



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	6 August 2019		Highbury East

Delete as appropriate		Non-exempt
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**Subject: PREMISES LICENCE REVIEW APPLICATION  
SHIVAS NEWSAGENT, 108 Highbury Park, London, N5 2XE**

## 1. Synopsis

- 1.1 This is an application by Islington Licensing Authority for a Review of the Premises Licence under Section 51 of the Licensing Act 2003. A copy of the review application is attached as Appendix 1.
- 1.2 The grounds for review is related to the licensing objectives:
- i) Protection of children from harm,
  - ii) Prevention of public nuisance

## 2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Pollution Team	No
Health and Safety	No
Trading Standards	Reviewer

Public Health	Yes
Safeguarding Children	No
London Fire Brigade	No
Local residents	No
Local business	No
Other bodies	No

### **3. Background**

- 3.1 The premises currently hold a licence allowing:
- The sale by retail of alcohol, off supplies, from 08:00 until 23:00 Monday to Saturday and from 10:00 until 22:30 on Sunday.
- 3.2 The premises have held a licence for the sale of alcohol since at least 2005 when the Justices' On Licence was converted into a premises licence.
- 3.3 The current premises licence holder Atmalli Ltd, and designated premises supervisors is Mr Mehmet Altun transferred on the licence in March 2018.
- 3.4 The Licensing Service received 3 representations from the Islington Licensing Authority, the Police Licensing Team and Islington Public Health Team in support of the review application.
- 3.5 Papers are attached as follows:-  
Appendix 1: Review application from the Licensing Authority  
Appendix 2: representations in support of the application for review  
Appendix 3: map of premises location.

### **4. Planning Implications**

- 4.1 The Planning & Development section have confirmed that there are no planning issues in relation to this matter and that there are no enforcement cases open in relation to the property.

### **5 Recommendations**

- 5.1 To determine the application to review the premises licence under Section 52 of the Licensing Act 2003.
- 5.2 The Committee must, having regard to the application and any relevant representations, take such steps as mentioned in Section 52(4) of the Act (if any) as it considers appropriate for the promotion of the 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 review application in the light of all relevant information, and must take such steps as is considers 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 <sup>PP</sup>   
 Service Director – Public Protection

29 July 2019

Date

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)

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 **Alonso Ercilla**

*(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:

**Shivas Newsagent  
108 Highbury Park, London**

Post town: **London**

Post code: **N5 2XE**

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

**Atmali Limited**

Number of premises licence or club premises certificate: **LN/3373-210318**

**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)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address Alonso Ercilla Trading Standards Manager Public Protection Division 222 Upper Street London N1 1XR	
Telephone number:	<b>020 7527 4028</b>
E-mail:	<u><a href="mailto:alonso.ercilla@islington.gov.uk">alonso.ercilla@islington.gov.uk</a></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

This application to review a premises licence relates to the objectives to protect children from harm and to prevent crime and disorder. In particular, it relates to the sale of alcohol to people under the age of 18 and the possession for sale of illicit alcohol that was not intended for sale the UK market.

A copy of the licence is enclosed as item 1.

### Background

On 9<sup>th</sup> May 2019, the Trading Standards Service received information from a social worker at Islington Council that a 15 year old client that they have been working with has been repeatedly hospitalised after consuming alcohol purchased from off licences in the Highbury Barn and Finsbury Park area. The young person had been hospitalised three times in 10 days. As no specific intelligence was provided on the sources of the alcohol, Trading Standards agreed to do advisory visits to all of the off licences in the area, reiterating the importance of asking young people for identification when purchasing alcohol.

On Wednesday 29<sup>th</sup> May 2019, Trading Standards Officers visited all off licences in the Highbury Barn and Blackstock Road area in order to reiterate the importance of asking people for identification, operating Challenge 25, maintaining refusals logs and keeping adequate training records. A copy of the letter provided to the off licences is enclosed as item 2.

At 12:20 on Wednesday 29<sup>th</sup> May 2019, two Trading Standards Officers, including Louise Smedley, visited Shivas at 108 Highbury Park, London, N5 2XE. Louise spoke to Mr Mehmet ALTUN. ALTUN is the sole director of Atmalli Ltd, who is the premises licence holder. ALTUN is also the DPS. ALTUN stated that he has been the premises licence holder and DPS for just over a year. He knew nothing about Challenge 25 policies, and no refusal registers were kept. When questioned by officers, ALTUN appeared to be unaware that it is an offence to sell alcohol to a person under the age of 18 years of age and stated that he did not keep a refusals register as he had never refused a sale. Louise strongly advised that he attend the next training course on age restricted products and licensee responsibilities and advised of the importance of asking young people for ID when purchasing age restricted products. Louise advised that underage test purchase operations would be carried out in the foreseeable future and advised of the potential risks of prosecution or licence review should commit the offence of selling to a person under the age of 18 years of age. ALTUN was extremely aggressive and argumentative with officers who expressed their serious concerns about his policies and procedures in relation to the sale of age restricted products to young people, as they appeared to be non existent. ALTUN was handed the advisory letter and training invitation (referenced as item 2).

On Thursday 30<sup>th</sup> May 2019, further intelligence was received from the social worker that the name of the premises that had been repeatedly selling to the young person is Shivas at 108 Highbury Park, London, N5 2XE. The intelligence provided that Shivas most recently sold to the young person on Tuesday 28<sup>th</sup> May 2019, when they were able to buy a 75cl bottle of Bacardi (ABV 37.5%) which they drank straight away and was then hospitalised.

On Tuesday 4<sup>th</sup> June 2019, Trading Standards conducted a formal test purchase using a minor (aged 15) and the business sold one 440ml can of Guinness Draught with an ABV of 4.1% to a person under the age of 18, contrary to s.146 of the Licensing Act 2003. A photo of this can is provided as item 3.

Louise Smedley of the Trading Standards Service returned to the store along with PC Tim Livermore and PC Beta Van Cauwenburgh from the licensing Police. The seller was Mr Mehmet ALTUN, the licensee and DPS of the premises. A PND was issued by the Police to Mr ALTUN. ALTUN stated again that he keeps no refusals logs. He claims that he has refused sales before but no records were produced. He claimed that volunteer looked old enough. There was no till prompt on the till.

During the visit, cans of Polish Perla beer were displayed for sale in the fridges. A photo of these cans is provided in item 4. Perla is known to be illicit as it has no English labelling on it, indicating that it is not intended for sale on the UK market and is therefore illegally imported duty evaded alcohol. A photo was taken of the cans in the fridge. ALTUN was not able to provide any invoices for this beer and claimed that they were there when he bought the business.

The detriment caused by illegal alcohol cannot be understated. It can be bought very cheaply because duty is evaded and means that shops can undercut their rivals unfairly, which might also encourage vulnerable street drinkers to drink more than they might otherwise. It also means that the end user may not be able to understand what the beverage contains because the labelling is not in English, as required by law.

### Conclusion

The PLH has allegedly repeatedly sold alcohol to a minor on numerous occasions which has resulted in numerous hospital admissions resulting in an extremely detrimental health condition for the young person.

The PLH has failed to take heed of the advice provided by Trading Standards Officers, just 6 days prior to the test purchase operation. As a result, this has led to him selling alcohol to an underage person, which is a criminal offence.

Further criminal offences have been committed with the sale of illicit beer.

### Recommendations

The PLH was provided with advice and an offer of training which was rejected, resulting in the sale of alcohol to a young person, which is a criminal offence.

The impact of his lack of policies and procedures in relation to preventing the sale of alcohol to young people has led to serious health problems for a very vulnerable young person.

Consequently, two criminal offences have occurred with the sale of alcohol to a minor and the sale of illicit alcohol.

We therefore have no confidence in the PLH and his ability to manage the premises effectively. In our view, there is no effective control of the premises licence.

We would therefore ask the committee to consider the effectiveness of the premises licence and recommend either a lengthy suspension, so the licensee can put things in order to comply with the conditions of the licence, or revocation if the committee deems, as we believe that these facts illustrate, that the licensee is not committed to complying with the conditions attached to the licence and the general licensing principles as the interaction with Trading Standards has shown.

Please tick ✓ yes

Have you made an application for review relating to this premises before No

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

5.6.19

Capacity Trading Standards Manager

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)





## Premises Licence Summary

### Licensing Act 2003

<b>Premises licence number</b>	LN/3373-210318	<b>Date of original grant*</b>	24 November 2005
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*\*An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

<b>Postal address of premises, or if none, ordnance survey map reference or description</b> SHIVAS NEWSAGENT 108 Highbury Park			
<b>Post town</b>	London	<b>Post code</b>	N5 2XE
<b>Telephone number</b>	0207 226 2501		

<b>Where the licence is time limited the dates</b> Not Applicable
--

<b>Licensable activities authorised by the licence</b> The sale by retail of alcohol
---

<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: 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</li></ul>

<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 of holder of premises licence</b> Atmali Ltd, 108 Highbury Park, Islington, London, N5 2XE.
--

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

11224313

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

Mr Mehmet Altun

**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  
T: 020 7527 3031  
E: [licensing@islington.gov.uk](mailto:licensing@islington.gov.uk)

## **Annex 1 - Mandatory conditions**

1. No supply of alcohol may be made under the premises licence:
  - a) at a time when there is no designated premises supervisor in respect of the premises licence, or
  - b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. All door supervisors shall be licensed by the Security Industry Authority.
4. The admission of children to the exhibition of a film shall be restricted in accordance with the recommendation of a film classification body as defined in the Video Recordings Act 1984 or Islington Council acting as the licensing authority where it has given notice in section 20(3) of the Licensing Act 2003.

There are further 'Mandatory conditions' applicable to licences authorising the supply of alcohol. A full list of the current mandatory conditions is available from the licensing pages on Islington's web site, [www.islington.gov.uk](http://www.islington.gov.uk). This list is subject to change by order of the Secretary of State and licensees and other responsible persons are advised to ensure they are aware of the latest conditions.

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 1) The 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: 87509Plan

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

T 0207 527 2235  
F 0207 527 3038  
E Louise.Smedley@islington.gov.uk  
W www.islington.gov.uk

Our ref: WK/UAS  
Your ref:

Date: 29<sup>th</sup> May 2019

This matter is being dealt with by:  
**Louise Smedley**

Dear Sir / Madam,

- **UNDERAGE SALE OF ALCOHOL**

It has been brought to the attention of this Service that people under the age of 18 are believed to be obtaining and consuming alcohol in this area which is leading to enormous detrimental health implications. The intention of this letter is to reiterate the importance of asking anyone who appears to be under the age of 25 for identification when they attempt to purchase alcohol or other age restricted goods. Simply asking someone how old they are is not good enough!

You should always take steps to ensure that Challenge 25 is used every time a young person attempts to buy age-restricted goods. If you do not, you may sell to underage buyers, which will put you at risk of prosecution and / or a premises licence review.

Businesses in this area will be test purchased using an underage person within the next few months, so it is very important that you are operating Challenge 25. In addition to this, you should be training all staff members on asking for ID, keeping records of this training and keeping refusals registers.

Finally, we offer training sessions for sellers of age restricted goods. Should you or any of your employees wish to attend one of our courses, please see the attached information sheet.

Please feel free to contact me should you have any further questions regarding this matter.

Yours sincerely,

**Louise Smedley**  
**Senior Trading Standards Officer**

## **Free Training on Age Restricted Goods**

Islington Council is offering free, high quality training sessions for retailers of age-restricted goods.

I am inviting you to attend the next session which will be held on **Tuesday 13<sup>th</sup> August 2019 at 14:00** (until 16:00). All courses are held at the main Council Offices at **222 Upper Street, Islington, London, N1 1XR**.

The sessions are structured to be suitable for both licensees and employees and (subject to capacity) are open to all. Feedback from people attending previous sessions has been excellent.

The sessions can be used as part of a training programme for employees and will:

- Offer practical advice on how to avoid underage sales
- Help you to understand the potential consequences of a sale for yourself and the business
- Explain how confrontation can be minimised
- Obtain information on how to successfully challenge young people

The training is **free!**

If you cannot make this date, please contact me for further information about future dates.

***To confirm your place, please respond to me using the above details by telephone or email with the full name of each attendee to you wish to send and their role in the business. Places are limited so it is extremely important that you contact me to confirm your place.***

Please feel free to contact me using the details provided above should you have any further questions regarding this matter.

Thank you!

Louise Smedley  
Senior Trading Standards Officer  
Islington Trading Standards

Item 3





**GUINNESS®**  
DRAUGHT

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**alc. 4.1% vol.**

**BEER**

**DRINK RESPONSIBLY**

UK Chief Medical Officers  
recommend adults  
do not regularly exceed

Men 3-4 units a day  
Women 2-3 units a day

1.8  
UK  
Units



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**DRINKiQ.com**

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**BEST BEFORE DATE:**  
**SEE BASE OF CAN**



W0000000 3105A111A

Item 4



**Date:** 23/06/2019



**METROPOLITAN POLICE  
SERVICE**

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

Telephone: 07799133204  
Email:  
Licensingpolice@islington.gov.uk

**Date 23<sup>rd</sup> June 2019**

**Re: Shivas Newsagent – 108 Highbury Park, London, N5 2XE**

I am submitting a representation on behalf of the Police licensing team in respect to the review application submitted by Islington Council's Trading Standards team in relation to the above premises.

The issues that concern us regarding the above premises are Alcohol induced crime, Disorder and Antisocial behaviour and the association of children and alcohol.

On Tuesday 04/06/2019 a test purchase was conducted in a joint operation by Trading standards and the Islington police licensing team. During the visit the underage person that purchased alcohol was not challenged in the slightest despite the member of staff having ample time to do so and at the time there was hardly any patrons in the venue so there would have been very little in terms of distractions. When the member of staff was challenged he appeared quite shocked and was almost in disbelief that he was being questioned. After arguing his case he appeared calm but upset, which is when he was issued him with a Penalty Notice for Disorder.

Where the premises is located has frequent issues with Anti social behaviour and this is easily fuelled when the licensing objectives are not met. The crime stats over a recent three month period in the area strengthen this point. In February 2019 there were 221 crime related incidents, 18 of those were related to theft, 50 were violent crime and 40 were ASB related. Similarly in March 2019 out of 273 crimes; 19 were thefts, a staggering 71 were violent but also 53 were related to ASB. Finally in April of the same year, out of 254 crimes; there were 28 thefts, 45 violent incidents and 55 incidents of anti social behaviour. This is the reason why it is imperative to uphold the licensing objectives.

We strongly believe that not selling alcohol to underage people can drastically improve the above statistics so it is important to ensure that all members of staff are challenging people that appear to be underage and definitely not selling alcohol to them and this venue has proven to be doing the contrary. We strongly believe that staff need to be

trained more regularly so that the importance of maintaining the licensing objectives aren't forgotten and anybody that looks to be 25 or under will be getting challenged.

Islington police licensing team support the proposed review of this premises by Islington trading standards as at this current time it appears that the licensing objectives are not being adhered to, as evidenced by this unchallenged sale of alcohol to a juvenile during a test purchase operation.

Pc Beta Cauwenbergh  
Islington Police Licensing Team  
Islington Police Station  
Tolpuddle Street  
London N1



Licensing Act 2003

Licensing Authority Representation

Premises Licence Review Application:

**Shivas Newsagent 108 Highbury Park, London, N5 2XE**

I am submitting a representation on behalf of the Licensing Authority with respect to the premises licence review application, submitted by Islington Council's Trading Standards Team in relation to the above premises.

The premises currently have a licence for

- The sale by retail of alcohol for consumption off of the premises, Mondays to Saturday from 08:00 until 23:00 and Sunday's 08:00 until 22:30.

The premises have been licensed since at least 2005. The current premises licence holder Mr was Atmalli Ltd, transferred onto the licence in 21 March 2018 and the DPS Mr Mehmet Altun, was varied at the same time.

**The grounds for the representation are:**

Prevention of Crime & Disorder;  
Protection of Children from Harm

**Licensing Policy Considerations**

Licensing Policy 8	Standards of Management
Licensing Policy 14	Alcohol Induced Crime, Disorder and Antisocial Behaviour
Licensing Policy 28	Children and Alcohol
Licensing Policy 29	Review of Licences

**Issues of Concern**

The Licensing Authority supports the Trading Standards Team's application to review the premises licence, as it believes that the management of the premises is undermining the licensing objectives specifically regarding Licensing Policy 28 for Children and Alcohol.

The report set out in the review are very serious and therefore the Licensing Authority has serious concerns about the current owners are in any position to promote the Licensing objectives at this premises.

The current licence was converted in 2005 and therefore has no licence conditions.

The Licensing Authority seeks to encourage the highest standards of management in licensed premises (LP8) and the fact that the premises failed a Challenge 25 test purchase, sold alcohol to a minor, which is a criminal offence under S146 of the Licensing Act 2003 and has suspected other previous sale to minors is very concerning.

It shows the lack of strong management required to operate an off-licence and demonstrates that the premises are not being run effectively and to the high standards expected.

**Summary**

The Licensing Authority recommends that the Licensing Sub Committee consider revoking the premises licence or a three-month suspension.

If the Committee does decide that a long suspension is appropriate that the following conditions should be imposed on the licence on the suspended licence.

1. The DPS a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.
2. CCTV shall be installed, operated and maintained in agreement with the Police.
3. Maintained means that the system will be regularly serviced ( At least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
4. Challenge 25 shall be operated as the proof of age policy.
5. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
  - a. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
  - b. all crimes reported,
  - c. lost property,
  - d. all ejections of customers,
  - e. any complaints received,
  - f. any incidents of disorder,
  - g. any seizure of drugs or offensive weapons,
  - h. any faults in the cctv,
  - i. any refusal in the sale of alcohol.
  - j. any visit by a relevant authority or emergency service
6. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
  - a. That CCTV & Challenge 25 are in operation;
  - b. Advising customers of the provisions of the licensing act regarding underage & proxy sales;
  - c. Of the permitted hours for licensable activities & the opening times of the premises;
  - d. Not to drink in the street a fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.
7. The front of the premises shall be kept tidy at all times and be swept at close.
8. Relevant notices will be prominently displayed by the entry/ exit door and point of sale (as Appropriate)
9. An incident book shall be kept at the premises and made available to the police or authorised council officers --see box b condition 5 for full details of the information to be recorded.
10. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.

11. Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
12. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book the incident book shall be kept and produced to police & authorised council officers on request –see section b condition 5 for full details.
13. All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
14. Written training records will be kept for all staff members and made available to police or authorised council officers on request.
15. Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. No beer, lagers, ciders or spirit mixtures of 6.5% ABV or above shall be sold at the premises.

Terrie Lane  
Licensing Manager  
Islington Council  
020 7527 3233

29 June 2019

## Licensing Act 2003

### Representation from Camden and Islington Public Health on behalf of health bodies providing services in Islington.

#### Shivas Newsagent, 108 Highbury Park, London, N5 2XE

We are submitting a representation in response to the request by Islington Trading Standards team for a review of the license for the above premises. Islington Trading Standards team have brought this review following the sale of alcohol to a person aged under-18 years. Islington Trading Standards team report that on 04/06/19 alcohol was sold to an under-age volunteer (15 years) working with them. This follows intelligence from a social worker that the named store had repeatedly sold a young person (15 years) alcohol, and on the 28<sup>th</sup> May 2019 they sold the young person a 75cl bottle of Bacardi, which they drank straight away and was then hospitalised.

This representation is on behalf of Camden and Islington Public Health Department, which as a health body is a responsible authority.

The grounds for the representation are:

- The protection of children from harm

The relevant policies in Islington's Licensing Policy

- Licensing policy 14: The Licensing Authority expects licensees to operate to the highest standards of management, and to cooperate with responsible authorities, to prevent: The sale of alcohol to underage children
- Licensing policy 28: Children and alcohol

#### Alcohol, Children and Young People

The Chief Medical Officer's guidance on alcohol advises that an alcohol free childhood is the healthiest and best option. This is because there is well-documented evidence of the association between alcohol consumption and harm to children and young people aged under-18<sup>1</sup>.

Research shows that alcohol use in young people is associated with a range of health risks. Alcohol poses a greater health risk to children than adults because they are still developing mentally and physically. Alcohol poses both short-term health risks to children such as acute alcohol poisoning and longer terms developmental risks. Harms are experienced in both those who binge drink and those who drink regularly. A single incident of drunkenness can have severe consequences for a person aged under 18.

Department of Health guidance provides evidence that drinking alcohol is associated with an increased likelihood of having sex and at a younger age, unprotected sex, teenage pregnancy, and the likelihood of contracting sexually transmitted infections

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<sup>1</sup> (Guidance on the Consumption of Alcohol by Children and Young People, Department of Health, 2009)

Alcohol use in young people is also associated with injuries from accidents or from fighting; perpetrating or being the victim of alcohol-related crime and violent crime; involvement in anti-social behaviour; school absenteeism; and poor academic performance.

There is evidence that early age of drinking onset is associated with an increased likelihood of developing alcohol misuse or dependence in adolescence and adulthood, and with dependence at a younger age.

Off-licences and shops licenced to sell alcohol play a significant role in underage access to alcohol. Around half of young people aged between 11 and 15 who had drunk reported buying alcohol rather than being given alcohol by someone else (Smoking, drinking and drug use among young people in England survey, 2016). Of all 11 to 15 year olds surveyed, 10% had bought alcohol from an off licence and 8% from a shop or supermarket<sup>2</sup>.

The licensing policy emphasises restricting access to alcohol for children as a high priority in Islington in order to help reduce the anti-social behaviour and health issues associated with underage drinking.

### **The impact of underage drinking in Islington**

The impact of alcohol on young people is particularly great in Islington. The borough had the highest rate of alcohol specific admissions in London among those under 18 years, during the period 2015/16-2017/18 – a rate that, statistically, was significantly higher than the London average.

Over the period between 2015/16-2017/18, there were 43 young Islington people<sup>3</sup> aged under 18 admitted to hospital with an alcohol-specific condition. Alcohol specific conditions are directly caused by alcohol, such as alcohol poisoning, rather than one exacerbated by alcohol. This figure does not include those who only attended accident and emergency but were not admitted.

### **Conclusion**

Islington experiences the highest level of alcohol-related harm among children and young people in London, and sales of alcohol to under-18 year olds is a significant source of alcohol for young people.

The Islington Licensing Policy states that licensees supplying alcohol to underage young people can expect the Licensing Authority to impose additional controls and sanctions and repeat offenders run the risk of their licence being reviewed. Islington Public Health fully supports the review of this licence.

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<sup>2</sup><https://digital.nhs.uk/data-and-information/publications/statistical/smoking-drinking-and-drug-use-among-young-people-in-england/2016>

<sup>3</sup> <https://fingertips.phe.org.uk/profile/local-alcohol-profiles>

**Recommendation**

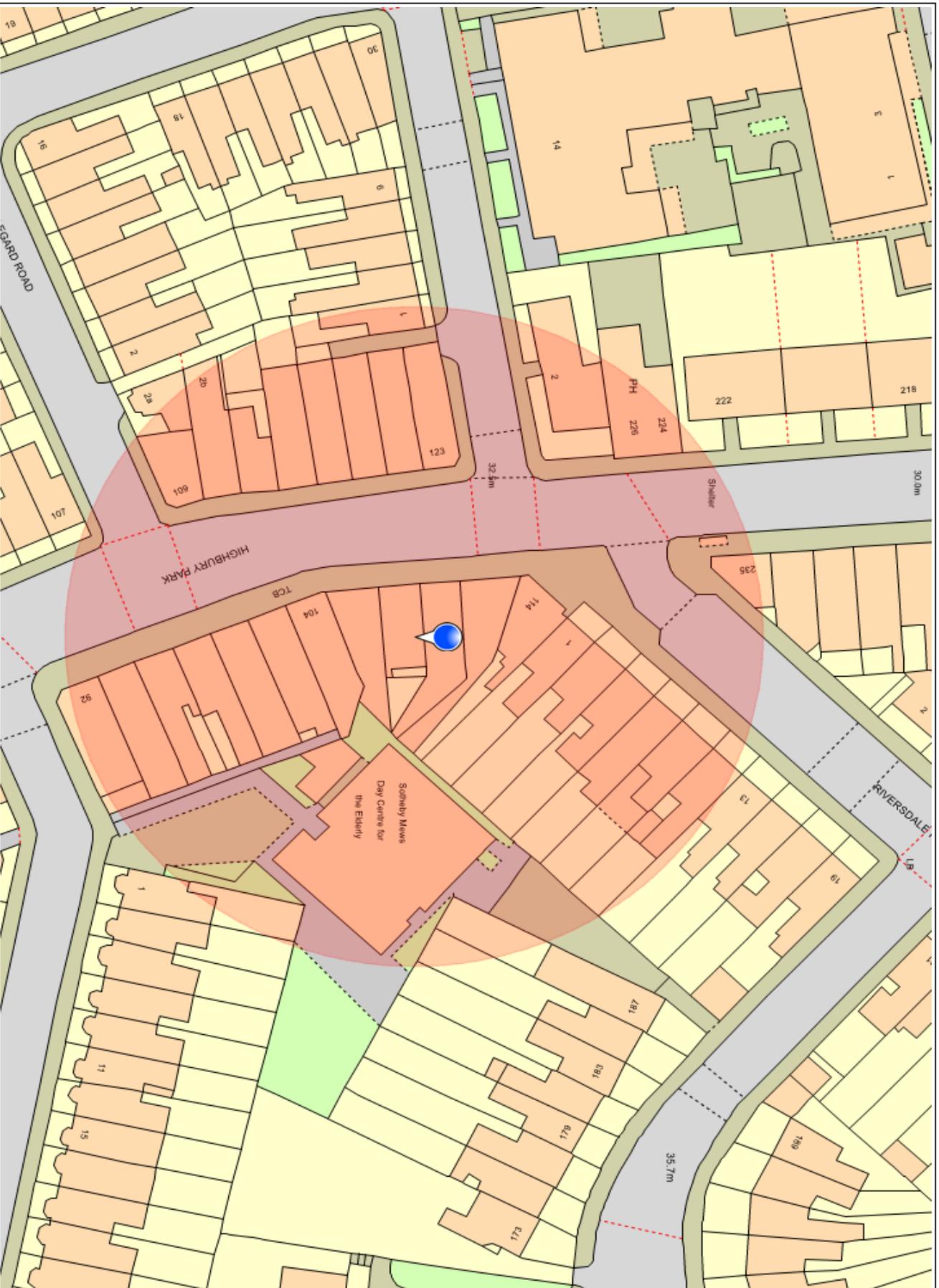
Islington's Public Health Department recommends that the committee takes account of the impact of alcohol-related harm to under-18s in Islington in considering the recommendations made by Islington Licensing Authority, including considering the revocation of this licence.

### Appendix 3

Conditions recommended by representation of the Licensing Authority.

1. The DPS a personal licence holder or trained member of staff nominated in writing by the DPS shall be on duty at all times the premises are open to the public.
2. CCTV shall be installed, operated and maintained in agreement with the Police.
3. Maintained means that the system will be regularly serviced ( At least once a year) and checked every two weeks to ensure that it is storing images correctly and a log kept and signed by a Supervisor to this effect. The system will provide an identifiable full head and shoulder image of everyone entering the premises and will operate in any light conditions within the premises. The system will cover the full exterior of the premises and shall record in real time, date and time stamped and will operate whilst the premises is open for licensable activities. The recordings will be kept for a minimum of 31 days and copies will be made available to an Authorised Officer or a Police Officer (subject to the Data Protection Act 1998) within 24hrs of any request free of charge. There will always be a member of staff on duty who can operate the system, to allow Officers to view recordings and if required by a Police Officer, provide a copy of images immediately free of charge to assist in the immediate investigation of offences. If the system malfunctions and will not be operating for longer than one day of business then Police must be informed.
4. Challenge 25 shall be operated as the proof of age policy.
5. All staff who work at the till will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
  - a. An incident book shall be kept at the premises, and made available to the police or authorised council officers, which will record the following:
  - b. all crimes reported,
  - c. lost property,
  - d. all ejections of customers,
  - e. any complaints received,
  - f. any incidents of disorder,
  - g. any seizure of drugs or offensive weapons,
  - h. any faults in the cctv,
  - i. any refusal in the sale of alcohol.
  - j. any visit by a relevant authority or emergency service
6. Notices will be prominently displayed by the entry/ exit door and point of sale (as appropriate) advising customers:
  - a. That CCTV & Challenge 25 are in operation;
  - b. Advising customers of the provisions of the licensing act regarding underage & proxy sales;
  - c. Of the permitted hours for licensable activities & the opening times of the premises;
  - d. Not to drink in the street a fire risk assessment and emergency plan will be prepared and regularly reviewed. All staff will receive appropriate fire safety training and refresher training.
7. The front of the premises shall be kept tidy at all times and be swept at close.
8. Relevant notices will be prominently displayed by the entry/ exit door and point of sale (as Appropriate)
9. An incident book shall be kept at the premises and made available to the police or authorised council officers --see box b condition 5 for full details of the information to be recorded.
10. A phone number for the premises shall be made available if required upon request to the police, any other responsible authority or any local resident to express any concerns caused by the operation of the premises. Any complaints and the outcome will be recorded in the incident book.
11. Challenge 25 shall be operated as the proof of age policy and only a valid passport, photo driving licence, HM forces photographic id card or proof of age card with the pass logo or hologram on it may be accepted as proof of age.
12. All refusals of the sale of alcohol shall be recorded in the refusals section of the incident book the incident book shall be kept and produced to police & authorised council officers on request –see section b condition 5 for full details.

13. All staff who work front of house will be trained for their role on induction and be given refresher training every six months. Written training records will be kept for each staff member and be produced to police & authorised council officers on request. Training will include identifying persons under 25, making a challenge, acceptable proof of age & checking it, making & recording a refusal, avoiding conflict & responsible alcohol retailing.
14. Written training records will be kept for all staff members and made available to police or authorised council officers on request.
15. Unless an epos system with an automatic proof of age check reminder incorporated in it is in use a manual prompt will be displayed by the till(s) to remind staff to check proof of age where appropriate.
16. No more than 15% of the sales area shall be used at any one time for the sale, exposure for sale, or display of alcohol.
17. No beer, lagers, ciders or spirit mixtures of 6.5% ABV or above shall be sold at the premises.



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