delete any that do not apply				
<ul style="list-style-type: none">The sale by retail of alcohol:				
Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

The opening hours of the premises:				
Monday	10.00	to	00.00	
Tuesday	10.00	to	00.00	
Wednesday	10.00	to	00.00	
Thursday	10.00	to	02.00	the following day
Friday	10.00	to	02.00	the following day
Saturday	10.00	to	02.00	the following day
Sunday	10.00	to	00.00	

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

Beers Wines Spirits (UK) Ltd
426 St John Street
London
EC1V 4NJ

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

7851739

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

Faisel Kashmiri

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

L B Haringey

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

Service Manager (Commercial)

Date of Issue

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. 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

1. **The premises shall not be used under this licence until the requirements specified in the schedule dated 29 August 2008 have been completed to the satisfaction of the Council and the premises have been approved in writing by the responsible authority for health and safety.**
2. Notices will be prominently displayed at exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.
3. A personal licence holder will be on the premises at all times when licensable activities are being conducted.
4. An alarm system which meets a minimum standard of BSEN50131 grade 1 must be installed at the premises. A panic button facility must be provided at the counter.
5. At least two members of staff will be on the shop floor between 21.00 and 02.00.
6. A refusals book must be completed.
7. The premises shall be well lit both inside and outside to deter offenders and support the CCTV (subject to any planning constraints).
8. 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) within 24 hours of any request. It is the responsibility of the premises to download any recording requests.
9. Premises to adopt BII Challenge 25 The National Proof Of Age Standards Scheme.
10. The Licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask for accredited proof of age cards e.g. Citizencard, a passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
11. The Licensee shall promote 'Challenge 21' or similar Scheme.
12. The Licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The Licensee shall keep records of training and instruction given to staff.

13. The Licensee and staff should note any refusals to sell to young people in a refusals log.
14. Till prompts should be installed to help remind staff to query the age of customers.
15. The Designated premises supervisor or other personal licence holders must be present on the premises to supervise all alcohol sales at all times.
16. CCTV should be working at all times.
17. There shall be no deliveries or waste collections between 8pm and 8am, Mondays to Saturdays, and no deliveries or waste collections on Sundays or Bank Holidays.
18. Notice will be prominently displayed at exit requesting the public to respect the needs of local residents and not to gather so as to cause disturbance to neighbouring residential properties.

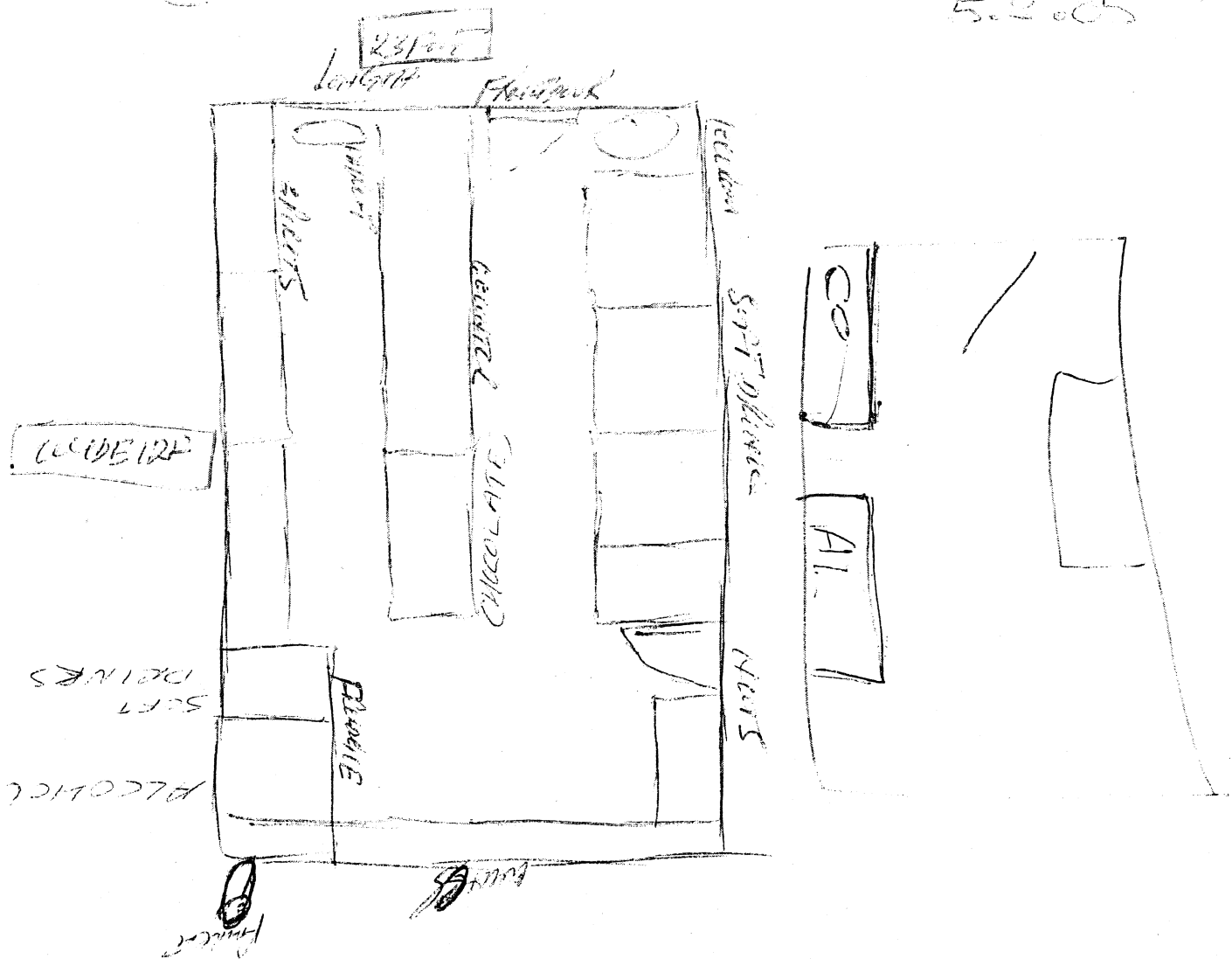
Annex 3 - Conditions attached after a hearing by the licensing authority

Annex 4 – Plans

Reference Number: 91767 Dated: 05/08/05

426 - ST JOHN ST
LONDON EC1V 4NT

ORIGINAL
REF 91767
5.2.05



Layout of ~~basement~~
SKY Spirit x Wine is as above

We have provisions in
place for Fire Prevention
and Security and further
we have run this business
over the years as responsible

Your

Our Licensing/NI

Date: 16th September 2014



**METROPOLITAN POLICE
SERVICE**

**Licensing Team
Islington Police Licensing Unit
Islington Police Station
2 Tolpuddle Street
London
N1 0YY**

Telephone: 020 7527 2323
Email:
licensingpolice@islington.gov.uk

Beers Wines and Spirits (UK) Ltd
426 St Johns Road
London
EC1V 4NJ

Dear Sir

Re: Premises Licence Review - Beers Wines and Spirits 426 St Johns Road London EC1V 4NJ

With reference to the above review, Police fully support the review called by Islington Trading Standards Department, dated 2nd September 2014 on the grounds of the prevention of Crime and Disorder.

On 31st March 2014 I attended the premises with Mr Love from Trading Standards and Mr Fitzpatrick of the International Federation of Spirits Producers. During this visit, I am aware that there were a number of issues relating to non-duty paid goods which were seized at the venue. I spoke with the staff on duty behind the counter and found the following:

- The CCTV was of a poor quality and the staff could not show 31 days of footage stored. Staff advised regarding getting this repaired ASAP (Conditions 8 and 16).
- There were no signs up requesting customers to leave quietly (Conditions 2 and 18).
- There did not appear to be a personal licence holder present during the time of the visit, although this was rectified during the visit. Staff warned regarding ensuring there is a personal licence holder on site at all times (Condition 3).
- There appeared to be a general confusion from staff over the premises licence conditions being that all conditions had to be met to carry out licensable activities. I had to explain the conditions very carefully.

This poor performance is not what I would expect from a responsible premises operator and does not promote the licensing objectives. Police fully support the premises licence review by Islington Trading Standards.

Should you wish to discuss the matter further please contact me on Mobile 07799133204 or via email, licensingpolice@islington.gov.uk

Yours sincerely

Paul Hoppe Pc 208NI

Steven Harrington 525NI
Peter Conisbee Pc 575NI
Islington Police Licensing Team

Not applicable

**Title : Beer Wine
Spirits, 426 St John
Street**

Islington Borough
Boundary

Printed by :
RO RO

Printed at :
20-10-2014

