



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	2 May 2017		Hillrise

Delete as appropriate		Non-exempt
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**Subject:** PREMISES LICENCE REVIEW APPLICATION  
RE: CROUCH HILL SUPERMARKET, 60 CROUCH HILL, LONDON N4 4AD

**1. Synopsis**

- 1.1 This is an application by Islington Police Licensing 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 following licensing objectives:
- i) The prevention of crime and disorder;

**2. Relevant Representations**

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No
Trading Standards	Yes
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 by retail of alcohol, off supplies only, Mondays to Saturdays from 08:00 until 23:00, Sundays 10:00 to 22:30 08:00 to 22:30 Good Fridays and 12:00 to 15:00 and 19:00 to 22:30 Christmas Day;
- ii) The premises opening hours are not specified on the premises licence.

3.2 Brief Licensing History:

- This premises licence was transferred to the current licensee Mr Huseyin Boybeyi on 27 January 2007. On that day Mr Boybeyi also became the DPS.
- In June 2009 Mr Boybeyi attended a Licensing Officer Panel following the sale of alcohol during a test purchase exercise to a person under the age of 18 years.
- On 11 June 2012 Mr Boybeyi made a minor variation to add Annex 2 Conditions 2 – 13 to the premises licence. This was done at the request of Trading Standards following the discovery of illicit alcohol at the premises. Please see the representation made by Trading Standards (Annex 2) for more details.

3.3 Papers are attached as follows:-

- Appendix 1: application form which includes premises licence;  
Appendix 2: representations;  
Appendix 3: map of premises location

### **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 necessary 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 18/4/17

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

WK/170006115

Appendix: 1

[Insert name and address of relevant licensing authority and its reference number (optional)]

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 Pc Steven Harrington Pc 425 NI Police – Responsible Authority**

(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 in  
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

Crouch Hill Supermarket  
60 Crouch Hill

Post town Islington

Post code (if known) N4 4AD

Name of premises licence holder or club holding club premises certificate (if known)

Mr Huseyin Boybeyi

Number of premises licence or club premises certificate (if known)

LN/5689-290612

**Part 2 - Applicant details**

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible  
authority (please read guidance note 1, and complete (A)  
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☒

3) 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 ✓ yes

Mr

☐

Mrs

☐

Miss

☐

Ms

☐

Other title

(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

☐

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**

<b>Name and address</b>  Steven Harrington Pc 425 NI Police Licensing Officer  Islington Police Station 2 Tolpuddle Street Islington London N1 0YY
<b>Telephone number (if any)</b> 07799 133204
<b>E-mail address (optional)</b> licensingpolice@islington.gov.uk

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

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please tick one or more boxes ✓**

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

**Please state the ground(s) for review (please read guidance note 2)**

**Please state the ground(s) for review (please read guidance note 2)**

**I am Police Constable Steve Harrington, 425NI a licensing officer acting on behalf of the Commissioner of the Metropolitan Police.**

**This review of Crouch Hill Supermarket 60 Crouch Hill N4 NAD is based on the grounds of crime and disorder.**

**The venue has been handling stolen goods, namely bottles of alcohol, stolen from another supermarket. They have been found to be purchasing the stolen items from a known person, with the intention to place these stolen bottles on sale in their own store.**

**Albeit they have only been dealt with for this one incident, they have intimated to police that this was not the first time.**

**The venue has a licence permitting sales of alcohol Monday to Saturday 0800 to 2300 and Sunday 1000 to 2230.**

**There are thirteen conditions on the licence, two of which they have been in breach of relating to this incident.**

**The police invite the sub-committee to remove the Designated Premises Supervisor, to enforce a condition whereby neither Mr Savvas BOYBEYI or Mr Ali ONAY have anything to do with the day to day management, running of or any form of employment at the venue, and given consideration to the seriousness of the offence, to consider a suspension of the licence. And if the licence is to remain, a CCTV condition to be added to their licence.**

Please provide as much information as possible to support the application (please read guidance note 3)

Wednesday 02/11/2016 Cris report 2727276/16 refers at 1045 am.

Plain clothes police officers saw a known person enter Crouch Hill Supermarket, 60 Crouch Hill; they had with them what appeared to be a full bag of shopping. A few moments later, the person exited the shop with an empty bag. Police investigated and found that the known person had sold nine bottles of wine to the staff in the shop for £35.

When the officer entered the shop, Mr Savvas BOYBEYI was behind the counter, and Mr ONAY was in the rear stock room. Savvas denied that the person had been in the store and claimed that the nine bottles of wine on the table in the stock room had been bought officially. The police officer explained what they had witnessed and Savvas admitted that they had paid the person £35 for the said bottles. They then put them in a bag and handed them over to the officer. Whilst in the stock room, the officer saw the Sainsbury's security tags in the bin, and retrieved them too.

The police officer in attendance at this time has written in his statement that eventually, Mr ONAY admitted that the same person usually drops the bottles off in the back room and is handed the cash. Savvas further admitted that he had helped to take off the security tags.

Monday 07/11/2016 at 10pm.

A police licensing officer attended the store, present at that time were Mr ONAY and another Mr BOYBEYI, (the uncle of Savvas). The officer asked to see CCTV from the previous incident. Mr BOYBEYI spoke limited English, Mr ONAY did not speak at all. After a phone call, The premises licence holder and Designated Premises Supervisor Mr Huseyin BOYBEYI and his son, Savvas BOYBEYI arrived, both of whom spoke English. CCTV was again requested, and the reason given, that police were looking at the possibility of them having handled stolen goods. While Savvas found the CCTV, both Mr ONAY and Huseyin left the store.

CCTV showed the known person enter the store with a full bag, walk directly without slowing to the rear stock room, joined by Mr ONAY. The person then took the bottles, with security tags still attached, from the bag and put them on the table. A momentary conversation seemed to take place, ending with Mr ONAY leaving the stock room and talking to Huseyin, who was stood at the till. Huseyin opened the till and handed cash to Mr ONAY, who in turn then gave it to the person, the person then left the store.

Huseyin claimed at that point that he did not know what the £35 was for, but thought as his colleague was asking him for it, it was a legitimate purpose. Police requested a copy of the CCTV – this was eventually supplied, albeit they do not have a CCTV condition on their licence.

The wine was confirmed as stolen property belonging to Sainsbury's and along with the security tags, was returned to them.

During the conversation at the premises, Savvas stated that neither he, nor his father or uncle had anything to do with this, and that he genuinely had no idea what the money was for, he then blamed Mr ONAY in entirety for the wrongdoing.

Friday 25/11/2016 Cris 2729279/16 relates

All the evidence now gathered, this crime report was created relating to the offence of handling stolen goods.

Friday 13/01/2017

Mr Savvas BOYBEYI attended Islington police station, admitted the offence and signed a community resolution.



### Summary

Aside from Mr Savvas BOYBEYI being guilty of committing an offence contrary to S22 of the theft Act 1968, the venue is in breach of two conditions within Annex 2;  
Condition 3, No alcoholic goods will ever be purchased or taken from persons calling at the shop  
Condition 5, The licensee will immediately report to trading standards any instance of a caller to the shop attempting to sell alcohol.

Mr Savvas BOYBEYI lied to police in the first instance, before he realised that the crime he had committed was obvious, and captured on CCTV. He then lied again to the police licensing officer, and tried to pin the entire blame onto his assistant Mr ONAY.

Mr ONAY himself, albeit also involved, did admit that this was not the first time the person had come to the store and sold them alcohol – as a shop assistant, was he under pressure from the owner, or the owners son to act as he did? We have no way to check how many times this has happened in the past – just the words of admission from Mr ONAY.

It is our opinion that Savvas being the son of the licence holder and DPS, knew what he was doing was wrong, and also our opinion that his father would have known.

The venue does stock a lot of wines, and has a stock room full to the brim of alcohol. Again, we have no way of knowing how much of this has been purchased legally. Mr Huseyin BOYBEYI must have known this practice was taking place when rigorous stock checks were carried out.

### Conclusion

The venue has failed catastrophically. They have gone beyond the comparatively minor offences of failing to adhere to two very straightforward conditions - they have gone a far stride further and broken the law on a greater scale in terms of handling stolen goods.

It is our opinion that they as a team cannot be trusted, from the License holder and DPS down to the shop assistant. They have all shown a complete disregard to the licensing objectives.

We ask the committee to consider the following options;

1. Remove Mr Huseyin BOYBEYI as the DPS
2. Insert a condition stating that neither Mr Savvas BOYBEYI or Mr Ali ONAY have anything to do with the day to day management, running of or any form of employment at the venue.
3. To consider a suspension of the licence.
4. And if the licence is to remain, a CCTV condition to be added to their licence, which reads;

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

- *The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct. A record of these checks, showing the date and name of the person checking, shall be kept and made available to Police or authorised Council officers on request;*
- *The Police must be informed if the system will not be operating for longer than one day of business for any reason;*
- *One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;*
- *The system will provide coverage of any exterior part of the premises accessible to the public;*
- *The system shall record in real time and recordings will be date and time stamped;*
- *Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to Police or authorised Council officers on request (subject to the Data Protection Act 1998) within 24 hours of any request; &*

- ***At all times, there will be a person on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.***

☐

1	2	3	4	5	6	7	8
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**If you have made representations before relating to the premises please state what they were and when you made them**

yes

Please tick ✓

- 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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature

*James P. C. 425NE*

Date

15<sup>th</sup> MARCH 2017

Capacity

Police Licensing Officer ISLINGTON

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

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**

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.



## PREMISES LICENCE LICENSING ACT 2003

<b>Premises licence number</b>	LN/4133-290612		
<b>Postal address of premises, or if none, ordnance survey map reference or description</b> CROUCH HILL SUPERMARKET 60 CROUCH HILL			
<b>Post town</b>	London	<b>Post code</b>	N4 4AD
<b>Telephone number</b>	020 7272 6747		

<b>Licensable activities authorised by the licence</b> The sale by retail of alcohol
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<b>The times the licence authorises the carrying out of licensable activities</b>																												
<ul style="list-style-type: none"><li>The sale by retail of alcohol:<table><tr><td>Monday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Tuesday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Wednesday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Thursday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Friday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Saturday</td><td>08:00</td><td>to</td><td>23:00</td></tr><tr><td>Sunday</td><td>10:00</td><td>to</td><td>22:30</td></tr></table></li></ul> <p>Except on: Good Friday: 08:00 to 22:30 Christmas Day: 12:00 to 15:00 and 19:00 to 22:30</p>	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
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Friday	08:00	to	23:00																									
Saturday	08:00	to	23:00																									
Sunday	10:00	to	22:30																									

<b>The opening hours of the premises:</b> Not specified
--

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

<b>Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence</b> Mr Huseyin Boybeyi
---

<b>Registered number of holder, for example company number, charity number (where applicable)</b>
---

<b>Name, address and telephone number of designated premises supervisor where the premises licence authorises the supply of alcohol</b> Mr Huseyin Boybeyi
---

**Personal licence number and issuing authority of personal licence held by designated premises supervisor where the premises licence authorises the supply of alcohol**  
104070 – London Borough of Islington

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

  
Service Director - Public Protection

Date of Issue

23/7/12

Licence

## **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 or 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
3. No alcoholic goods will ever be purchased or taken from persons calling to the shop.
4. No spirits shall be purchased in a resealed box.
5. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
6. 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.
7. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
8. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
9. If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
10. The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences.
11. 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 and make them available for inspection upon request by the licensing team, police or trading standards.

12. The licensee shall put arrangements in place to ensure that before serving alcohol to young persons, 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.
13. 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.
- 14.

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

**Annex 4 – Plans**

Reference Number: 90335-04/08/05

Licence





**ISLINGTON**

**PUBLIC PROTECTION DIVISION**

Trading Standards  
222 Upper Street  
London N1 1XR

Tel: x 3874

E-mail: [doug.love@islington.gov.uk](mailto:doug.love@islington.gov.uk)

Please reply to: Doug Love

**MEMO TO:**

**LICENSING TEAM  
222 UPPER STREET**

Our Ref:

Your Ref:

Date: 17/03/17

### **LICENSING ACT 2003: REPRESENTATIONS BY RESPONSIBLE AUTHORITY**

#### **Crouch Hill Supermarket, 60 Crouch Hill, N4 4AD**

I have had the opportunity to examine the application made by the Police to review the premises licence of this business on behalf of Trading Standards. I wish to make the following representation.

1. Since Huseyin Boybeyi became PLH / DPS in 2007, there have been four underage test purchases attempted, none of which resulted in sales to our underage volunteers.
2. The last two of these attempts followed 'Challenge 25' test purchases in September 2014 and October 2016, during which sales of alcohol were made to young people (18 years old and 19 years old males, respectively) without proof of age being requested. Both sales were made by Coskun Boybeyi, who I believe to be Huseyin's brother, and who describes himself as the owner of the business. He said he thought the volunteers were "20" and "Over 20", respectively, when I went into the shops with the volunteers immediately after the purchases.
3. Although 'failing' a Challenge 25 TP is not a major concern in itself, it does indicate that a large enough margin of error is not being allowed when age is being assessed, is in breach of Annex 2, condition 10 and indicates that the training required by condition 11 was insufficient.
4. I have made three checks for illicit goods at the premises. The first, in January 2012 resulted in the seizure of 136 bottles of wine, which Huseyin Boybeyi later admitted was supplied by someone calling at the shop. This resulted in Mr Boybeyi agreeing to make a minor variation to his licence to add on appropriate conditions and attending an Officer Panel Meeting at which he was warned not to stock illicit alcohol again and that it was a legal requirement to comply with the new conditions.
5. A check in September 2014 resulted in no goods being identified as illicit.
6. The final check was in November 2016, shortly after the incident on which the Police review is based, during a visit with Licensing Officer Katie Tomashevski, who did a conditions check. Once again there was no spirits or tobacco that was suspect. However, there were several beers that had Polish-only labelling. It is an offence under food labelling legislation to sell beer that does not carry English language food labelling and it is also an indication that the beer may not have been supplied by a legitimate wholesaler.
7. One of the beers – Perla Mocna – is 7.6% abv and duty + VAT payable on it is £1.09. The cheapest that I have seen it priced at on a legitimate cash and carry invoice is £29.99 + VAT for a case of 24, which works out at £1.50 per can. It was on sale for £1.10 per can. This may have been a pricing error – the other Polish beers in the store, also on sale for £1.10 are available for around £1.05 per can – or it may be an indication that it is non-UK duty paid. Whatever its origin, I would argue that selling beer of this strength, which tends to be very attractive to people who abuse alcohol, is not the action of a responsible licensee.

8. As Polish beers are known to be regularly smuggled into the UK with duty being paid, I required invoices to be produced, as per licence condition 6 in Annex 2. No invoices have been provided, nor a reason given to explain this.
9. The last check will have been the first where I looked at beers. I often now look, especially at Polish beer and at super strength beers with an abv exceeding 7.5% (the much higher tax on these beers mean these are often duty-evaded, also). I did not request invoices for the super strength beers on this occasion, as the prices were above the minimum prices for which I know them to be available from legitimate cash and carries.
10. The business has sent staff to my training on two occasions. Huseyin Boybeyi (whose English is poor) and his son Savas attended in November 2014; Coskun attended in January 2017. The training sessions cover the importance of complying with licence conditions and of not storing illicit alcohol – the definition of which specifically included stolen alcohol.

### **Recommendations**

11. There is little excuse for the PLH to be in breach of licence conditions. He should have been in no doubt, having attended the Officer Panel meeting and my training, that compliance with them was a legal requirement, if he wished to sell alcohol.
12. The Polish beers I have asked about may, or may not, be UK duty paid. However, the question must be asked: if they were legitimately purchased, how come no invoices have been provided? It is not only a requirement of the licence that invoices are available, but they are also legally required to be kept for traceability (food laws) and financial reasons (tax laws).
13. If this matter was just the above issues I think they could be resolved with a short suspension, or even without using the licence review process at all.
14. The fact that the business has been found handling stolen goods – apparently supplied by a person known to them - is, I believe, much more damning. It is inconceivable to me that this activity would be taking place without the knowledge of the owner or PLH: indeed it seems that the 'deal' was delegated to Mr Onay, an employee - surely an indication that it was a very routine activity in the business. It is certainly hard to see any motive for Mr Onay and Savas Boybeyi to be acting independently from the business principals.
15. If the Committee shares this view, I would encourage them to revoke the licence. The advice, training and warnings offered by the Council over the years have all made it clear that illicit alcohol would not be tolerated and may result in the licence being revoked. The Council gave Mr Boybeyi the chance to amend his ways without damage to his business: the Officer Panel should have been seen by him as an opportunity to get things right. Instead, they have persisted in procuring illegal alcohol to the detriment of others and their competitors. What has been discovered – in fortunate circumstances – may well be just the tip of the iceberg, but even if it is a rare occurrence, it shows inherent dishonesty.
16. If the Committee choose not to revoke the licence, Trading Standards would like to see a long suspension of the licence, with the following conditions added:
  - Super strength beer (ie. that of a strength of 7.5% abv or greater) shall not be sold at less than the verifiable cost of the product to the business and the price of such beers will be clearly displayed to consumers.
  - All alcohol for sale in the shop should carry English language labelling (which may be in the form of a sticker attached to the container).

I believe this representation to be consistent with the Council Statement of Licensing Policy and the recommendation to be appropriate with regard to the Licensing Objectives.



Doug Love  
Trading Standards Officer

**Licensing Act 2003- Representation from the Licensing Authority**  
**Application: Crouch Hill Supermarket, 60 Crouch Hill, London N4**

I am submitting a representation on behalf of the Licensing Authority with respect to the police application to review the premises licence.

The grounds for the representation are:

- The prevention of crime and disorder

**Licensing Policy Considerations**

Licensing Policies 9 & 10      Standards of Management

Licensing Policy 30              Review of Licences

**Issues of Concern**

The Licensing Authority supports the Police application to review the premises licence, as it believes that the management of the premises is undermining the licensing objectives.

This matter was brought to the Licensing Authority's attention in November 2016. The Police were concerned about an allegation of the premises buying and then re-selling stolen bottles of wine from a person calling at the shop and this is a breach of Annex 2 Condition 3 of the premises licence as well as Annex 2 Condition 5.

A joint visit with the Licensing Authority and Trading Standards was carried out on 10 November 2016 where a number of breaches of the premises licence conditions were found including: Annex 2

- Condition 6 - During the visit the Trading Standards officer required to see invoices for the large amount Polish beer at the premises.
- Condition 7 - To date, no information has been provided about the provenance of the alcohol and where it was purchased.
- Condition 8 - No ultra-violet light was available.
- Condition 11 - No training records were available or have ever been provided.
- Condition 13 - No refusal records were kept and have ever been provided.

The premises licensee attended a Licensing Officer Panel in June 2012 following Trading Standards seizure of illicit alcohol. Following the Officer Panel a minor variation was made by the licensee to add the following conditions to the premises licence:

- No alcoholic goods will ever be purchased or taken from persons calling to the shop.
- No spirits shall be purchased in a resealed box.
- The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
- Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.
- A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.
- A ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.
- If any spirits bought by the business have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Islington Trading Standards and HMRC as soon as possible.
- The licensee shall adopt 'Challenge 25', the Retail of Alcohol Standards Group's advice for off-licences.

- 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 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 young persons, 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.

### **Conclusion**

When the Licensing Authority grants a premises licence to a licensee there must be a degree of trust that they will comply with the conditions of the licence. When a licensee not only fails to comply with the conditions of the licence but also commits an offence concerning the sale of alcohol this must be taken very seriously. The actions of the licensee in purchasing and then re-selling stolen goods demonstrate a clear disregard for the law and licensing conditions.

We have considered the recommendations of the Police which include removing the DPS and imposing conditions but for the reasons above have doubts that the licensee will be able or willing to comply with any new conditions imposed.

### **Recommendations**

In order to promote the licensing objectives it is recommended that the licensing committee considers the facts of the Police Review and any mitigation put forward by the Licence Holder and makes a proportionate and appropriate decision. Based on the Licensing Authority's analysis of the evidence it is recommended that the premises licence be revoked.

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