



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

Meeting of	Date	Agenda Item	Ward
Licensing Sub-Committee	23 April 2013	B3	Highbury West

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION
RE: UNIQUE NEWSAGENT, 336 HOLLOWAY ROAD, LONDON, N7 6NJ**

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) Protection of Children from Harm

2. Recommendations

- 2.1 To determine the application to review the premises licence under Section 52 of the Licensing Act.
- 2.2 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.
- 2.3 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.

3. Background

- 3.1 The premises are currently licensed for the sale of alcohol for consumption off the premises Monday to Saturday from 08:00 to 23:00 and on Sunday from 10:00 to 22:30.
- 3.2 Papers are attached as follows:-
 - Appendix 1: application form and Trading Standards;
 - Appendix 2: current premises licence;
 - Appendix 3: Representations;
 - Appendix 4: suggested conditions and map of premise location
- 3.3 The Licensing Authority has received a representation from Metropolitan Police, a business and three local residents. The business and local resident's representations are supporting the premises against the review.

4. Planning Implications

- 4.1 The lawful use of this property appears to be retail (A1).

5 Conclusion and reasons for recommendations

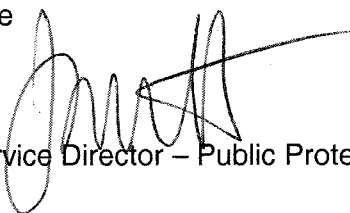
- 5.1 The Council is required to consider this application for review in the light of all relevant information from the applicant and the licence holder. It may attach such conditions necessary to promote the licensing objectives.

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

11.4.13
 Date

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

Tel: 020-7527-3031

Fax: 020-7527-3057

E-mail: Licensing@islington.gov.uk

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:

Unique Newsagents

336 Holloway Road

Post town: **London**

Post code: **N7 6NJ**

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

Bharat Gosar Haria

Number of premises licence or club premises certificate: **88211**

(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

Here is a summary of events supporting this application

17/03/10 & 23/03/11	Advice visits	Mr Haria receives advice visits at his shop. Age-restricted Goods advice packs are left on each occasion
17/02/12	Sale of alcohol	Fosters lager sold to a boy, 15y & 6m, who was accompanied by another boy, 17y & 3m
30/03/12	Officer Panel	Mr Haria attended. Advice and warning given and letter sent. The need to use 'Challenge 25' was stressed
30/06/12	Test purchase - no sale	The business refused to sell alcohol to a 16 year old working with Trading Standards.
22/12/12	Sale of alcohol	Fosters lager sold to a boy, 17y & 3m.

Recommendations

There have been two sales of alcohol to underage people made within a year by Mr Haria, the owner, licensee and designated premises supervisor of the business, although it is worth noting that the business is not known to have been a problem to Trading Standards in the previous 22 years of Mr Haria's ownership.

Before and in between the offences, Mr Haria received advice in person and in writing showing him how he could avoid selling to underage buyers. A significant part of this advice was the need to use the 'Challenge 25' rule and this was stressed at the Officer Panel Mr Haria attended and in the follow-up letter. However, on the occasion of both sales, Mr Haria indicated that he thought the volunteers were over 18, but less than 25.

I recommend that the proposed conditions below are added to the licence and the Committee may wish to consider a short suspension as a deterrent against falling from a high standard of management in future.

Proposed conditions:

- 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.

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

Mr B G Haria
Unique Newsagents
332-336 Holloway Road
London
N7 6NJ.

T 020 7527 3239
F 020 7527 3038
E liane.bishop@islington.gov.uk
W www.islington.gov.uk

This matter is being dealt with by:
Liane Bishop

Our ref: wk111242492

Your ref:

Date: 4 April, 2012

Dear Mr Haria

WARNING LETTER

Thank you for attending the Licensing Officer Panel on Friday 30 March 2012 when you met David Fordham, Head of Trading Standards, Don Stewart of the Islington Police.

You were asked to attend the meeting following a test purchase exercise at your premises on 17 February 2012 when alcohol was sold to a young person. On that date you personally sold a can of Fosters Lager to two volunteers, aged 15 years and 17 years. It was noted that the last entry into your refusals book was 25 March 2010.

At the meeting you told us that the sale took place while you were busy dealing with an oyster card and lottery purchase and you accept you made a mistake. You said you were aware of "Challenge 25" and were now displaying posters in your shop to advise customers. You now have the refusals book next to the till to make it easier to use.

You told us that you and your wife were the main people running your shop with some help from another person at weekends.

Both Don Stewart and David Fordham warned you that any further sales to young people would result in a review of your alcohol licence which could be revoked.

Here is a summary of actions that were discussed and which will help you prevent any further sales to young people

- **Challenge 25** – challenge any customers who look under 25 and ask to see photo identification to confirm they are over 18. Place a poster near the point of sale.
- **Use the refusals book** - make a note of refusals in you refusals book. This shows us you are operating a good system. You should also check that the book is being completed by all staff as gaps may suggest a lack of confidence in refusing.
- **Staff training** - Read through the trader advice pack that was given to you and ensure your wife and son are up to date. Make a record of this training in your training book as this shows you are taking this issue seriously.

If you suspect an adult may be buying alcohol for under aged people you have a right to refuse that sale.



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: 31/01/13

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

Unique Newsagents, 336 Holloway Road, N7 6NJ

Islington Trading Standards wishes to apply to have the premises licence of the business trading as Unique Newsagents reviewed. On 17/02/12 and 22/12/12 the Licensee, Bharat Haria, sold alcohol to underage test purchasers who were 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

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

**Premises Licence Summary
Licensing Act 2003**

Premises licence number 88211

Premises details

Postal address of premises, or if none, ordnance survey map reference or description

**UNIQUE NEWSAGENT
336 HOLLOWAY ROAD**

Post town	London	Post code	N7 6NJ
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Telephone number	020 7607 5628
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Where the licence is time limited the dates

Not applicable

Licensable activities authorised by the licence

The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

- The sale by retail of alcohol:

Monday	08:00	to	23:00
Tuesday	08:00	to	23:00
Wednesday	08:00	to	23:00
Thursday	08:00	to	23:00
Friday	08:00	to	23:00
Saturday	08:00	to	23:00
Sunday	10:00	to	22:30

Except on:

Good Friday: 08:00 to 22:30

Christmas Day: 12:00 to 15:00 and 19:00 to 22:30

The opening hours of the premises:

Not specified

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

Off Supplies



ISLINGTON

Name, (registered) address of holder of premises licence

Mr Bharat Gosar Haria



**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**

Mr Bharat Gosar Haria

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

No restrictions

Islington Council
Public Protection Division
159 Upper Street
London
N1 1RE
Tel: 020 7527 3031/3803
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.

Annex 2 - Conditions consistent with the Operating Schedule

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

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

Nil

Annex 4 – Plans

Ref: 88211Plan

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Robin Clark** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 181475**

This statement (consisting of: ... **1** pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date: **08.02.2013**

Tick if witness evidence is visually recorded (supply witness details on rear)

My name is Robin Clark and I am a Police Sergeant with the Metropolitan Police Service. I currently work as a Licensing officer at Islington Police Station. I have been given this specific responsibility by the Borough Commander who is acting under the written delegated authority of the Commissioner of Police for the Metropolis. A copy of this authority has been lodged with Islington Council Legal Department.

This statement is submitted in response to the review application made by the Mr David Fordham of Islington Council Trading Standards Service regarding the premises Unique Newsagents 332-336 Holloway Road , N7 6NJ

I have read the information provided by Mr David Fordham of Islington Trading Standards regarding the above premise; I have checked our data bases regarding the premise and have nothing further to inform the committee of. Therefore I support the recommendation of suspension and addition of conditions to the licence to focus the attention of the management of the shop and to ensure future compliance with the law.

I

Signature: Signature witnessed by:

19.2.13

THE ATTENTION OF THE
LICENSING AUTHORITY THROUGH
UNIQUE LICENSE REVIEW FOR
HAKIA) 356 HOLLOWAY RD.
N. 7. 6. NJ.

I HAVE BEEN A PATRON OF UNIQUE
NEWSAGENTS AND HAVE KNOWN
PHARAT HAKIA FOR MANY YEARS.

I HAVE NOT OBSERVED ANY PROBLEMS
REGARDING THE PURCHASING OF
ALCOHOL AT THIS SHOP.

THE PREMISES DO NOT HAVE ANY
GROUNDS OF YOUNG PEOPLE
LOITERING WITH A VIEW TO
PURCHASING ALCOHOL THAT I HAVE
NOTICED.

I HAVE FOUND THE SHOP TO BE
WELL RUN IN THE MANNER OF A
TRADITIONAL LOCAL NEWSAGENTS.



Dear Sirs,

I have lived nearby and used this newsagents for at least ten years. Throughout this time I have experienced a friendly public spirited service.

My daughter, now nineteen has grown up experiencing a friendly responsible atmosphere.

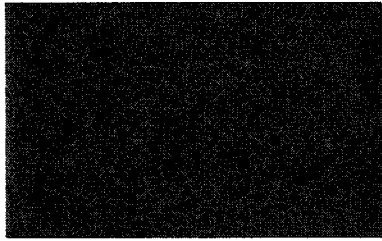
There has never been a hint of bad practice, all people are treated with respect and courtesy irrespective of their age or gender.

I have seen people refused service for alcohol and tobacco products because they could not produce ID.

I have also seen people who are inebriated refused service who have become threatening, however they have not been served, but sent away with a friendly word of advice to be sensible and safe.

I sincerely believe that the proprietor is 100% dedicated to doing the right thing for the community and would never deliberately breach any codes or moral ethics.





21/2/13

RE LICENCE REVIEW FOR MR HARIA OF UNIQUE NEWSAGENTS
336 HOLLOWAY ROAD LONDON N7 6NJ

To whom it may concern,

I would like to make my views known re the licence review for Mr Harai at the above premises.

I have known Mr Harai since he took over the shop 23 years ago and have got to know him and his family well.

When he originally decided to apply for the Off Licence Permit he even asked me and other customers what we thought in case we were against it.

I hope the committee will not be too harsh on him as his shop is good for the community because unlike the big faceless supermarkets he knows his regular customers and looks out for them if he hasn't seen them about especially the more elderly ones.


It is only a small section of the shop that sells alcohol and as far as I know there has never been any trouble because of the shop selling drink.

I think he does everything he can to make sure that both he and his staff adhere to the licensing rules and objectives, and I have also seen him refuse to sell alcohol to those that look too young or anyone who looks as if they have already had too much to drink.

I have never seen groups of children/young people hanging around outside the shop because they know he has a good reputation.

Once again I hope you will be lenient with Mr Harai as he and his family are valued members of the local area and are always helpful to their customers.

Yours Sincerely



T.J. BARRON F.C.C.A.

FAO Doug Love
Trading Standards Service
Public Protection Division
Islington Council
22 Upper Street
London
N1 1XR

332-336 Holloway Road
London N7 6NJ
Tel : 020 76098490
Tel : 020 76095707
Fax : 020 76090945

21/02/2013

Dear Mr Love

**RE: LICENCE REVIEW FOR BHARAT HARIA T/A UNIQUE NEWSAGENTS
336 HOLLOWAY ROAD LONDON N7 6NJ**

We would like to make representation as regards the above premises licence review. We have known Bharat Haria for well over twenty years, and have found him to be honest and trustworthy in all our dealings. We have occupied the offices above his shop for eighteen years and we have never witnessed any problem or nuisance from the premises in all that time.

We confirm we have not in any way been disturbed by any customers of this traditional newsagents with a small space for alcohol sales. The shop provides a valuable service to the community. We hope the committee can be lenient with the licence holder as we have never witnessed any alcohol being sold to children.

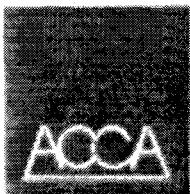
We believe the licence holder and staff uphold the licensing objectives of Public Safety, Protection of Children from harm, Public Safety and Prevention of Crime and Disorder.

Yours sincerely



T J Barron FCCA

BARRON & CO



Regulated for a range of investment business activities by the Association of Chartered Certified Accountants

CIRCLE ROW PROPERTIES LTD

332-336 HOLLOWAY ROAD LONDON N7 6NJ

Tel. 0207-609-5707

Fax. 0207-609-0945

FAO Doug Love
Trading Standards Service
Public Protection Division
Islington Council
22 Upper Street
London
N1 1XR

21/02/2013

Dear Sirs

**RE: LICENCE REVIEW FOR BHARAT HARIA T/A UNIQUE NEWSAGENTS
336 HOLLOWAY ROAD LONDON N7 6NJ**

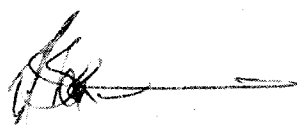
We the fellow Directors & Shareholders of Circle Row Properties Ltd would like to make representation as regards the above premises licence review.

Bharat Haria has been in business for over twenty years, and is honest & hardworking.. We have never received a complaint or witnessed any problem or nuisance from the premises from this traditional newsagents with a small space for alcohol sales.

The shop provides a valuable service to the community. We hope the committee can be lenient with the licence holder as we have never witnessed any alcohol being sold to children.

We believe the licence holder and staff uphold the licensing objectives of Public Safety, Protection of Children from harm, Public Safety and Prevention of Crime and Disorder.

Yours sincerely



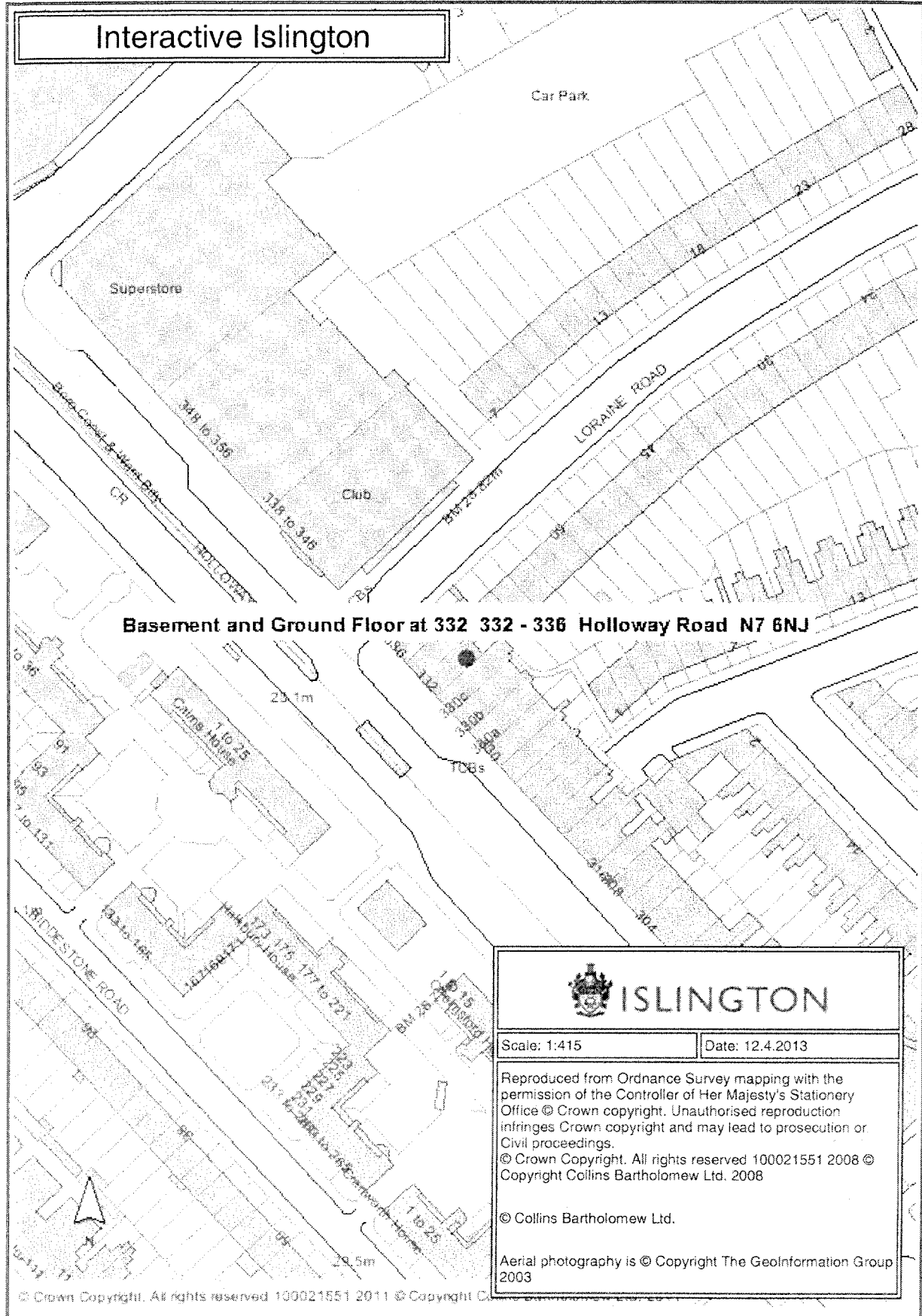
PP Circle Row Properties Ltd

Suggested conditions

As per current licence


Suggested conditions in respect of the trading standards review application.

1. 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.
2. 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.
3. 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.
4. 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.



Interactive Islington

Basement and Ground Floor at 332 332 - 336 Holloway Road N7 6NJ

 ISLINGTON	
Scale: 1:415	Date: 12.4.2013
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