



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

| Meeting of | Date | Agenda Item | Ward(s) |
|-------------------------|---------------------------------|-------------|----------|
| Licensing Sub-Committee | 10 th September 2013 | BS | Junction |

| | | |
|-----------------------|--|------------|
| Delete as appropriate | | Non-exempt |
|-----------------------|--|------------|

Subject: PREMISES LICENCE REVIEW APPLICATION
RE: DIPS OFF LICENCE, 599 HOLLOWAY ROAD, LONDON, N19 4DJ

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) Prevention of crime and disorder;
 - ii) 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 currently holds a licence for:

- i) The sale by retail of alcohol from 07:00 till 00:00 seven days a week.

3.2 Papers are attached as follows:-

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

3.3 The Licensing Authority has received representations from the Better Archway Forum and the Licensing Authority.

4. Conclusion and reasons for recommendations

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

Background papers:

The Council's Statement of Licensing Policy

Licensing Act 2003

Secretary of States Guidance

Final Report Clearance

Signed by


Service Director – Public Protection

Date

23.8.13

Received by

Head of Scrutiny and Democratic Services

Date

Report author: The Licensing Team

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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: | |
| DIPS Off Licence | |
| 599 Holloway Road | |
| Post town: London | Post code: N19 4DJ |

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

Number of premises licence or club premises certificate: **LN / 6220 - 041012**

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 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: | david.fordham@islington.gov.uk |

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

Please tick one or more boxes

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

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

This application to review relates to the objectives to protect children from harm and to prevent crime and disorder and licensing policies 25, 26 & 10. It particularly relates to the sale of alcohol to underage volunteers working with Trading Standards on three occasions since February 2011, a seizure of illicit spirits and the failure to exhibit a high standard of management at the business.

DIPS off licence is owned by partners Yatin Raikundalia and his wife, Nita Raikundalia. Currently Nita Raikundalia is the premises licensee and designated premises supervisor. During the events described in this application, the licence details are as follows:

Sept 2009 – Mar 2011: Co-licensees - Mustafa Saffi & Ahmad Samimi; DPS – Mustafa Saffi
March 2011 – Jan 2012: Licensee and DPS – Yatin Raikundalia
Jan 2012 – Oct 2012: Licensee and DPS – Tangeer Tanveer
Oct 2012 – present: Licensee and DPS – Nita Raikundalia

On **26th February 2011**, the business sold 2 x 500ml cans of Magners Cider to a female, aged 16 years and 9 months, who was accompanied by another female, aged 17y and 4 months. Both young women had volunteered to work with Trading Standards on an underage test purchasing operation. The sale was observed by Doug Love of Trading Standards. The seller, Jaberhel Naqib-Ullah, was the only person in the shop at the time of the sale. His English was very poor. The Police officers accompanying Trading Standards established that he was an asylum seeker, who they believed should not have been working. They did not arrest him, but stated that they would refer the matter to 'Immigration', although the outcome or whether this happened at all is not known.

Mr Naqib-Ullah did identify Yatin Raikundali as his employer and he was called and came to the shop. Mr Raikundalia stated he was in the process of buying the shop and that the previous owners were still the licensees. A liability insurance certificate displayed on the wall in the name 'Ms Nita Raikundalia t/a/ DIPS Newsagents' indicated that Mr and Mrs Raikundalia were running the business at this time.

Yatin Raikundalia attended a **Licensing Officers' Panel meeting** to discuss the sale on 17th May 2011. He was thoroughly advised on how to avoid underage sales and given the Trading Standards advice pack on the subject. This pack also contained a guidance sheet on illicit alcohol and tobacco, which was drawn to Mr Raikundalia's attention. The day after the meeting, he was sent a letter to reinforce the advice and to warn him that further test purchasing would take place and any more sales were likely to lead to a licence review.

On **02nd December 2011**, Mr Love was leading another test purchasing operation and he asked two female volunteer to attempt a purchase at DIPS Off Licence. On this occasion Katherine Forrest of Trading Standards observed Mr Raikundalia sell a 275ml bottle of Smirnoff Ice and a 275ml bottle of WKD Vodka Blue to one of the volunteers who was aged 17 years and 2 months. The other volunteer who was also present was just short of her 16th birthday.

After this purchase, Mr Raikundalia told Miss Forrest and Mr Love that he thought the buyer was 18 or 19 years old; that he normally challenged young people to provide a passport or driving licence; and that the business did not keep records of refusals. This indicated that the business was not following the advice that had been given at the Licensing Officers Panel: he was not using Challenge 25; he was not accepting 'PASS' proof of age cards; he was not recording refusals.

A licence review application would normally have been made at this time, but in the following few days Mr Love was contacted by solicitors acting for Mr Raikundalia in the sale of the business to another, which was said to be imminent. The licence was transferred to Tangeer Tanveer the following month. Conditions regularly requested by Trading Standards were added to the licence at this stage, although Mr Love can no longer remember whether this was as a result of a request to the solicitor or at the Police's request during the transfer.

On **16th March 2012**, a further test purchase was attempted. This resulted in no sale.

Sometime in the early 2013, it came to Mr Love's attention that the licence had been transferred

again and that Mrs Raikundalia was now the licensee and DPS.

On **08th February 2013**, Mr Love was leading a test purchasing operation and asked a male volunteer, aged 15 years and 10 months, to attempt to purchase alcohol. Once again the observing officer was Miss Forrest and she observed Suleiman Shah serve the volunteer with two 500ml cans of Strongbow cider.

When Miss Forrest and Mr Love went back into the shop, it transpired that Mr Shah was the only person working in the shop at that time, although he did have two friends with him. Mr Shah was asked his date of birth and he replied that it was 26th August 1995, making him 17 years and 5 months old. It is an offence under section **153 of the Licensing Act** for a 'responsible person' to knowingly allow anyone under 18 to make an alcohol sale if it has not been specifically approved by that or another responsible person. A 'responsible person' can be the licence-holder, designated premises supervisor or someone authorised by the person(s) holding these roles.

Mr Shah said he was 'just helping' at the business while his friend Aziz, an employee of the business, was abroad on holiday. He said that he had been told to check the proof of age of anyone who looked young and said that he thought the volunteer had looked 23-24. He said that he would expect to see a passport or a driving licence, but did not know about PASS proof of age cards.

Mr Raikundalia was called and arrived at the shop. He said that his wife was abroad at a family function and would not be back until 23rd February and that he was in charge in her absence. He stated that he had left Mr Shah in charge 'for an hour' while he was away from the shop to take medication and to eat. He said that he had been away from the shop since 6.30 to 6.45pm. He did not return until 8.45pm. Mr Raikundalia confirmed that there were no training records for Aziz or Mr Shah and he was unable to produce any refusals records. Neither Miss Forrest nor Mr Love can recall Mr Raikundalia stating that records did exist, but that he couldn't find them.

Mr Love observed to Mr Raikundalia that his wife, the licensee, was in breach of several licence conditions and **stressed the need to comply with the conditions**. He also raised the issue of smoking in the room at the back of the shop where they were talking. Mr Love could tell by the smell in the room and the presence of an ashtray that someone had been smoking in the room and pointed out to Mr Raikundalia that this was an offence under the 'Smokefree' regulations.

Approximately one week later, Mr Love received a **letter from Mr Raikundalia**. The letter explained how Mr Shah had come to be in charge of the shop; explained that he had now located the refusals records; and stated that he was in negotiations to sell the shop. He concluded with a request to allow him to complete the negotiations.

On **27th June 2013** Mr Love and Anthony Baptiste from the Licensing team visited the premises to undertake a full check of the business' compliance with their Annex 2 licence conditions. Nita Raikundalia was the only person present when we arrived. I have recorded our findings below:

Condition 1 is not relevant as no such Shopwatch scheme is believed to exist.

Conditions 6, 7, 9 & 13 could not be tested, although Ms Raikundalia did state that no-one had visited the shop recently attempting to sell alcohol.

Conditions 3, 8 and 10 were found to be in compliance.

Condition 2 relates to **CCTV**. There appeared to be a working system – live pictures from 4 cameras were showing on a screen in the shop. However, Ms Raikundalia admitted she did not know how to operate the system.

Condition 4 requires a **sign inviting discussion of complaints** to be displayed. None was displayed.

Condition 5 requires a **reminder notice about age-restricted goods** to be displayed at or near the till. None was displayed.

Condition 11 – **stock control system**. None was being operated, as required by the condition.

Condition 12 – **ultra violet light to be available**. None available, as required.

Condition 14 – **Challenge 25 to be adopted**. When Mr Love asked Ms Raikundalia what she did when a young person wished to buy alcohol she replied that she would ask for proof of age if she thought they were 'young'. When asked whether she had an age in mind when considering

whether to ask for proof of age, she did not mention a specific age – she just said she examined their face and asked if she felt they were 'young'. Mr Love reports that it was clear she did not have the age 25 in mind. There was a single 'Challenge 25' poster displayed at ceiling level above the wine display.

Condition 15 – **training records**. The business has one member of staff, currently – 'Umar'. No training records were kept for Umar. (It was stated that he was experienced in working in supermarkets). This is a breach of a requirement of this condition.

Condition 16 – **appropriate proof of age**. Ms Raikundalia only mentioned passports and driving licences when asked what was acceptable as proof of age. Mr Love asked if there was anything else and she said no. Mr Love said it was clear she was unfamiliar with PASS proof of age cards, which this condition specifically mentions.

Condition 17 relates to the **refusals log**, which Mrs Raikundalia could produce immediately. The register, kept on an A4 pad, indicated that 36 refusals had been made, with the first on 17/11/12. No details of the reason for refusal or the person refusing were given (this is not required by the condition, but is what Trading Standards advise). Ms Raikundalia had not signed the log monthly as required by the condition. Mr Love noted an unexpected distribution of entries in the log: in the second half of November, there were 2 entries; in December – 6; January – 8; February – 12; March - 4; April – 2; May – 2; to that point of June – 0. Mr Love felt it was questionable whether the log had always been used correctly.

During the visit, Mr Love examined the alcohol stock and identified some as illicit. These goods were seized and comprised:

Glens vodka – 14.7 litres (21 x 70cl bottles). The duty stamps did fluoresce, but in a way unusual for Glens vodka. The back labels were very poorly affixed with air-bubbles; were self-adhesive, rather than 'wet-glued'; and carried the wrong style '4' on the bar-code. 16 bottles were found in two opened cases in the cellar and five more were on the shelves behind the counter. The cases did not carry the 'UK Duty Paid' legend present on UK market Glens. Mr Raikundalia stated that it had come from a cash and carry some time ago, but he could not remember which.

Smirnoff vodka – 0.7 litre (2 x 35cl bottles). There was no duty stamp on the back label as one would expect on a bottle for sale in the UK legitimately. There were separate duty stamps attached, but these did not fluoresce properly. Mr Raikundalia said it had come from a cash & carry business in Edmonton trading as Abra.

High Commissioner whiskey – A single 1 litre bottle with a 'vodka' duty stamp on the back label. Mr Raikundalia stated it had been in the shop since before he had bought the business.

Mr Love asked that Mr Raikundalia produce the invoices for the Glens and the Smirnoff.

As well as the information provided at the Licensing Officers' Panel meeting in May 2011, the business was sent in March and December of 2011, two letters with attached guidance on identifying illicit alcohol were sent to The Proprietor and Licensee at the shop. If the advice in contained had been followed, the business could have identified the Glens and the High Commissioner as suspect.

The duty that is payable on these goods would have been approximately **£174**.

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

- | | | |
|----------------------|---|--|
| 26/02/11 | Sale of alcohol | 2 x 500ml cans Magners cider sold to a female volunteer, aged 16 years and 9 months, by an employee. |
| 17/05/11 | Officer Panel | Yatin Raikundali attended and was advised re underage sales and illicit alcohol. Advice confirmed in writing. |
| 02/11/11 | Sale of alcohol | Yatin Raikundalia sold two alcopops to a female volunteer, aged 17 years and 2 months. YR thought the volunteer was 18 or 19 years old. |
| Jan '12 - Oct '12 | Change of responsibility | Tangeer Tanveer has a period of running the business, before the licence is transferred again to Nita Raikundalia. |
| 08/02/13 | Sale of alcohol / breach of licence conditions / s153 offence | A 17 year old employed by the business, who was in sole charge of the shop, sold 2 x 500ml cans of Strongbow cider to a male volunteer, aged 15 years and 10 months. Mr Raikundalia was informed that licence conditions were in breach and offences in relation to the age of the seller and smokefree rules had been breached. |
| 27/06/13 | Alcohol seizure / Breach of conditions | A full inspection of the business licensing activities revealed a quantity of illicit alcohol and ongoing breaches of licence conditions |

Recommendations

I believe that this licence should be revoked.

While the Raikundalias have been running the business, three underage sales have been made from three attempts; there has been a seizure of illicit alcohol; there have been ongoing breaches of licence conditions; and an inexperienced 17 year old has been left in charge of the shop on a Friday evening – a time you would expect to be relatively busy and when there is more likelihood of underage people attempting to buy alcohol.

The business has not been receptive to advice – delivered in writing or face-to-face: had the advice to adopt Challenge 25, given after the first sale, been followed the subsequent sales will have been avoided as the sellers in both subsequent sales believed the purchasers to be less than 25. The advice guide also states that “staff under 18 can only sell alcohol if the licensee or other responsible adult agrees to the transaction”.

Had the advice to check back labels to see whether they were poorly affixed been followed, the Glens vodka would have been identified as suspect.

The continued use of the back room of the shop for smoking, although not a licensing issue, demonstrates Mr Raikundalia's attitude towards ensuring legal compliance.

Licence conditions have not been examined and complied with even after the third sale, when Mr Love pointed out the need to comply with them.

Given this history – which has all taken place in two periods totalling less than two years that the Raikundalias have been responsible for running the business – I have no confidence that this business can meet the high standard of management required by the Licensing Policy and recommend that the licence be revoked.

Please tick ✓ yes

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

If yes please state the date of that application

| Day | | Month | | Year | |
|-----|--|-------|--|------|--|
| | | | | | |

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

N/A

Please tick ✓ yes

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

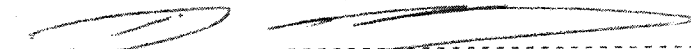
I understand that if I do not comply with the above requirements my application will be rejected

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

Part 3 – Signatures (please read guidance note 3)

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

Signature



Date

10th July 2013

Capacity

Service Manager (Trading Standards)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

The ground(s) for review must be based on one of the licensing objectives.
Please list any additional information or details for example dates of problems which are included in the grounds for review if available.

The application form must be signed.

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

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

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

T : 020 7527 3874
E-mail : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: OP 170511

Date: 18/05/11

Yatin Raikundalia t/a
DIPS Off Licence
599 Holloway Road
London
N19 4NP

Dear Mr Raikundalia,

WARNING LETTER

Thank you for attending the Licensing Officer Panel yesterday. You were asked to attend the panel after a sale of alcohol sold to a 16 year old volunteer during a test purchasing operation on 26th February 2011.

On that date, Jaberhel Naqib-Ullah sold two 500ml cans of Magners to a volunteer who was assisting Trading Standards. The volunteer was 16 years and 9 months old and she was accompanied by another volunteer who was 17 years and 4 months.

Since the sale you said that you had warned Mr Naqib-Ullah, who is the only person other than yourself who works in the store, that they must always require proof of age documents with a photograph to be provided before they sell alcohol to young people. You also said that you had displayed the "Under 25?" poster.

You were given a pack containing advice, posters and a training DVD on the day of the sale. The Panel recommended that you take the follow the advice given in this pack and take appropriate actions to prevent further sales and so that you can show you have taken all reasonable precautions if any employees make a mistake in future:

- **Ensure all staff are thoroughly trained** about the law and how to avoid sales of age-restricted goods to children and that **records are kept** of their training. The DVD and the Training Record Book in the guidance pack will help you do this.
- **Regularly remind staff of their training** and record these reminders in the book, also. It is good that you have observed Mr Niqab-Ullah refusing sales, but you must also be confident that he is doing this when you are not present.
- **Adopt a 'Challenge 25' policy** and instruct your staff to require anyone they think may be younger than 25 to produce proof of age. The poster in the pack that you are now displaying may help your staff deal with any customers who object to being asked to prove their age – they will be able to explain why they are asking.



DISCOVER GREAT EXCELLENCE

- **Make sure all your employees recognise what is acceptable proof of age.** A passport; driving licence (but beware – these can be held from the age of 17); and any proof of age card with the 'PASS' hologram and a photograph are acceptable. Always examine the proof of age closely to ensure it appears genuine and belongs to the person showing it.
- **Ensure that refusals are recorded.** There is a 'Refusals book' in the pack which should be used to record brief details every time a sale is refused because the buyer is too young or cannot produce proof of age. Instruct you employees to complete this book.
- **Monitor the use of the Refusals book.** If it is not being used by your employees you will know they are either ignoring the instruction to use it, or not following their training by challenging young buyers properly. Regular and obvious monitoring of the book may also provide regular reminders to your employees of the requirements to challenge for proof of age and refuse sales where appropriate.
- **Do anything else you can to remind employees of the requirements.** Displaying the posters, or attaching the badge in the pack to the till, for example, may provide regular reminders to staff and keep the issue at the front of their minds.

Further test purchasing will take place and any more sales are likely will put your licence at risk of being reviewed.

Sgt Clark also advised you to confirm that Mr Naqib-Ullah could legally work for you, as often persons seeking asylum are not allowed to work and employers are liable to substantial penalties if they employ someone who does not have the right.

You said that adults buying alcohol for children had been a problem and often you may not suspect anything when this happens. However, if you do suspect anything, we advise you to challenge the buyer and point out the poster in the pack which tells customers this is a criminal offence. Don't sell if in doubt. If you are aware of any children persistently trying to get adults to buy for them, it would be worth contacting your local Safer Neighbourhood Police team as they should be able to offer you assistance.

There was also advice in the pack about smuggled alcohol and tobacco. Please follow this guidance as there is practical advice – keeping receipts and checking stock as you buy it, for instance – that may help you avoid buying smuggled goods unwittingly.

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

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

Yours sincerely,

Doug Love
Islington Trading Standards

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

Tel : 020 7527 3874 / 4028
Email : doug.love@islington.gov.uk

Website : www.islington.gov.uk

Our ref: Mailshot

Date: March 2011

The Licensee and Proprietor

Dear Sir/Madam,

Important information – YOUR LICENCE IS AT RISK

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

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

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

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

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



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

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

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

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

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

Goods that have been regularly seized are as follows:

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

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

Yours sincerely

Dave Fordham
Service Manager, Trading Standards

Smuggled Alcohol and Tobacco Products

1. Introduction

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

Smuggled goods:

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

Islington Trading Standards have been carrying out visits in partnership with Her Majesty's Revenue and Customs (HMRC) to detect smuggled goods and many seizures have been made. We intend to carry out many more visits to counter this widespread problem. Businesses selling smuggled goods may be **prosecuted** or their **alcohol licence may be revoked** or **suspended**.

2. Legislation

The main legislation that deals with smuggled goods is enforced by Her Majesty's Revenue and Customs (HMRC), although Trading Standards can also take action under some or all of the following laws:

- The **Fraud Act 2006** or the **Consumer Protection from Unfair Trading Regulations 2008** where a business sells items when they know or should know that they are, or might be, smuggled.
- The **Consumer Protection Act 1987** if tobacco products do not carry the required written and pictorial warnings.
- The **Licensing Act 2003** enables the Police or Trading Standards to apply for reviews of alcohol licences, which may lead to the licence being suspended or revoked.

3. How do I tell if goods are smuggled?

Alcohol: Alcoholic drinks with a stated alcohol by volume level of 30% or more (which will include all spirits) in containers of 35cl or more will be required to carry a UK Duty stamp, normally on the back label. The stamp will be pink in colour, but should glow green when ultra violet (UV) light is shined on it and any stamp that does not 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.



You should also check the print quality of the stamp and that the label or stamp are not stuck onto an existing label – poor print quality and overlabelling are clear indicators that the product may be illegal.

Black & white representation
of a UK Duty stamp

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).

Full details of the required warnings can be viewed by following the following links:

<http://www.legislation.gov.uk/ukxi/2002/3041/contents/made> (written warnings can be found in section 7 and the Schedule)

<http://webarchive.nationalarchives.gov.uk/+www.dh.gov.uk/en/Publichealth/Healthimprovement/Tobacco/Picturewarningsontobaccoproductspressimages/index.htm> (picture warnings)

Tobacco products are also required to carry this statement: ‘UK Duty Paid’ (black writing on a white background, surrounded by a black border). Please note that many counterfeit tobacco products are likely to have the warnings and the statements on, but are still illegal to sell.

General:

- **Never buy alcohol, cigarettes or tobacco from anyone who brings the goods to the shop.** They will undoubtedly be illegal in some way – smuggled, counterfeit or stolen – and may be unsafe for people to consume. You should be very careful buying any goods in this manner – without a means of contacting the seller the responsibility for any offence will be yours. Counterfeit batteries, condoms, DVDs and unsafe cosmetics are also regularly sold in this manner.
- **Only deal with reputable traders** and get proper invoices. Ensure you know how to contact the sellers – a physical address or landline telephone number is best. If smuggled or counterfeit goods are found then we will expect you to be able to produce these invoices, so keep them, or copies, somewhere they are easily accessible.
- **Control your stock** so you can be sure what goods come from where. Be careful about accepting returns of tobacco products or alcohol from customers who have changed their minds.

4. What are the penalties if I sell smuggled goods?

Substantial fines or even imprisonment can be imposed on anyone breaking the law by selling smuggled goods.

Further, if you hold a licence to sell alcohol, it is likely to be reviewed and may be revoked if smuggled goods are found in your shop.

5. How can I get further advice?

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

222 Upper Street, London, N1 1XR

Tel: 020 7527 3198

Email: trading_standards@islington.gov.uk

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

DIPS Off License
599 Holloway Road
London
N19 4DJ

To Douglas Love,

I am writing to you regarding the incident that occurred on 08/02/2013, whereby my standby worker had allegedly sold alcohol to a minor. I would like to make a few points before you process your decision on how to deal with this incident.

I fully understand and respect that selling alcohol to minors is a violation that must be dealt with accordingly, however in this particular instance there are several factors that need to be considered.

Dips Off License is usually operated by a trio consisting of my wife, my part time worker and myself. Unfortunately it just so happens that both my wife and my worker have very recently left the country. Normally I do not run the shop for long hours due to the fact that I am a diabetic as well as a high blood pressure patient.

However, I have been forced to run the shop for longer hours than usual since both my wife and my worker are on vacation. On the day of the incident my blood pressure went high and I was forced to make an unwanted trip to my house to pick up the relevant medication. During this period my workers good friend elected to take over the shop and run it for the time being, having worked with me for a few hours before and given the condition I was in at the time I trusted him with that responsibility.

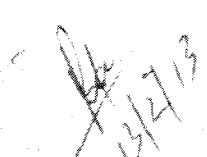
The standby worker has unknowingly made an error and I understand the implications of the error and hereby promise that only I will operate the till henceforth.

On the day of the incident you requested the refusal book, I would just like to point out that I have recently located the book and would like to show it to you when possible.

To conclude I would also like to state that I am currently in negotiations with someone over the potential sale of the shop. These negotiations will fail if I am to lose the premises license. I kindly request that you at least allow me to conclude this sale for the sake of my health and the fact that I would never intentionally allow for alcohol to be sold to minors since I myself have kids too. The incident that occurred recently was simply a culmination of several problems.

Thank you for your cooperation and I eagerly anticipate your response.

Yatin Raikundalia

Handwritten signature and date: 13/2/13



**PREMISES LICENCE
LICENSING ACT 2003**

| | | | |
|---|----------------|------------------|---------|
| Premises licence number | LN/6220-041012 | | |
| Postal address of premises, or if none, ordnance survey map reference or description | | | |
| DIPS OFF LICENCE 599 HOLLOWAY ROAD | | | |
| Post town | London | Post code | N19 4DJ |
| Telephone number | 020 7263 4545 | | |

| |
|--|
| Where the licence is time limited the dates |
| Not Applicable |

| |
|---|
| Licensable activities authorised by the licence |
| Ground Floor Only |
| <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: <table border="0" style="margin-left: 20px;"> <tr> <td>Monday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Tuesday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Wednesday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Thursday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Friday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Saturday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> <tr> <td>Sunday</td> <td>07:00</td> <td>to</td> <td>00:00</td> <td>The following day</td> </tr> </table> | Monday | 07:00 | to | 00:00 | The following day | Tuesday | 07:00 | to | 00:00 | The following day | Wednesday | 07:00 | to | 00:00 | The following day | Thursday | 07:00 | to | 00:00 | The following day | Friday | 07:00 | to | 00:00 | The following day | Saturday | 07:00 | to | 00:00 | The following day | Sunday | 07:00 | to | 00:00 | The following day |
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| The opening hours of the premises: | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
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| Sunday | 07:00 | to | 00:00 | The following day | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

| |
|--|
| 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 |
| Nita Raikundalia 599 Holloway Road London N19 4DJ 07930147905 |

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

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

Nita Raikundalia
18 Goring Road
Bounds Green
London
N11 2BX

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

LN/200500658 – Enfield Council

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

Service Manager - Public Protection

Date of Issue

Annex 1 - Mandatory conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

1. The licensee shall actively participate in and support the local Shopwatch scheme.
2. A CCTV system shall be installed in addition to adequate lighting.
3. No music shall be played on the premises.
4. A sign shall be displayed at the premises inviting neighbours and the local community to openly discuss issues such as noise problems if they occur.
5. The Licensee shall ensure that a notice is displayed next to the till or have a till sticker to remind staff about age restricted products.
6. There shall be no deliveries or waste collections between the hours of 20:00 and 07:30, Mondays to Saturdays and no deliveries or waste collections on Sundays or Bank Holidays.
7. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
8. No spirits shall be purchased in a resealed box.
9. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
10. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
11. A stock control system will be introduced, so that thy licensee can quickly identify where and when alcoholic goods have been purchased.
12. An ultra violet light will be made available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
13. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under the ultra-violet light, or are otherwise suspicious, the licensee shall identify this supplier to Islington Trading Standards and HMRC as soon as possible.
14. 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.
15. The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training will include the assessment of age; making a challenge; acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff and make them available for inspection upon request by the licensing team, police or trading standards.
16. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, staff ask to see accredited proof of age cards for example proof of age cards carrying the 'PASS' logo (and no others), a Passport, or UK Driving Licence bearing the photograph and date of birth of the bearer.
17. 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.

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

Annex 4 – Plans

Reference Number: 108988 – 10/10/2006

Licensing



Premises Licence Summary

Licensing Act 2003

| | | | |
|---|----------------|------------------|---------|
| Premises licence number | LN/6220-041012 | | |
| Postal address of premises, or if none, ordnance survey map reference or description | | | |
| DIPS OFF LICENCE 599 HOLLOWAY ROAD | | | |
| Post town | London | Post code | N19 4DJ |
| Telephone number | 020 7263 4545 | | |

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Ground Floor Only

- The sale by retail of alcohol

The times the licence authorises the carrying out of licensable activities

Delete any that do not apply

- The sale by retail of alcohol:

| | | | | |
|-----------|-------|----|-------|-------------------|
| Monday | 07:00 | to | 00:00 | The following day |
| Tuesday | 07:00 | to | 00:00 | The following day |
| Wednesday | 07:00 | to | 00:00 | The following day |
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| Sunday | 07:00 | to | 00:00 | The following day |

The opening hours of the premises:

| | | | | |
|-----------|-------|----|-------|-------------------|
| Monday | 07:00 | to | 00:00 | The following day |
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Where the licence authorises supplies of alcohol whether these are on and/or off supplies

Off supplies

Name, (registered) address of holder of premises licence

Nita Raikundalia
599 Holloway Road
London
N19 4DJ

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
Nita Raikundalia

State whether access to the premises by children is restricted or prohibited
No restrictions

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

Licensing Act 2003- Representation from the Licensing Authority
Application: DIPS 599 HOLLOWAY ROAD LONDON N19

I am submitting a representation on behalf of the Licensing Authority in respect of the application to review the premises licence by Trading Standards.

The grounds for the representations are:

- Preventing crime and disorder
- Prevent public nuisance.

The following Licensing Policies, determined by the Licensing Authority as being appropriate to promote the licensing objectives, are relevant to this application:

Licensing Policy 25

The Licensing Authority is committed to tackling the illegal sale of alcohol to children, including proxy sales when adults buy alcohol for children. It expects licensees to implement measures to Challenge 25 standard to reduce the likelihood of underage sales from their premises and will take appropriate action, including the review of licenses, where sales persist.

Licensing Policy 26

The Licensing Authority will consider licence review applications where there is evidence that illicit alcohol has been offered for sale on the premises. Where other illicit goods, such as tobacco, have been found this may be considered by the Licensing Authority as evidence of poor management and have the potential to undermine the licensing objectives.

Licensing Policy 10

When assessing the applicant's or licensee's ability to demonstrate a commitment to high standards of management the Licensing Authority will take into account whether the applicant or licensee:

- *can demonstrate comprehensive knowledge of best practice*
- *has sought advice from the responsible authorities*
- *has implemented any advice that been given by the responsible authorities*
- *is able to understand verbal and written advice and legal requirements*
- *can demonstrate knowledge of the licensing objectives, relevant parts of the Licensing Policy and their responsibilities under the Licensing Act 2003*
- *is able to run their businesses lawfully and in accordance with good business practices*
- *is able to demonstrate a track record of compliance with legal requirements*

Where there is a history of non-compliance associated with the premises the Licensing Authority is unlikely to grant a new or variation application unless there is evidence of significant improvement in management standards.

Licensing Policy 30

The Licensing Authority will apply the full range of powers available to it when a review of a premise licence becomes necessary, including:

- *Restricting hours of operation*
- *Removing licensable activities from the premises licence*

- *Imposing additional conditions*
- *Requiring the removal of a designated premises supervisor*
- *Suspending a licence*
- *Revoking a licence*

Whilst the premises have been operated by the Raikundalias family they have failed to demonstrate any commitment to a satisfactory standard of management as evidenced by;

- Selling alcohol to underage young people on three occasions
- Purchasing illicit alcohol for sale to customers
- Engaging an inexperienced young person to look after the shop, and provided him with no training on the requirements relating to alcohol sales
- Failing to understand and implement 'Challenge 25' despite receiving advice and guidance from Trading Standards on how to comply with this licence requirement.
- Non-compliance with licence conditions

The Licensing Committee is asked to consider revoking the licence as an appropriate measure to promote the licensing objectives.

Janice Gibbons
Service Manager (Commercial)
7 August 2013
Janice.gibbons@islington.gov.uk

Baptiste, Anthony

Subject: FW: Premises Licence Review: 599 Holloway Road

Dear Sirs,

I am writing on behalf of the Better Archway Forum in regard to the licence review for 599 Holloway Road.

We completely support the proposed revocation of the licence on this premises, particularly given Archway's status as a saturation area in terms of such premises.

We note that the premises have repeatedly acted in contravention of licensing objectives, in particular the protection of children from harm. In addition it is clear that the business is happy to contravene other regulations regarding business operations, being happy to sell fake branded spirits which can be extremely dangerous.

Given these repeated infractions and the issues regarding public nuisance in Archway, it seems likely that this is one of the premises which supplies alcohol to people who have already been drinking, so promoting public nuisance and undermining public safety. The issue of anti-social and unsafe behaviour is an on-going issue late at night in the area, resulting in destruction to public property such as trees, and late night arguments and altercations, some resulting in hospitalisation.

Accordingly, for the prevention of public nuisance and the increase in public safety, we believe this licence should be permanently revoked.

Kate Calvert

Chair, Better Archway Forum

c/o Hargrave Park School

Bredgar Road

London N19

None suggested.

