



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

Meeting of	Date	Agenda Item	Ward(s)
Licensing Sub-Committee	4 th October 2016		Mildmay

Delete as appropriate		Non-exempt
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Subject: PREMISES LICENCE REVIEW APPLICATION
RE: STAR FOOD & WINE, 138-140 BALL'S POND ROAD, LONDON, N1 4AD.

1. Synopsis

- 1.1 This is an application by Islington Council's Trading Standards Manager, Mr Alonso Ercilla, 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 objective:
 - i) The prevention of crime and disorder.

2. Relevant Representations

Licensing Authority	Yes
Metropolitan Police	Yes
Noise	No
Health and Safety	No
Trading Standards	No
Public Health	No
Safeguarding Children	No

London Fire Brigade	No
Local residents	No:
Other bodies	No:

3. Background

3.1 The premises currently holds a licence allowing:

- i) The sale by retail of alcohol, off supplies only, Sundays to Thursdays from 06:00 until 01:00 the following day and Fridays & Saturdays from 06:00 until 03:00 the following day.

3.2 Licensing History:

- The premises licence for 138-140 Ball's Pond Road was initially granted on 12th September 2012;
- 20th January 2016, Mr Onur Kavruk became the licensee and Designated Premises Supervisor (DPS).

3.3 Prior to the new premises licence being granted for 138-140 Ball's Pond Road on 12th September 2012 there were two separate premises licences in place, one at 138 Ball's Pond Road and one at 140 Ball's Pond Road.

These two licenses were surrendered when the new licence from 138-140 Ball's Pond Road was granted. The licensee and DPS for the two premises at this time was Mr Gazi Kavruk, the current licensee's father.

Although Mr Gazi Kavruk was not named as Licensee & DPS for the new combined premises he was the sole director of the company, 25 Hours Ltd, that owns the business.

The current licensee and DPS, Mr Onur Kavruk, is known to have been employed at the premises since at least 6th July 2012.

3.4 Papers are attached as follows:-

- Appendix 1: application form;
- Appendix 2: current premises licence
- Appendix 3: representations;
- Appendix 4: suggested conditions and 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 22 September 2016

Received by

Head of Scrutiny and Democratic Services

Date

Report author: Licensing Service

Tel: 020 75027 3031

E-mail: licensing@islington.gov.uk

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

You may wish to keep a copy of the completed form for your records.

I 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:

Star Food & Wine

138 – 140 Balls Pond Road

Post town: **London**

Post code: **N1 4AD**

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

Onur Kavruk

Number of premises licence or club premises certificate:

COMMERCIAL/LICENSING

25 JUL 2016

PUBLIC PROTECTION DIVISION
222 UPPER ST, LONDON N1 1XR

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:	020 7527
E-mail:	alonso.ercilla@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

This application to review relates to the objectives to prevent crime and disorder and licensing policies 26 & 10 following:

- the seizure of a large amount of non-UK duty paid tobacco products; and
- a failure to exhibit a high standard of management at the business – specifically in regard to complying with licence conditions.

The business is a small independent convenience store. It is owned by 25 Hours Ltd - the sole director of which is Gazi Kavruk, who was also the premises licence holder (PLH) and designated premises supervisor (DPS) until recently. His son, Onur Kavruk, became the PLH & the DPS at the start of 2016.

Background information

In March and December 2011, the business was sent guidance on how to identify illicit alcohol and tobacco, with covering letters warning that the a licence review may result if seizures of illicit goods were found in future.

On 6th July 2012, Doug Love, a Trading Standards Officer, visited the business with officers from HMRC to check for illicit alcohol and tobacco. The visit was prompted by the extension of Star Supermarket from 138 into the neighbouring premises at 140 and Mr Kavruk's belated attempts to get a premises licence to match the new circumstances.

The visit revealed the business to have non-duty paid spirits (eight brands, 25.2 litres) and wine (26 bottles including two counterfeit Jacob's Creek) on their shelves. These goods were seized.

Gazi Kavruk was interviewed and claimed that the illicit goods may have been transferred stock when he bought the neighbouring premises.

A representation was made by Trading Standards in respect of the new licence application (for the combined premises), detailing the seizure. The application was granted with appropriate conditions.

In March 2015, Onur Kavruk attended training for off-licence managers put on by the Council, although Mr Love has a note that he left after the first half. Included in the second half of the training were two sessions entitled 'Licensees' Responsibilities' and 'Illicit Goods',. The first of these explained the significance of licence conditions and stressed the need to periodically check compliance with those conditions. The latter made clear that illicit goods found in off licences was likely to result in strong action. A handout of the slides used was given to all participants and copies of the most recent Illicit Alcohol and Tobacco guidance was available at the sessions.

The circumstances giving rise to the review

In April 2016 Mr Love was planning some visits to look, primarily, for illegal tobacco. Test purchases of 'cheap tobacco' at several business were conducted on 19th April. In Star Food & Wine, the purchaser was served by a person whose description matches that of the PLH. The purchases said that the seller seemed familiar with the shop; suggested a pack of Golden Virginia hand-rolling tobacco for £10 and when the purchaser agreed he produced it from behind the counter, knowing immediately where to find it. The purchased item was later examined by Mr Love and is believed to be genuine product for duty free sale.

Three days later, Mr Love, PC Harrington of Islington's Licensing Police and officers from HMRC went to the shop to do check for illicit tobacco and alcohol and to check that the business was trading in compliance with licence conditions. Onur Kavruk, the DPS and PLH, was present and, before the inspection started, he was asked if there was any foreign or non-duty paid tobacco on the premises. He replied that there was not.

However, a significant quantity of illegal tobacco was found by the HMRC officers in two bags kept behind the counter.

Three brands of hand rolling tobacco were seized:

Golden Virginia, 20 x 50g;
Drum Original, 14 x 50g;
Drum Yellow, 12 x 50g.

Three brands of cigarettes were seized:

Marlboro Red x 860;
Marlboro Gold x 200;
Vogue x 640.

All the products were made for the duty free market, except the Drum Yellow, which carried Polish markings and bore a Polish tax stamp. All items are believed to be genuine product.

Onur Kavruk (the DPS and PLH) told the HMRC officers that the tobacco belonged to the owner of the nearby café and that he was just looking after it for him.

Mr Love examined the alcohol stock. He identified as non-duty paid and seized:

19 litre bottles of Glens; and
6 x 70cl bottles of Smirnoff.

Some of this vodka was behind the counter, but most was found in cases in a store room. The boxes were resealed – a sign that they may have been unsealed so that the back labels on the bottles could be replaced with fake ones bearing UK duty stamps – and Mr Love could see they were clearly not cases for duty paid vodka: the Smirnoff case had the 'UK duty stamp' legend crossed through in marker pen, indicating that the case was intended for export; the Glens case held 12 bottles – UK cases usually hold only six – and did not have the 'UK Duty Stamp' legend at all, whereas UK market cases have this added. The bottles themselves had unprofessionally added back labels, which were bumpy to the feel as there was trapped air and some were crooked. Anyone following the Trading Standards guidance on how to identify illicit alcohol should have been able to identify them as illicit.

Mr Love also noted that 500ml cans of Skol Super (8% abv) were on sale for £1.35 per can – far below the price one would expect to see them for sale at a cash and carry. Duty and VAT alone on this product totals £1.15 per can. There were approximately 5 trays of 24 cans of this product on the premises. No invoices were available at the premises for the product, so Mr Love asked for them to be produced as soon as possible.

PC Harrington checked the licence conditions and had found several that were not being complied with.

CCTV footage from the time of the test purchase was required to be provided by 5pm on the following Monday - three days later. As Mr Love was explaining the reason it was needed, he noted that the test purchaser's description of the seller seemed to match Onur Kavruk rather well.

On Tuesday 26th April, Mr Love visited the premises again, as neither the CCTV footage nor any invoices for the Skol Super had been provided. Neither were available at the shop, so Mr Love seized the remaining Skol Super (48 cans), as he believed them to be non-duty paid.

The duty payable on all seized goods totalled approximately £1028.

On 12th May, Onur Kavruk (OK) attended the Council offices and was interviewed under caution. No CCTV footage or invoices had been provided. The main points of the interview were:

- OK said he had worked at the business for 6 years, but just been a 'cashier' until he became PLH and DPS in January 2016;
- He claimed all the seized tobacco belonged to a man from the nearby café;

- He claimed that he kept it behind the counter, rather than in the store room or cellar because he didn't want to appear to be hiding it;
- He claimed that the test purchase sale was carried out by someone else and not him although could not explain why they would do so if it were only being stored there
- He admitted that there is no system for matching goods to the relevant invoice and that he is unsure how to identify illicit alcohol;
- He claimed that he did have training records and a refusals book, but that they were not to hand when PC Harrington had asked him;
- He explained that the cctv footage had not been provided as he had been unable to download it, although he could view it. He said the reason for this was that it was a replacement system provided after the police had taken the original system following an accident in the shop;
- He did not recognise the health and safety schedule referred to in Annex 3, condition 1.

The following day Mr Love visited the premises, but was unable to view the cctv footage from the test purchase – the system in use at the time seemed only to have recordings back to the 3rd May (10 days previously: cctv recordings from the last 31 days should be available).

The Licensing Police have been unable to find any evidence of the police taking possession of the original cctv system from the store.

Mr Love noted that no sign that would enable the PLH to comply with Annex 2, condition 5 was present and that the cctv system was displaying the incorrect time (out by an hour).

On 3rd June Mr Love visited the business to leave a letter for the PLH asking for him to provide a copy of the relevant paperwork to show that this had taken place and reminding him of relevant matters that were still outstanding. At the time this application was signed nothing had been supplied by the business in response to this letter.

While he was there, Mr Love noted that no sign that would enable the Licensee to comply with Annex 2, condition 5 was present and the cctv system was displaying the incorrect time (out by an hour).

On 7th June the PLH came into the Council offices to ask for further explanation about the letter Mr Love had left at the premises. During a conversation with Mr Love and Dan Whitton, Licensing Officer, the PLH indicated that he had ordered a new CCTV system that would record for the required 31 days; Mr Whitton agreed to visit the business to check the health and safety works and other conditions; and it was confirmed that Onur and another member of staff would attend Council training. Mr Love advised the PLH that he had noted the required notice was still missing and advised him to ensure this and all other conditions were complied with scrupulously in future.

Two days later, Mr Love and Mr Whitton visited the premises. Before they announced themselves, Mr Love asked a volunteer who had just turned 19 to attempt a 'Challenge 25' test purchase – buying alcohol without showing proof of age. He was able to buy K Cider (8.4% abv) without any challenge for proof of age being made. The seller – an employee - later said she had thought him to be 20-21 and the PLH stated he thought he was 19. Annex 2, condition 6 requires anyone appear to be under 25 to be asked for proof of age.

Mr Whitton looked to see if the rest of the licence conditions were being complied with: he was generally satisfied, with the exception of the CCTV system failing to satisfy the condition – the PLH assured him this was in hand and would be rectified promptly - and that there were no copies available for inspection and test certificates in respect of the health and safety work referred to in Annex 3, condition 1.

On 17th June the PLH and the employee who made the Challenge 25 test purchase sale attended the training. Both seemed attentive during the course. At the end of the course, Mr Kavruk reminded him that he was still to supply the Health and safety certificates and that he had said that he would get Mehmet – the person who sold the illicit tobacco – to contact Mr Love.

A few days later, the PLH visited the Council offices. Mr Love and Mr Whitton spoke with him. Mr Whitton was supplied with the health and safety certificates, dated 14/06/16, which were satisfactory. Mr Love asked if Mehmet was going to contact him and Mr Kavruk said that he would.

On 7th July, the PLH and Mehmet visited the Council offices. Mr Love was not present, but Niall Forde of Licensing saw them. Mr Love later spoke briefly with Mehmet on the telephone, arranging a time for a longer conversation. However, Mehmet did not answer at the arranged time and did not respond to a subsequent text message giving him a final chance to speak with Mr Love before this application was finalised.

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.

Recommendations

I believe that the premises licence should be revoked.

There have been two seizures of illicit goods from the shop. In 2012, when the current PLH was working in another role at the shop, the seizure resulted in the addition of relevant conditions to a new premises licence granted for the extended shop.

The origin of the goods seized recently has not been satisfactorily explained and I believe that the evidence shows that they were in possession for sale. I do not believe that the account provided by the PLH is credible.

It was suggested that the vodka and Skol Super may have been purchased by an unnamed person during the time that the PLH was away from the business in February 2016. If this is true it shows very poor control of the business, but whether it is or not, there is little doubt that none of it came from a legitimate cash and carry. No invoices have been produced.

The last thing to consider is the disregard of conditions on the premises licence shows and what this says about the management of the business. Although Mr Love was subsequently shown the training and refusal records that PC Harrington was not, the failure to comply with such easy requirements as displaying notices, having a uv light on the premises and keeping copies of invoices for alcohol in the shop suggests that either they had never been read, or that had been and then nothing done to ensure compliance. Failure to comply with the CCTV condition by providing footage when requested has prevented the committee from being able to see exactly what did happen at the test purchase.

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

For these reasons, I believe that the committee should be minded to revoke the premises licence.

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

A Trading Standards representation was made on 10/08/12 during the application process for this licence.

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

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)



ISLINGTON

Environment and Regeneration

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

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

T 020 7527 3874
F 020 7527 3038
E doug.love@islington.gov.uk
W www.islington.gov.uk

Please reply to: Doug Love
Our ref:
Your ref:

Date: 25/07/16

Dear Sir or Madam

S51 LICENSING ACT 2003: Application for review of premises licence

Star Food & Wine, 138-140 Ball's Pond Road, N1 4AD

Islington Trading Standards is applying to have the premises licence of the business trading as Star Food & Wine reviewed. There has been a recent seizure of illicit alcohol and tobacco and premises licence conditions were not being observed.

The enclosed document is our formal application for the review. Copies have also been submitted to the people and agencies listed below.

Please contact **Doug Love** (details above) in relation to this matter.

Yours faithfully

Alonso Ercilla
Trading Standards Manager

The Licence holder for the business
Licensing Office of Islington Police
London Fire and Emergency Planning Authority
Health & Safety Team
Development Control Team, Islington Council
Noise & Pollution Team, Islington Council
The Child Protection Team, Islington Council
Public Health
Licensing Team, Islington Council

PP





**PREMISES LICENCE
LICENSING ACT 2003**

Premises licence number	LN/16036-200116	Date of original grant*	12 September 2012
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
STAR FOOD & WINE 138-140 BALLS POND ROAD			
Post town	London	Post code	N1 4AD
Telephone number			

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																																			
<ul style="list-style-type: none"> The sale by retail of alcohol: <table border="0"> <tr><td>Monday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Tuesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Wednesday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Thursday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> <tr><td>Friday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Saturday</td><td>06:00</td><td>to</td><td>03:00</td><td>the following day</td></tr> <tr><td>Sunday</td><td>06:00</td><td>to</td><td>01:00</td><td>the following day</td></tr> </table> 	Monday	06:00	to	01:00	the following day	Tuesday	06:00	to	01:00	the following day	Wednesday	06:00	to	01:00	the following day	Thursday	06:00	to	01:00	the following day	Friday	06:00	to	03:00	the following day	Saturday	06:00	to	03:00	the following day	Sunday	06:00	to	01:00	the following day
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The opening hours of the premises:																																			
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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

Onur Kavruk



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

Onur Kavruk



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

██████████ London Borough of Haringey

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

J. Chapman
Service Manger - Commercial

22nd February 2016
Date of Issue

Annex 1 - Mandatory conditions

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

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

Annex 2 - Conditions consistent with the Operating Schedule

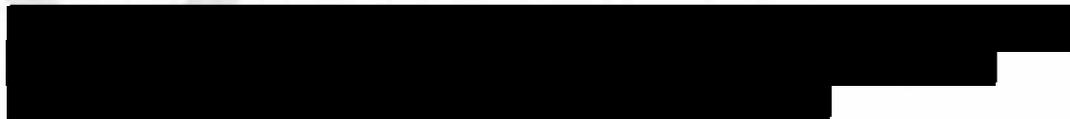
1. The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and preventing crime and disorder. The licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.
2. The licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises.
3. The CCTV system shall conform to the following points.
 - Cameras must be sited to observe the entrance and exit doors inside and out.
 - Cameras on the entrances must capture full frame shots of the head and shoulders of all people entering the premises ie. capable of identification.
 - Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - Be capable of visually confirming the nature of the crime committed.
 - Provide a linked record of the date, time and place of any image.
 - Provide good quality images – colour during opening times.
 - Operate under existing light levels within and outside the premises.
 - Have the recording device located in a secure area or locked cabinet.
 - Have a monitor to review images and record picture quality.
 - Be regularly maintained to ensure continuous quality of image capture retention.
 - Have signage displayed in the customer to advise that CCTV is in operation.
 - Digital images must be kept for 31 days.
 - Police will have access to images at any reasonable time.
 - The equipment must have suitable export method, e.g CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making a copy. If the format is non-standard (ie manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to police on request.
4. Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for detail of locations). All

appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

5. Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.
6. The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
7. The Challenge 25 logo and posters will be displayed at the premises.
8. No alcoholic goods will ever be purchased from sellers calling to the shop.
9. The licensee will immediately report to Trading Standards any instance of a caller to the shop attempting to sell alcohol.
10. No spirits in re-sealed cases will be purchased.
11. 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.
12. A stock control system will be introduced so that the licensee can quickly identify where and when alcoholic goods have been purchased.
13. 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.
14. If any spirits bought by the company 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.
15. 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 by the licensing team, police or trading standards

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

1



2

The licensee shall ensure that staff are trained about age restricted products and ensure that they sign to confirm that they have understood the training. The training shall include the assessment of age; making a challenge: acceptable proof of age; and recording refusals. The licensee shall keep records of training and instruction given to staff.

Annex 4 – Plans

Reference Number: VC-12-40 25/07/12



Premises Licence Summary Licensing Act 2003

Premises licence number	LN/16036-200116	Date of original grant*	12 September 2012
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**An annual fee associated with this licence is to be paid on the anniversary of the original grant date.*

Postal address of premises, or if none, ordnance survey map reference or description			
STAR FOOD & WINE 138-140 BALLS POND ROAD			
Post town	London	Post code	N1 4AD
Telephone number			

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

- The sale by retail of alcohol:

Monday	06:00	to	01:00	the following day
Tuesday	06:00	to	01:00	the following day
Wednesday	06:00	to	01:00	the following day
Thursday	06:00	to	01:00	the following day
Friday	06:00	to	03:00	the following day
Saturday	06:00	to	03:00	the following day
Sunday	06:00	to	01:00	the following day

The opening hours of the premises:				
Monday	00:00	to	00:00	the following day
Tuesday	00:00	to	00:00	the following day
Wednesday	00:00	to	00:00	the following day
Thursday	00:00	to	00:00	the following day
Friday	00:00	to	00:00	the following day
Saturday	00:00	to	00:00	the following day
Sunday	00:00	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 of holder of premises licence

Onur Kavruk



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

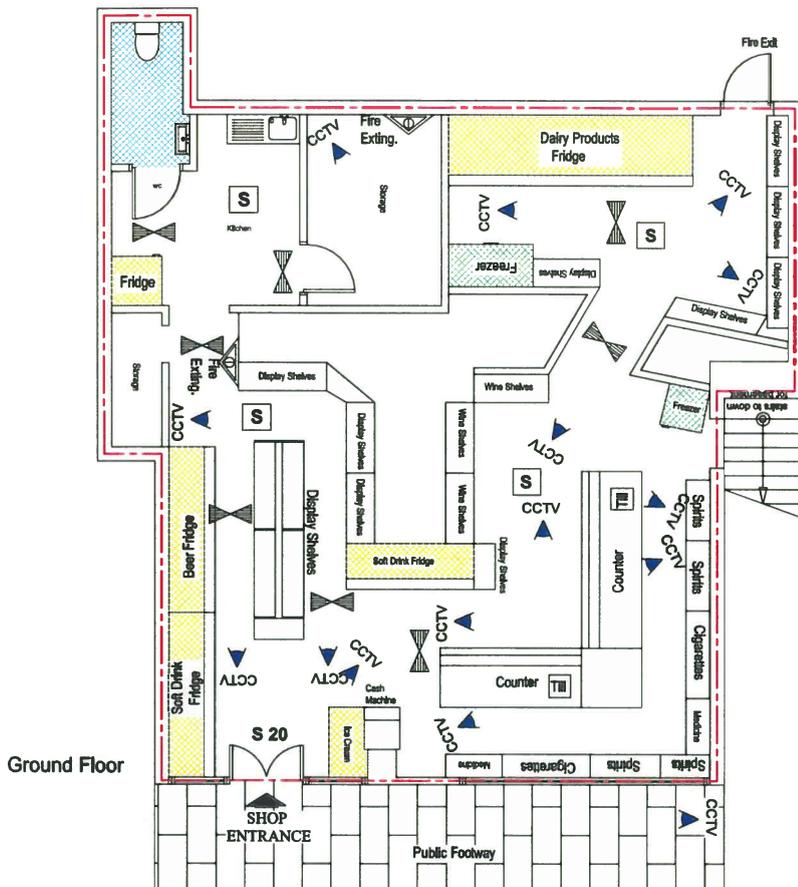
M Onur Kavruk

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

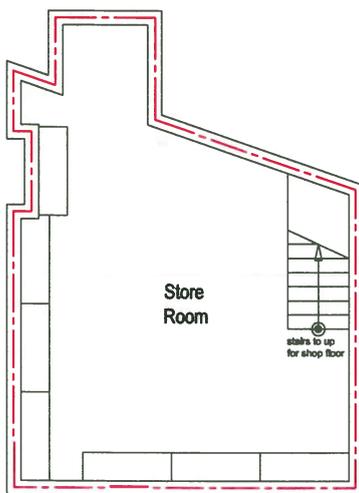
No restrictions

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

Summary



Ground Floor

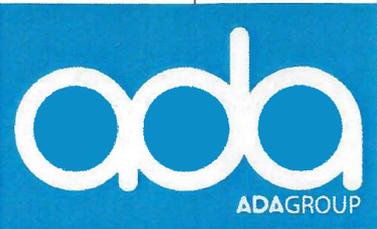


Basement

LEGEND

- FREEZER
- FRIDGES
- WC AREA
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- FIRE EXTINGUISHER
- FIRE ESCAPE KEEP CLEAR

STAR FOOD & WINE	138 Balls Pond Rd, London N1 4AD
FLOOR PLAN	
REF: VC-12-40	
SCALE : 1/100@A4	DATE : 25/07/2012



The condition that is not copied, reproduced, retained or disclosed to any unauthorized person without the prior consent in written of ADA GROUP. Dimensions in mm. Not construction drawings.

Licensing Act 2003**Licensing Authority Representation****Premises Licence Review Application:****Star Food & Wine, 138-140 Ball's Pond Road, London N1 4AD.**

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

The grounds for the representation are:

- Crime and disorder.

Licensing Policy Considerations

Licensing Policy 10 *High Standards of management; and*

Licensing Policy 26 *Illicit goods being offered for sale.*

Issues of Concern

- The Licensing Authority has serious concerns over the management of this premises. The premises licence holder and Designated Premises Supervisor, Onur Kavruk, has been in position at the premises since 20th January 2016 however, he has been employed there for some time longer than this and was employed there when the earlier seizure of illicit alcohol took place on 6th July 2012.
- Mr Onur Kavruk has not exhibited the high standards of management (LP 10) we expect of our licensees, on 19th April 2016, the premises sold 'cheap tobacco' to a volunteer during a test purchase exercise. During the subsequent inspection on 22nd April 2016 a significant quantity of illicit tobacco, illicit alcohol (LP 26) and premises licence condition breaches were identified.
- As a result of the issues identified on 22nd April 2016 and the subsequent interview under caution of Mr Onur Kavruk on 12th May 2016 a follow-up inspection took place at the premises on 9th June 2016. Prior to this inspection a Challenge 25 test purchase took place where a 19 year old volunteer was able to purchase alcohol without any challenge or request for proof of age, a breach of Annex 2, Condition 6 of the premises licence.
- During the inspection on 12th May 2016 the CCTV system was still found to be non-compliant with Annex 2, Condition 3 of the premises licence.

Summary

The Licensing Authority fully supports the premises licence review application and also believes that the Sub-Committee should be minded to revoke the premises licence.

Janice Gibbons
Service Manager
Islington Council
020 7527 3212

19th August 2016

Your License Review
Our Licensing/NI
Date: 31/07/2016



**METROPOLITAN POLICE
SERVICE**

**Islington Police Licensing Team
Islington Police Station
2 Tolpuddle Street
London
N1 0YY
Telephone: 07799133204**

Email:
licensingpolice@islington.gov.uk

31st July 2016

PREMISES LICENSE REVIEW:
STAR FOOD & WINE
138-140 BALLS POND RD
N1 4AD

Dear Sir/Madam

Re: Premises License Review: Star Food & Wine, 138-140 Balls Pond Rd N1 4AD

With reference to the above application, we are writing to inform you that the Metropolitan Police, as a Responsible Authority, will be supporting this application for a review of a premises license under Section 51 Licensing Act 2003.

We have read the application submitted by Mr Alonso Ercilla Trading Standards Manager Public Protection Division, 222 Upper Street N1 1XR.

We are in full agreement with his assessment of the premises. We believe that the management standards are far from reaching the high standards required and expected by all of the Responsible Authorities and the Council Licensing Policy.

The evidence put forward in Mr Ercilla's report makes it clear that there have been issues with the sale or possession of illicit alcohol and tobacco for a prolonged period of time at the venue, even after receiving written advice and then just recently training.

I visited the venue on Friday 22nd April 2016 along with Mr Doug Love from Trading Standards and Officers from HMRC and a substantial quantity of illegal tobacco and illicit alcohol were found and seized. I carried out a full check of the License conditions at the premises and completed a Form 695, copy attached and Exhibited as SAH/1. During my check I found the following.

Annex 2 Conditions 2 & 3 which relate to the use of the CCTV system. The system could not be checked because Mr Onur Kavruk, who is the premises DPS, was unable to work the CCTV system. I could see that the time on the screen was 1 hour out.

The following conditions were also being breached.

Annex 2 Condition 1 - This relates to staffing, staff training and staff training records. These records were not available for me to check for compliance.

Annex 2 Condition 5 - This relates to notices being displayed to remind customers to leave the premises quietly. There were no notices of this description on display.

Annex 2 Condition 7 - Relates to Challenge 25 Posters being displayed. There was only one on display in the shop and this was behind and above the till area and was partially obscured from view.

Annex 2 Condition 15 - Relates to the use of a refusals log which should be available for inspection by Police or Council licensing Officers or Trading Standard Officers. There was no log available and one could not be found at the time of the visit.

These breaches are, by themselves minor and would normally attract words of advice, but taken together they are evidence of a poor Management system and combined with the sale of illegal tobacco and illicit alcohol show that there is a complete and utter disregard for the Licensing Objectives.

Islington Licensing Police take a very dim view of any person and or premises that operate outside of the law.

We do not believe that further conditions on the license will have any effect on the way the premises is run.

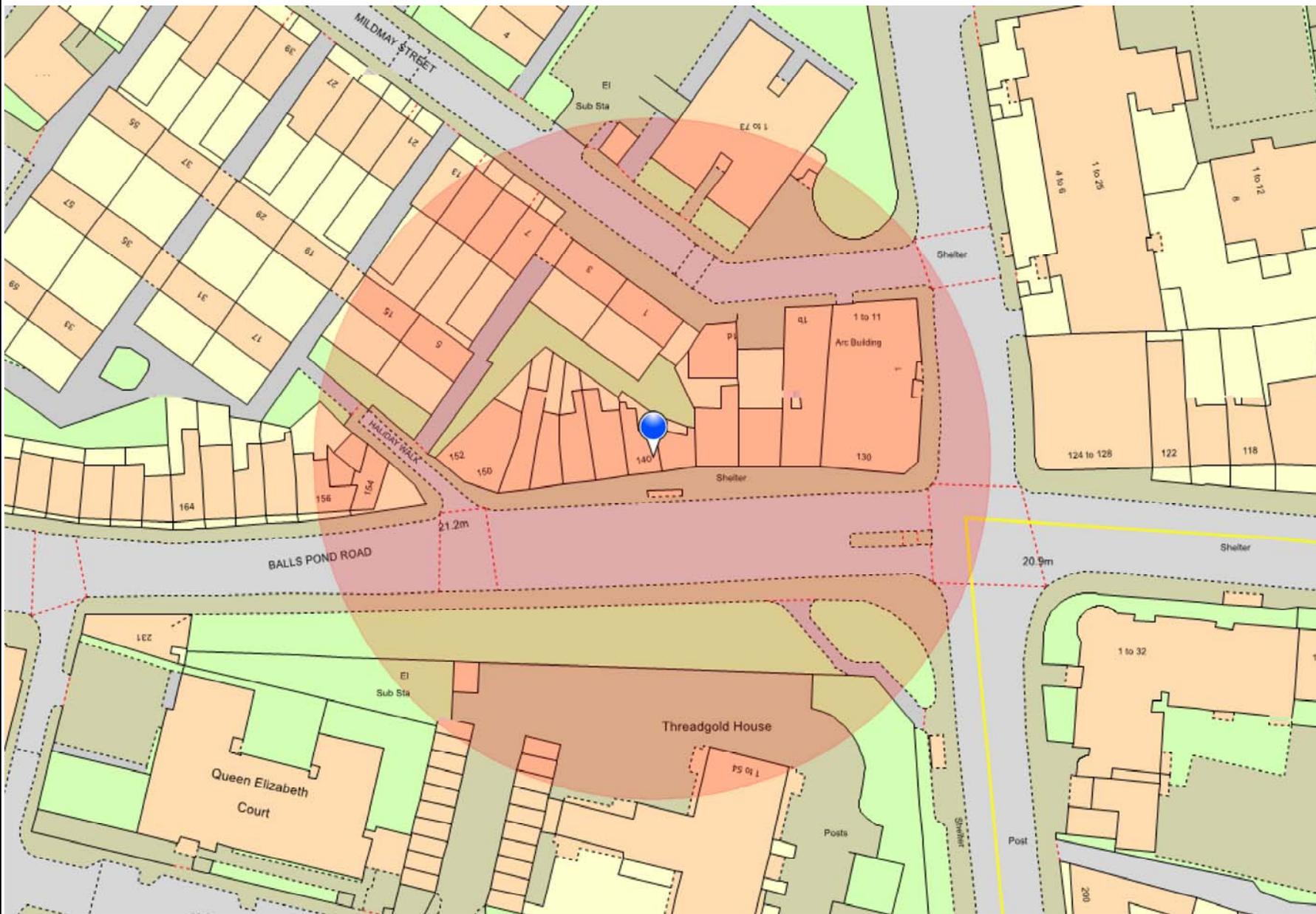
It is clear from the detailed report that Mr Onur Kavruk has made a conscious decision that he will operate his premises the way he wants and not the way the current legislation demands. The standards of Management are far from the levels required and expected and I have no hesitation in recommending that the license for the premises is revoked.

Islington Police Licensing Team
Pc Steven Harrington 425NI



Proposals recommended in response to the application.

Revocation has been recommended by the applicant and Responsible Authorities.



Title: PremLocationMap-50m

Printed By:
RO RO

Printed At:
22-09-2016