

REPORT OF THE GROUP DIRECTOR, NEIGHBOURHOODS AND HOUSING

LICENSING SUB-COMMITTEE: 07/08/2018	Classification DECISION	Enclosure
Application for Review of Premises Licence: Kingsland Food and Wines, 77 Kingsland High Street, E8 2PB	Ward(s) affected Dalston	

1. SUMMARY

Applicant Trading Standards	In SPA: Dalston
Date of Application 13 June 2018	
The Grounds for Review: <ul style="list-style-type: none"> • Use of the premises for the sale or storage of smuggled tobacco • Illegal sale of alcohol to a minor • The prevention of crime and disorder • The Protection of Children from Harm 	
Current Premises Licence Details: Premises Licence permitting sale by retail of alcohol (off sales)	
Current Capacity	Unknown
Policies Applicable	LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 (Public Safety)
List of Appendices	Appendix A– Application requesting the review of the premises licence Appendix B – Current Licence Appendix C – Representations from responsible authorities Appendix D – Location map
Relevant Representations	<ul style="list-style-type: none"> • Environmental Health Authority (Environmental Enforcement) • Police • Licensing Authority

2. APPLICATION FOR REVIEW OF PREMISES LICENCE

- 2.1 Trading Standards, as a Responsible Authority under the Licensing Act 2003, have applied for the review of the premises licences granted for the premises known as Kingsland Food and Wines, 77 Kingsland High Street, E8 2PB on the following grounds:
- Use of the premises for the sale or storage of smuggled tobacco and illegal sale of alcohol to a minor
 - The Prevention of Crime and Disorder

- The Protection of Children from Harm

2.2 The applicant is seeking revocation of the licence. If the sub-committee decide not to revoke, Trading Standards propose that the licence be suspended for a period of six weeks, to allow for the Designated Premises Supervisor to be replaced, and for conditions to be added to the licence as detailed in para.9.1 below

2.3 Representations supporting the review have been received from Police, Licensing and Environmental Enforcement all of whom support revocation of the licence. Environmental Enforcement have also proposed conditions to be added to the licence, as detailed in para. 9.1 below, should the sub-committee decide not to revoke.

3. CURRENT POSITION/ HISTORY

3.1 The premises were in possession of a justice's licence prior to the introduction of the Licensing Act 2003. Metropolitan Police applied to review the premises on 25 February 2014 on the grounds of the prevention of crime and disorder and public nuisance. The premises licence was subsequently revoked by the Licensing Sub-Committee on 22 April 2014. However, following an appeal, it was later agreed via signed consent order that the licence would be modified by way of additional conditions.

3.2 The current licence permits the following activities:

- Sale by retail of alcohol for consumption off the premises

A copy of the licence is attached as Appendix B

3.3 The premises have not submitted Temporary Event Notices in current calendar year.

4. REPRESENTATIONS: RESPONSIBLE AUTHORITIES

From	Relevant Representations details
Environmental Health Authority (Environmental Protection)	Have confirmed no representation on this application
Environmental Health Authority (Environmental Enforcement) (Appendix C1)	Representation received on the grounds of Public nuisance and proposed conditions as detailed in para.9.1 below
Environmental Health Authority (Health & Safety)	No representation received
Weights and Measures (Trading Standards)	Applicant
Planning Authority	Have confirmed no representation on this application
Area Child Protection Officer	No representation received
Fire Authority	No representation received
Police (Appendix C2)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm

Licensing Authority (Appendix C3)	Representation received on the grounds of The Prevention of Crime and Disorder, Public Safety and The Protection of Children from Harm
Health Authority	No representation received

5. REPRESENTATIONS: INTERESTED PARTIES

5.1 None

6. REPRESENTATIONS: LICENSEE

6.1 None

7. POLICY CONSIDERATIONS

7.1 The Licensing Sub-Committee is required to have regard to the Hackney Statement of Licensing Policy (“the Policy”) adopted by the Licensing Authority.

7.2 Extracts from Licensing Policies are reproduced at the front of the agenda for this meeting.

7.3 The Policy applies to applications where relevant representations have been made. With regard to this application, policies LP3 (Operating Schedule), LP4 (Crime and Disorder), LP5 (Public Nuisance), LP6 (Protection of Children from Harm) and LP8 (Public Safety) are relevant.

8. GUIDANCE CONSIDERATIONS

8.1 The Licensing Authority is required to have regard to any guidance issued by the Secretary of State under the Licensing Act 2003.

9. OFFICER OBSERVATIONS

9.1 Trading Standards are seeking the revocation of the licence. However, if the sub-committee decide not to revoke, they propose:

- that the current Designated Premises Supervisor be removed
- that the licence be suspended for a period of six weeks,
- that following conditions should be added:

1. No miniature bottles of spirits to be sold.

2. An incident book shall be kept at the premises and made available to the police or authorised council officers, which will record the following:

- a) all crimes reported
- b) lost property
- c) all ejections of customers
- d) any complaints received
- e) any incidents or disorder
- f) any seizure or drugs or offensive weapons
- g) any faults in the CCTV

- h) any refusal in the sale of alcohol
 - i) any visit by a relevant authority or emergency service.
3. Notices will be prominently displayed by the entry/exit door and point of sale advising customers:
 - a) that CCTV and Challenge 25 are in operation;
 - b) advising customers of the provisions of the licensing act regarding underage and proxysales;
 - c) of the permitted hours for licensable activities and the opening times of the premises;
 - d) not to drink in the street;
 - e) to respect residents, leave quietly, not to litter outside the premises or in the vicinity and to dispose of litter legally.
 4. No deliveries will be received or rubbish removed from the premises between 22.00 and 07.00.
 5. No beers, lagers or ciders (including perries) with an ABV of more than 5.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to organic or craft beers. Beers, lagers or ciders (including perries) shall not be sold in packets of less than four at a time.
 6. Signage: Customers to be reminded it is a criminal offence for a person under 18 years to purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under the age of 18 years.
 7. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
 8. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
 9. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

10. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
11. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
12. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Kingsland Food and Wine. This should remain unobstructed at all times and should clearly identify:-
 - the name of the registered waste carrier
 - the date of commencement of trade waste contract
 - the date of expiry of trade waste contract
 - the days and times of collection
 - the type of waste including the European Waste Code

10. REASONS FOR OFFICER OBSERVATIONS

- 10.1 Conditions 1 to 6 above have been proposed by Trading Standards, should the sub-committee decide not to revoke the licence. Conditions 7 to 12 have been proposed by the Environmental Health Authority (Environmental Enforcement) and are to replace similarly worded conditions proposed by Trading Standards in their review application.

11. LEGAL IMPLICATIONS

- 11.1 A legal representative will be in attendance to advise Members.

12. LEGAL COMMENTS

- 12.1 The Council has a duty as a Licensing Authority under the Licensing Act 2003 to carry out its functions with a view to promoting the following 4 licensing objectives;
 - The Prevention of crime and disorder
 - Public Safety
 - Prevention of public nuisance
 - The protection of children from harm
- 12.2 It should be noted that each of the licensing objectives have equal importance and are the only grounds upon which a relevant representation can be made and for which an application can be refused or terms and conditions attached to a licence.

13. HUMAN RIGHTS ACT 1998 IMPLICATIONS

- 13.1 There are implications on Article 6, Article 8, Article 14 and the First Protocol of Article 1.

APPENDIX A

↳ Hackney
LA40

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 Julia Kanji

(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 Kingsland Wine 77 Kingsland High Street London Borough of Hackney	
Post town London	Post code (if known) E8 2PB

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

Number of premises licence or club premises certificate (if known) LBH-PRE-T-0087

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

Name and address Julia Kanji Hackney Trading Standards Hackney Service Centre 1 Hillman Street London E8 1DY
Telephone number (if any) [REDACTED]
E-mail address (optional) [REDACTED]

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 ✓

-
-
-
-

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

Licensing Objective - The prevention of Crime and Disorder.

Licensing Objective - The protection of children from harm

Review guidance under Section 182 of the Licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the Secretary of State considers should be treated particularly seriously. This list includes the use of licensed premises for the sale or storage of smuggled tobacco and alcohol (Part 11.27). On 5th December 2017 a joint operation was carried out with HMRC where they seized 4260 king sized cigarettes and 1.9 kilo of hand rolling tobacco which they believed to be duty avoided. The premises of 77 Kingsland High Street, which is a licenced premises has clearly been used for the sale and storage of smuggled tobacco.

In addition to this Trading Standards also seized 19967 individual cigarettes and 687.5g of hand rolling tobacco which was in non standardised packaging contrary to The Standardised Packaging of Tobacco Products Regulations 2015

Subsequently, a test purchase proxy sale of alcohol lead by The Metropolitan Police Child Sexual Exploitation Team also took place at the premises on Friday 16th March 2018. A scenario was presented in front of the seller Satar Wahid where a Police Officer posed as a consumer buying alcohol on behalf of a minor.

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

Mr Abdul Wahid has been the Personal Licence Holder and DPS of Kingsland Wine at 77 Kingsland High Street, E8 2BP since conversion of the licence in 2005.

In November 2017 a complaint came into Hackney Trading Standards from an anonymous seller regarding the premises selling illegal tobacco. Therefore a visit was made to the premises on 5th December 2017. Mr Abdul Wahid was present at the premises.

On that day, apart from the legal tobacco that was positioned behind the till, covered by shutters, also found was a substantial quantity of foreign labelled tobacco under the counter. A covert hiding place had been made above the door to the staff toilet and concealed within that hiding place was further duty avoided tobacco. In boxes at height in the storeroom were large quantities of non standardised tobacco.

Illicit tobacco seized from the premises:

Non Standardised Cigarettes:

30 x 20 Superkings
656 x 20 Lambert and Butler
7 x 17 Sterling blue
15 x 20 Marlborough Red
5 x 20 Dunhill
160 x 20 JPS
33 x 20 Vogue
5 x 20 B&H Silver
5 x 20 B&H Gold
22 x 20 Richmond
10 x 20 Mayfair
61 x 20 Windsor Blue
10 x 20 Sovereign Blue
9 x 20 JPS
4 x 10 Lambert and Butler
1 x 20 Sterling
4 x 20 Marlborough
1 x 22 Richmond
20 x 20 richmond
6 x 14 Silk Cut
5 x 20 St Moritz Menthols
2 x Bruno
5 x 20 Marlborough Gold
10 x 10 Silk Cut
2 x 10 Windsor Blue
1 x 20 JP Crushball
1 x 20 Richmond
10 x 20 JPS Duo
2 x 20 B&H Silver

Hand rolling tobacco:

3 x Clan Rolling tobacco 50g
1 x Gold Block 25g
1 x Nakla apple flavour tobacco
2 x Samsun pouch 50g

.HMRC seized the following duty avoided tobacco;

100 Marlborough Gold
400 Richmond
200 Benson and Hedges
200 Gold Classic
200 Rothmans
24 x 50g Hand Rolling Tobacco
5 x 50g Old Holborn
10 x 50g Amber Leaf
860 Marlborough Cigarettes
700 Kingdom Fire Virginia Cigarettes

The duty avoided cigarettes did not comply with the Tobacco and Related Products Regulations 2016 in that they did not have the required health warnings; none of the items conformed with the Standardised packaging of Tobacco Products Regulations 2015 in that the packages were not standardised as required - ie the packaging was not of the standardised permitted colour (olive green).

On 19th February 2018 The DPS Abdul Wahid responded under caution to a PACE interview by letter. He advised that he was aware that he was in possession of illegally packaged tobacco and had tried to swop the non standardised packaged cigarettes but that some of the tobacco reps had not responded, so he got fed up of waiting and started to sell the tobacco despite knowing it was illegal. Wahid provided evidence of some swops that were carried out by Gallahger and Phillip Morris by producing the copy receipts, but he volunteered no information about why the brand owners declined to take the other tobacco brands manufactured by themselves. Wahid supplied invoices from Bestway Wholesale to support the fact he purchases genuine tobacco but all of these invoices were dated February 2018 and nothing was produced prior to this date. In relation to the duty avoided stock Mr Wahid advised that his competitors had been undercutting him by selling illicit tobacco so he had made the commercial decision to buy some from one of the many individuals who come to the shop selling cheap cigarettes. In response to this statement Trading Standards were alerted to the potential presence of illicit tobacco by intelligence from a tobacco company relating to a downturn in trade from nearby units who are known to be selling genuine tobacco.

On Friday 16th March 2018 The Child Sexual Exploitation Team based at Stoke Newington Police Station carried out a test purchase with a 14 year old Police cadet volunteer and an undercover Police Officer who purported to be buying Alcohol for the minor to consume. The proxy sale was made at 2:23pm approximately by Satar Wahid who advised he was Mr Abdul Wahid's nephew. The seller made no attempt to prevent the sale despite a scenario presented to him that it was being purchased by the older male but it was for the minor to consume

As background on 8th March 2014 following numerous complaints from members of the public, Hackney Licencing witnessed the premises selling alcohol after the licenced hours. Mr Abdul Wahid attended a PACE interview on 17th April 2014 and subsequently accepted a caution. On 22nd April 2014 the Police called for the revocation of the alcohol licence at licencing sub committee. In summary the Police had witnessed after hours sales of alcohol and the premises was known to supply street drinkers. Mr Abdul Wahid had accepted a caution from the licencing authority on 8th March 2013 and furthermore on 7th February 2014 the Police served a Section 19 Closure notice on Abdul Wahid. This notice was served due to the fact that the licencing authority had witnessed people leaving the premises at midnight having been sold alcohol and subsequently witnessed the attempted purchase of a bottle of Courvoisier. On 15th March 2014 street drinkers were witnessed by the Police buying alcohol from the premises. Whilst revocation was

agreed at sub committee this was subsequently appealed and conditions were placed on the licence which prohibited the sale of single unit sales and restricted the sale of alcohol with a higher volume than 6.5% ABV

In the circumstances of a long and varied history of licencing breaches we are requesting the revocation of the alcohol licence. Furthermore, Section 11.27 of the 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.' This list also includes the illegal purchase and consumption of alcohol to minors. Section 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 therefore that revocation of the licence should be seriously considered. We believe that the history of the premises demonstrates conclusively that the current Management are not sufficiently strong to ensure licencing objectives are met.

However, if the committee wish to pursue a different course of action, Recommendations would be to suspend the alcohol licence for 6 weeks in order to remove the Designated Premises Supervisor until a suitable Designated Premise Supervisor is appointed and the following conditions are added to the licence and are implemented.

- 1) No miniature bottles of spirits to be sold
- 2) An incident book shall be kept at the premises and made available to the police or authorised council officers, which will record the following:
 - a) all crimes reported
 - b) lost property
 - c) all ejections of customers
 - d) any complaints received
 - e) any incidents or disorder
 - f) any seizure or drugs or offensive weapons
 - g) any faults in the CCTV
 - h) any refusal in the sale of alcohol
 - i) any visit by a relevant authority or emergency service.
- 3) Notices will be prominently displayed by the entry/exit door and point of sale advising customers:
 - a) that CCTV and Challenge 25 are in operation;
 - b) advising customers of the provisions of the licensing act regarding underage and proxy sales;
 - c) of the permitted hours for licensable activities and the opening times of the premises;
 - d) not to drink in the street;
 - e) to respect residents, leave quietly, not to litter outside the premises or in the vicinity and to dispose of litter legally.
- 4) No deliveries will be received or rubbish removed from the premises between 22.00 and 07.00.
- 5) No beers, lagers or ciders (including perries) with an ABV of more than 5.5% will be displayed, sold or offered for sale from the premises. This condition does not apply to organic or craft beers. Beers, lagers or ciders (including perries) shall not be sold in packets of less than four at a time.

10) Signage

Customers to be reminded it is a criminal offence for a person under 18 years to

purchase or attempt to purchase alcohol and that it is also an offence to purchase alcohol on behalf of a person under the age of 18 years.

11) The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to all times by staff.

12) The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.

13) In streets or areas where the London Borough of Hackney imposes a requirement that refuse may only be left off the public highway at certain times the Licensee must ensure he complies with any orders or notices served by the Council AND if the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by such order or notice, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.

14) The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Kingsland Wine. This should remain unobstructed at all times and should clearly identify:-

- the name of the registered waste carrier
- the date of commencement of trade waste contract
- the date of expiry of trade waste contract
- the days and times of collection the type of waste including the European Waste Code.

tick ✓ yes

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

Please

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

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

tick ✓ yes

Please

- 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

.....

Date

.....

Capacity **Senior Trading Standards Officer**

.....

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.



This premises licence has been issued by:

Licensing Service
2 Hillman Street
London E8 1FB

PART A – PREMISES LICENCE

Premises Licence Number

LBH-PRE-T-0087

Part 1 – Premises details

Kingsland Food and Wines
77 Kingsland High Street
London E8 2PB

020 7249 3397

Where the licence is time limited the dates

Not Applicable

Licensable activities authorised by the licence

Supply of Alcohol

The times the licence authorises the carrying out of Licensable activities

Supply of Alcohol

Premises:

Standard Hours:

Mon 08:00-23:00

Tue 08:00-23:00

Wed 08:00-23:00

Thu 08:00-23:00

Fri 08:00-23:00

Sat 08:00-23:00

Sun 10:00-22:30

Non-Standard Hours:

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

Good Friday 08:00 to 22:30

The opening hours of the premises

Standard Hours:

Not known

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

Off Premises

Part 2 –

Name, (registered) address, telephone number and e-mail (where relevant) of holder of premises licence

Mr Abdul Wahid



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

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

Mr Abdul Wahid

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

Date of Grant: 24 November 2005

Signed:

**David Tuitt
Team Leader - Licensing**

Annex 1 - Mandatory Conditions

Supply of Alcohol

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.
 - (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.
 - 3.1. The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sales or supply of alcohol.
 - 3.2. The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.
4.
 - 4.1 A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
 - 4.2 For the purposes of the condition set out in paragraph 4.1 above -
 - (a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;
 - (b) "permitted price" is the price found by applying the formula - $P = D + (D \times V)$
Where -
 - (i) P is the permitted price,
 - (ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and
 - (iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;
 - (c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -
 - (i) the holder of the premises licence,
 - (ii) the designated premises supervisor (if any) in respect of such a licence, or
 - (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;
 - (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

4.3 Where the permitted price given by Paragraph 4.2(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

4.4 (1) Sub-paragraph 4.4(2) below applies where the permitted price given by Paragraph 4.2(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Annex 2 – Conditions consistent with the Operating Schedule

N/A

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

Conditions added as result of Consent Order March 2015

5. The premises shall maintain a comprehensive CCTV system meeting the minimum reasonable requirements of a Metropolitan Police Crime Prevention Officer, based upon the current protocol applying to such systems. All public areas and all entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be made available immediately upon the request of Police or authorised officer.
6. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises are open to the public. This staff member shall be able to show Police or an authorised officer of Hackney Borough Council recent data or footage with the absolute minimum of delay when requested.
7. An incident log shall be kept at the premises, and made available immediately to an authorised officer of the Hackney Borough Council or the Police, which will record the following:
 - a. all crimes reported to the venue
 - b. any incidents of disorder
 - c. any faults in the CCTV system or searching equipment or scanning equipment
 - d. any refusal of the sale of alcohol
 - e. any visit by a relevant authority or emergency service.
8. There shall be "CCTV in Operation" signs prominently displayed.

9. There shall be a personal licence holder on duty on the premises at all times when the premises are authorised to sell alcohol.
10. All instances of crime or disorder to be reported by the designated premises supervisor or responsible member of staff to an agreed police contact point, as identified by the Police.
11. Where the sale or supply of alcohol is taking place employees of the premises must request sight of evidence of the age of any person appearing to be under 25 years of age (Challenge 25). Such evidence may include a driving licence or passport.
12. The premises will display prominent signage by every entrance and exit requesting customers to leave the premises quietly and respect local residents.
13. All spirits to be located behind the counter,
14. There shall be at least (2) members of staff on duty at all times.
15. The shop will close to the public at the same time that licensable activity ceases (which, for the sake of clarification, shall not include the period each morning before alcohol sales commence).
16. There shall be no sales of single/individual cans, bottles and/or containers of beer, lager or cider, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
17. There shall be no sales of beer or cider with alcohol content above ABV 6.5%, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.
18. All staff will have refresher training every 6 months on the legislation relating to the sales of alcohol to underage persons and drunken persons. Written records of this training will be kept and produced to a police officer or other authorised officer upon request.
19. All staff should receive training and have an awareness of the four licensing objectives.

Annex 4 – Plans

PLAN/LBH-PRE-T-0087/160605



**RESPONSIBLE AUTHORITY REPRESENTATION:
APPLICATION UNDER THE LICENSING ACT 2003**

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	London Borough of Hackney
ADDRESS OF AUTHORITY	Environmental Enforcement First Floor Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	Bianca Rembrandt
TELEPHONE NUMBER	0208 356 4294
E-MAIL ADDRESS	Bianca.rembrandt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Kingsland Food and Wines 77 Kingsland High Street Hackney London E8 2PB
NAME OF APPLICANT	Julia Kanji

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

Representation in relation to:

Kingsland Food and Wines

ENVIRONMENTAL LICENCE CONDITIONS IN RESPECT OF

Kingsland Food and Wines
77 Kingsland High Street
Hackney
London
E8 2PB

1. The Licensee shall ensure that all staff are fully trained and made aware of the legal requirement of businesses to comply with their responsibility as regards the disposal of waste produced from the business premises. The procedure for handling and preparing for disposal of the waste shall be in writing and displayed in a prominent place where it can be referred to at all times by staff.
2. The Licensee shall ensure that any contract for general and recyclable waste disposal shall be appropriate in size to the amount of waste produced by the business. The Licensee shall maintain an adequate supply of waste receptacles provided by his registered waste carrier (refuse sacks or commercial waste bins) in order to ensure all refuse emanating from the business is always presented for collection by his waste carrier and shall not use any plain black or unidentifiable refuse sacks or any other unidentifiable or unmarked waste receptacles.
3. The Licensee's premises are situated in an area within which refuse may only be left on the public highway at certain times (time bands). If the Licensee's waste carrier cannot or does not comply by collecting the refuse within an hour after the close of any time band imposed by the waste authority, the Licensee must remove the refuse from the public highway and/or keep it within the premises until such time as his/her waste carrier arrives to collect the refuse.
4. The Licensee shall instruct members of staff to make regular checks of the area immediately outside the premises and remove any litter, bottles and glasses emanating from the premises. A final check should be made at close of business.
5. The Licensee shall provide a safe receptacle for cigarette ends to be placed outside for the use of customers, such receptacle being carefully placed so as not to cause an obstruction or trip.
6. The current trade waste agreement/duty of care waste transfer document shall be conspicuously displayed and maintained in the window of the premises where it can be conveniently seen and read by persons standing in Kingsland Food and Wine. This should remain unobstructed at all times and should clearly identify:-

the name of the registered waste carrier
the date of commencement of trade waste contract

the date of expiry of trade waste contract
the days and times of collection
the type of waste including the European Waste Code

The above representations are supported by the following evidence and information.

A waste contract was terminated in December 2016 due to the fact the customer was issued 28 days' notice due to non-payment. No payment was received. They will be issued with a section 34 to find out how they dispose of their waste.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

Name: Bianca Rembrandt

Date: 28/06/2018

APPENDIX C2

RESPONSIBLE AUTHORITY REPRESENTATION: APPLICATION UNDER THE LICENSING ACT 2003

RESPONSIBLE AUTHORITY DETAILS

NAME OF AUTHORITY	Metropolitan Police service
ADDRESS OF AUTHORITY	Licensing Unit, Stoke Newington Police Station 33 Stoke Newington High Street Stoke Newington London N16 8DS
CONTACT NAME	PC 810GD GILES
TELEPHONE NUMBER	0207 275 3022
E-MAIL ADDRESS	hackneylicensing@met.police.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Kingsland Food and Wine 77 Kingsland Street N16 8HR
NAME OF PREMISES USER	Mr Abdul Wahed

COMMENTS

I make the following relevant representations in relation to the above application at the above address.

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

Representations (which include comments and/or objections) in relation to:

Police wish to make a representation in support of the review brought forward by Trading Standards.

Guidance under section 182 of the licensing act 2003 part 11.27 details how there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: one of these being the sale or storage of smuggled tobacco and alcohol. Therefore Police support trading standards in the application to review the licence of Kingsland Food and Wine.

We recognise the role that licensed premises play in contributing to the local economy, however the dense availability of alcohol has a significant impact on the crime rates in the area and therefore it is imperative that those that sell alcohol are well managed, responsible and have a good understanding of the licensing objectives.

The representation is made under the prevention of crime and disorder licensing, public safety and the protection of children from harm objectives.

Further to the evidence and our involvements already detailed by our colleagues at Trading Standards, I have visited this venue a number of times since my role within the Police Licensing department. The venue is situated along Kingsland High Street, an area heavily populated with off licences, bars and pubs. This venue is just in front of Gillett Square, an area known to be popular with the local street drinkers.

Aside from the history of out of hours sales, breaches, a previous review and the findings by trading standards the venue still continues to dismiss the licensing objectives by continuing to breach the licence.

On 15th June 2018 a plain clothes police officer carried out a test purchase on the venue by attempting to buy a single can of alcohol. Something which condition 16 sets out to avoid.

"16. There shall be no sales of single/individual cans, bottles and/or containers of beer, lager or cider, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises."

The test purchase was carried out and the staff sold one single can of Magners to the officer.

On 27th June PC Eva and I attended the venue to conduct a full licensing check. Mr Wahid was in the shop. He could not provide us with a full copy of his licence and didn't understand that his licence summary was not his full licence.

During the visit a number of street drinkers attended the venue to purchase alcohol. I noticed the sign (appendix 1) on one of the fridges containing beer. This sign says "minimum 2 cans only" Although this is not a breach of the licence considering the location of this shop and the problem of asb and street drinking in the area this is an irresponsible sale and certainly does not promote the licensing objectives. I informed Mr Wahid of my concerns who said he would reconsider this policy.

The long history of continued breaches, out of hours of sales and the findings by trading standards clearly indicates to us that the operators are incapable of running a well-managed and responsible licensed premises therefore we support trading standards request of revocation.

and

Signed

PC 810GD GILES

(By E-mail)

Name

PC 810GD GILES

(Printed)



MINIMUM 2
CANS ONLY!





TOTAL POLICING

Licensing Act 2003 - Record of Visit to Off - Licensed Premises

Details

Name of Premises: KINGSLAND ~~REST~~ FOOD + WINE

Address of Premises: 77 KINGSLAND ROAD

Date of Visit: 27 JUNE 2018 Time Of Visit: 10:24

Premises Details

LBH licence number

Is the Designated Premises Supervisor (DPS) present? Yes No

Record details of DPS personal Licence (include full name, issuing authority and lic No.)

ABDUL WAHID

DPS Contact No.: LBH-PER-T-0265 Wahid Abdul 133 991m

If No DPS is present provide details of person in charge:

Record details of personal Licence (include full name, issuing authority and lic No.)

* FARDEEN SAMIMI 2 months 27 trained in APR 11

Is CCTV installed? Yes No

Are miniature bottles on sale Yes No

Does venue sell single can / bottle sales of beer / cider Yes No

Does venue sell beer / cider over 6.5% Yes No

Does venue sell / give away single paper / plastic cups Yes No

Does venue have a refusal sales book 2016118 Yes No

Does the venue operate Challenge 21 25 Yes No

Age / ID signs displayed? Yes No

Is summary licence on display? Refer notes on back Yes No

Is full licence available on premises? Refer notes on back Yes No

Does the venue operate any drinks promotions or cheap sales as a one off? 4 Feb Yes No

Premises Staff

How many staff are on duty? 2

How many Personal Licence Holders on site? 1

Are staff training records available? Yes No

In officers opinion did venue staff have a good understanding of licensing laws? Yes No

General attitude of staff: helpful unhelpful obstructive other

Explanation of licence

Summary licence - This is normally consists of one / two page document containing the address of venue, DPS information and open hours of the venue and sale of alcohol hours

Full Licence - This contains the above information but also list the full set of actual conditions for the licence.

Licensing Objectives are

Prevention of crime and disorder
Protection of children
Prevention of Public nuisance
Public safety

34 St drinkers
Whist in
State

To be completed by person in charge of venue

I confirm that I have received a letter from the Metropolitan Police titled " Christmas New years Eve Equinox 2014"

DATE _____ print name _____

Signature _____

Which conditions breached

NO full licence on prom - 16⁺ full licence
A changing lay out - 50-60%^{alcohol} less NOT on
Prom

Details of officer conducting visit

Name _____ Shd No _____ Warrant No _____



**METROPOLITAN
POLICE**

TOTAL POLICING

Licensing Act 2003 - Record of Visit to Off - Licensed Premises

Details

Name of Premises:	KINGSLAND FOOD + WINE		
Address of Premises:	KINGSLAND FOOD + WINE	77 KINGSLAND HST	
Date of Visit:	11/10/17	Time Of Visit:	10:30

Premises Details

LBH licence number

Is the Designated Premises Supervisor (DPS) present? Yes No

Record details of DPS personal Licence (include full name, issuing authority and lic No.)

Abdul Wahed. LBH-PER-T-0265

DPS Contact No.:

If No DPS is present provide details of person in charge:

Record details of personal Licence (include full name, issuing authority and lic No.)

Is CCTV installed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Are miniature bottles on sale	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does venue sell single can / bottle sales of beer / cider	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does venue sell beer / cider over 6.5% 4.5% 7.6%	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does venue sell / give away single paper / plastic cups	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does venue have a refusal sales book 14/9/17 last entry	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Does the venue operate Challenge 21 <input type="checkbox"/> 25 <input checked="" type="checkbox"/>	Yes <input type="checkbox"/> No <input type="checkbox"/>
Age / ID signs displayed?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Is summary licence on display? Refer notes on back	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Is full licence available on premises? Refer notes on back	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Does the venue operate any drinks promotions or cheap sales as a one off ?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Premises Staff

How many staff are on duty? 2

How many Personal Licence Holders on site? 1

Are staff training records available? Yes No

In officers opinion did venue staff have a good understanding of licensing laws? Yes No

General attitude of staff : helpful unhelpful obstructive other

Explanation of licence

Summary licence - This is normally consists of one / two page document containing the address of venue, DPS information and open hours of the venue and sale of alcohol hours

Full Licence - This contains the above information but also list the full set of actual conditions for the licence.


Licensing Objectives are

- Prevention of crime and disorder
- Protection of children
- Prevention of Public nuisance
- Public safety

To be completed by person in charge of venue

I confirm that I have received a letter from the Metropolitan Police titled " Christmas New years Eve Equinox ~~2014~~" 2017

DATE 11/10/17 print name Abdul Wahid

Signature 

Which conditions breached

Details of officer conducting visit

Name _____ Shd No _____ Warrant No _____



TERRITORIAL POLICING

Kingsland Food and Wine
77 Kingsland High Street
N16 8HR

**GD - Hackney Borough
GD Shoreditch and Hackney Police
Station**

Stoke Newington Police Station
33 Stoke Newington High Street
London
N16 8DS

Telephone: 0207 275 3022

Facsimile:

Email: hackneylicensing@met.police.uk
www.met.police.uk

Dear Mr Wahid

I am writing to inform of a recent breach of condition 16 on your licence. This condition reads

“16. There shall be no sales of single/individual cans, bottles and/or containers of beer, lager or cider, save for such products as may be specifically agreed in writing by the licensing authority following consultation with the police. This approval can be withdrawn in writing by the licensing authority if concerns arise around the operation of the premises.”

On 15th June 2018 at approx. 2135hrs a plain clothes police officer entered the venue to conduct a test purchase. They picked up one single can of Magners and paid for it at the till. She then left your store.

The sale of this single can is a clear breach of your licence.

On 27th June 2018 at around 10:25 hours officers attended your store to conduct a full licensing visit.

You failed to provide police with a full copy of your premise licence, this needs to be kept on premises as detailed in the Licensing Act 2003 Section 57 which states

(2)The holder of the premises licence must secure that the licence or a certified copy of it and a list of any relevant mandatory conditions applicable to the licence are kept at the premises in the custody or under the control of—

(a)the holder of the licence, or

(b)a person who works at the premises and whom the holder of the licence has nominated in writing for the purposes of this subsection.

The copy I gave you during the visit needs to be kept at the premises at all times.

During the visit I spoke to you regarding your sign of “minimum 2 cans only” displayed. This policy- one that we saw in action with two customers buying alcohol during our visit, is not a breach but it is an irresponsible sale in light of who you are selling it to. The two customers although not visibly intoxicated were clearly local street drinkers.

Although not actively encouraging them you are facilitating their needs by supplying single cans, even in pairs these are still a favourable choice of drink for those wanting cheaper alcohol. I strongly advise you to refuse all sales to street drinkers in order to promote the licensing objectives.

On this occasion Hackney Police Licensing Unit are issuing you with a warning letter and advising you that any breach of your premises licence can lead to a criminal prosecution or a review of your premises licence.

If you wish to discuss these issues please do not hesitate to contact us on

0207 275 3022

Yours sincerely,
PC Sian Giles
Hackney Police Licensing Unit.

**RESPONSIBLE AUTHORITY REPRESENTATION:
APPLICATION UNDER THE LICENSING ACT 2003****RESPONSIBLE AUTHORITY DETAILS**

NAME OF AUTHORITY	Licensing Authority
ADDRESS OF AUTHORITY	Hackney Service Centre 1 Hillman Street London E8 1DY
CONTACT NAME	David Tuitt
TELEPHONE NUMBER	020 8356 4942
E-MAIL ADDRESS	david.tuitt@hackney.gov.uk

APPLICATION PREMISES

NAME & ADDRESS OF PREMISES	Kingsland Food and Wines 77 Kingsland High Street Hackney London E8 2PB
NAME OF APPLICANT	Julia Kanji (on behalf of Trading Standards)

COMMENTS

I make the following relevant representations in relation to the above application to vary the Premises Licence at the above address.

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

Representation in relation to:

Records held by the Licensing Service show that the Metropolitan Police applied to review the premises on 25 February 2014 on the grounds of the prevention of crime and disorder and public nuisance. The premises licence was subsequently revoked by the Licensing Sub-Committee on 22 April 2014 (minutes attached). However, following an appeal, it was later agreed via signed consent order that the licence would be modified by way of additional conditions.

The above representations are supported by the following evidence and information.

Records held by the Licensing Service.

Are there any actions or measures that could be taken to allay concerns or objections? If so, please explain.

The history of poor management along with the matters raised in the review application leave no option but to support the revocation of the premises licence to ensure the promotion of the licensing objectives.

Name: David Tuitt – Business Regulation Team Leader – Licensing and Technical Support

Date: 11/07/2018

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 22ND APRIL, 2014

Councillors Present: Councillor Brian Bell in the Chair

Cllr Barry Buitekant (Substitute) and
Cllr Christopher Kennedy (Substitute)

Officers in Attendance: Darren Reilly (Principal Licensing Enforcement Officer), Butta Singh (Senior Solicitor for Licensing), Mike Smith (Principal Licensing Officer) and Robert Walker (Governance Services Officer)

Also in Attendance: PC Mandy Eva
Sergeant Guy Hicks

Brilliant Corners
Amit Parel and Aneesh Patel, applicants
Gary Grant, applicant's representative

434 Kingsland Road
Jonathan Downey and Stevie Parle, applicants
Robert Sutherland, applicant's representative

Kingsland Food and Wines
Abdul Wahid, licensee/designated premises supervisor
Mahir Kilic, applicant's representative

1 Election of Chair

1.1 Councillor Bell was duly elected to chair the meeting.

2 Apologies for Absence

2.1 An apology for absence were received from Councillor Sally Mulready.

3 Declarations of Interest - Members to declare as appropriate

3.1 There were no declarations of interest.

4 Minutes of a Previous Meeting - 20 February 2014

4.1 **RESOLVED** that the minutes of the previous meeting held 20 February 2014 be approved as a true and accurate record.

“There will be no more than 5 patrons smoking outside the premise at any one time. This will be monitored by staff.”

and the following additional condition:

- The licensee shall install and maintain a comprehensive CCTV system as per the minimum requirements of a Metropolitan Police Crime Prevention Officer. All entry and exit points will be covered enabling frontal identification of every person entering in any light condition. The CCTV system shall as a minimum continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. All recordings shall be stored for a minimum period of 31 days with date and time stamping. Recordings shall be provided immediately upon the request of Police or authorised officer throughout the preceding 31 day period.

Reasons for the decision

The application has been approved, with the above amendments and additional condition, as the Licensing Sub-Committee was satisfied that the licensing objectives would not be undermined.

The Sub-Committee noted that the premises was located in the Dalston Special Policy Area. Having considered the submissions from the all parties the Sub-Committee did not believe that the applicant had demonstrated that the operation of the premises would not add to the cumulative impact being experienced in the area if the hours were granted beyond 23:00 Monday to Thursday and midnight on Fridays and Saturdays.

8 Review of Premises Licence - Kingsland Food and Wines, 77 Kingsland High Street, E8

8.1 Mike Smith, Principal Licensing Officer, introduced the report as summarised on page 77 of the agenda. Mike Smith advised that the Police, the applicant for the review of the premises licence, had circulated additional documentation prior to the hearing.

8.2 PC Mandy Eva made submissions on behalf of the Police in support of their application to review the premises licence. PC Eva stated that the Police were asking for the licence to be revoked. PC Ryan explained that on a number of occasions sales of alcohol after the permitted hours had been witnessed at the premises and that the premises was known to supply street drinkers with alcohol.

8.3 PC Eva stated that the licensee/designated premises supervisor had accepted a caution following sales of alcohol being witnessed by the Licensing Authority after the permitted hours on 8 March 2013. PC Eva went through a statement from PC Kerrie Ryan, dated 12 April 2014 and circulated prior to the meeting, and highlighted that the Police had also witnessed sales of alcohol after the permitted licence hours on the following occasions:-

- i) 24 May 2013 at 00:15 hours – the licensee/designated premises supervisor, Abdul Wahid, was warned and he gave assurances this would not happen again.
- ii) 5 July 2013 at 23:40 – PC Ryan believed that Abdul Wahid had been acting as a lookout.

iii) 7 February 2014 at midnight – people were witnessed leaving the premises with cider and vodka and one customer was witnessed trying to purchase Courvoisier cognac. Mr Alim, the licensee's brother pushed PC Ryan. A section 19 Closure Notice Form, Appendix 1 of the additional documentation, was served on Abdul Wahid.

8.4 PC Eva also referred the Sub-Committee to details PC Ryan gave in her statement regarding street drinkers being witnessed buying alcohol from the premises on 15 March 2014. CCTV showed street drinkers congregating outside of the premises at 16:48 and one male street drinker at 17:02 purchasing a fruit shoot drink, emptying the contents and then filling the fruit shoot bottle back up with spirits. This was done at the counter in full view of staff.

8.5 PC Eva explained that the Police believed that the licensing objectives were not being promoted and believed that the behaviour of staff at the premises and by Abdul Wahid had been irresponsible. She asked the Sub-Committee to consider revoking the licence. However, if the Sub-Committee was minded not to revoke the licence it was asked to consider attaching additional conditions to the licence as contained at Appendix 3 of the additional documentation.

8.6 Darren Reilly, Principal Licensing Enforcement Officer, made submissions in support of the application, as detailed on page 89 of the agenda, on behalf of the Licensing Authority. Darren Reilly stated that there was a lot of evidence showing that the premises was poorly managed and that the licensee/DPS had not been abiding by the licence. Darren Reilly explained that a number of complaints had been received alleging that the premises was selling alcohol after the licensed hours. Subsequently, officers had investigated the complaints and witnessed the premises selling alcohol at 23:20 on 8 March 2013. Abdul Wahid had attended a PACE interview on 17 April 2013 and had accepted a caution for the offence.

8.7 Mahir Kilic, licensee's representative, made submissions. He explained that Abdul Wahid had ran the premises since 2002, after having previously run a food premises on Kingsland Road. Mahir Kilic stated that licence currently only contained the mandatory conditions. Mahir Kilic explained that in February 2014 an application had made to extend the licence hours but that this was subsequently withdrawn after he had discussions with the Police who had expressed surprise at an application being made given that the Police were in the process of applying for a review of the licence.

8.8 Mahir Kilic stated that he had discussed with Abdul Wahid steps to address the responsible authorities' concerns and explained that 8 new CCTV cameras had been installed covering both inside and outside of the premises. Staff had also received training and training books and refusals registers had been introduced. Mahir Kilic had also proposed a number licence conditions which he had sent to PC Ryan and staff at the premises had been assisting the Police, having provided them with CCTV footage from 15 March 2014.

8.9 Mahir Kilic however, requested an adjournment of the hearing. Mahir Kilic stated that he had only received the Police additional documentation, contained statements, on 16 April 2014. These were then forwarded to a barrister who only saw them on the day of the hearing given the bank holiday. Mahir Kilic explained that the Barrister had advised him to request an adjournment as a statement was needed from the individual who allegedly bought a fruit shoot and spirits from the premises on 15

March 2014 and who was referred to in PC Ryan's witness statement. Mahir Kilic asked for an adjournment of the hearing so that this individual could give a statement and live evidence.

8.10 In response to Mahir Kilic's request for an adjournment, the Chair stated that he was not minded to adjourn the hearing. He noted that the application to review the premises licence had been made in February 2014. The Chair explained that he was not sure what value it would add to receive oral evidence from the patron referred to in the PC Ryan's statement given that it was one incident amongst many and because it did not address the substantial issue which was alcohol being sold after the permitted licence hours.

8.11 Abdul Wahid then made submissions. He explained that he had four children, the eldest of which was due to go to college next year, and that he worked hard to support his family. Abdul Wahid emphasised that he did not have a criminal record and that he had never sold alcohol to people who were underage. Abdul Wahid explained that on the evening of 8 February 2014, when the Police had last witnessed alcohol being sold, he had left the premises in the charge of his brother as he had to attend hospital with his son. He acknowledged that he had made mistakes but stated he was trying to fix them. He also stated that he had over 400 signatures in support of his premises.

8.12 There was then a discussion of the application. The Chair asked Abdul Wahid to address the issue that there had been a pattern of sales of alcohol outside of the licence hours. The Chair emphasised that Abdul Wahid had accepted a caution following an incident in March 2013, where he would have given assurances that he would not sell alcohol outside of the permitted hours, and yet had subsequently been found doing so on 3 further occasions. Abdul Wahid in response re-iterated that he was at accident and emergency with his son on the last occasion and gave assurances to the Sub-Committee that there would not be a repeat of alcohol being sold after hours.

8.13 Councillor Buitekant questioned the procedure at 23:00 when alcohol sales should cease. Abdul Wahid stated that shutters were brought down. PC Eva stated that there was no shutter but instead a sheet was placed over shelves to hide alcohol and that alcohol could still easily be accessed by staff or customers.

8.14 In response to a question from Councillor Kennedy, Darren Reilly stated that the Licensing Service had received 4 separate complaints of the premises selling alcohol beyond its permitted hours and that officers from Licensing had visited the premises on three occasions; on one occasion on 8 March 2013 the premises was found to be selling alcohol after hours; and the other two the premises was found to be closed. Darren Reilly emphasised that officers from the Police and Licensing Service could only inspect on a limited number of random days and he believed there was a strong likelihood that the premises had been selling alcohol after its permitted hours on more occasions, than it had been found to be doing so.

8.15 The Chair asked Abdul Wahid to address the evidence from the Police that the premises was selling alcohol to street drinkers, impacting upon the levels of anti-social behaviour experienced in the area. Abdul Wahid stated that there were a number of other licensed premises in the area in which street drinkers could obtain alcohol and he stated he would no longer sell alcohol to street drinkers who gathered in Gillet Square.

8.16 The Chair asked the Police if they had heard any submissions during the hearing which reassured them. PC Eva stated that she was not reassured by anything that she had heard during the hearing, explaining that the Police had had very similar conversations with Abdul Wahid on every occasion that the premises had been witnessed to be in breach of its licence, where he apologised and assured them that it would never happen again. Despite reassurances, there had been repeated breaches of the licence.

8.17 The Chair confirmed that the Sub-Committee and all parties did not have any further questions and then asked for closing submissions. PC Eva asked the Sub-Committee to revoke the licence or, if it was not minded to revoke, apply additional conditions to the licence. She stated that she did not believe that the management of the premises was strong enough to operate the premises in accordance with its licence and to resist the temptation not to sell alcohol to street drinkers. Darren Reilly re-iterated that he supported the Police application to revoke the licence. He stated that when Abdul Wahid accepted the caution he would have been warned of the consequences of any further breaches and would have given assurances to abide by the licence.

8.18 The Chair clarified whether the responsible authorities felt suspension of the licence was appropriate. PC Eva stated that she did not think a suspension of the licence was appropriate given that there had been numerous breaches of the licence and because there had been a similar pattern where by the licensee/DPS would apologise and promise not to breach the licence again but would then go and do so. She did not believe that Abdul Wahid was a strong enough licensee/DPS to ensure that the operation of the premises was in accordance with the licence. Darren Reilly agreed with PC Eva.

8.19 Abdul Wahid made his closing submissions. He argued that there had been no Police incident at the premises in 12 years and that there had been no issue with residents. Abdul Wahid assured the Sub-Committee that there would not be a repeat of any of the breaches of the licence and re-iterated that he was not at the premises when the last breach occurred. Abdul Wahid emphasised that revoking the licence would impact upon his family.

8.20 Mahir Kilic also made closing submissions. He acknowledged that the operation of the premises needed to change and that there needed to be an improvement in the management. Mahir Kilic stated that he had a letter from Homerton Hospital proving that Abdul Wahid was there on 7 February 2014 when the last breach occurred. Mahir Kilic argued that revoking the licence was harsh and would result in Abdul Wahid losing his livelihood. He asked the Sub-Committee to consider suspending the licence and attaching additional conditions to the licence.

8.21 The Sub-Committee adjourned to consider its decision.

8.22 **RESOLVED:**

The Sub-Committee in considering this decision from the information presented to it within the report and at the hearing today has determined that having regard to the promotion of all the licensing objectives:

- The prevention of crime and disorder

- Public safety
- Prevention of public nuisance
- The protection of children from harm

that the premises licence for Kingsland Food and Wines, 77 Kingsland High Street be revoked.

Reasons for the decision

The Sub-Committee has been persuaded by the Police and Licensing Authority's contention that the revocation of the licence is necessary to uphold the licensing objectives, in particular the prevention of crime and disorder and public nuisance.

The Sub-Committee noted the evidence presented by the Police and Licensing Authority that alcohol sales made after the licensed hours had been witnessed on 8 March 2013, 24 May 2013, 5 July 2013 and 7 February 2014. The Sub-Committee took into consideration that the licensee/designated premises supervisor had accepted a caution for selling alcohol after the licensed hours on 8 March 2013, and that after this date the Police had witnessed further breaches of the premises licence. The Sub-Committee also noted the evidence presented by the Police that the premises had been selling alcohol to street drinkers.

Given the pattern of repeated and persistent breaches of the premises licence, the Sub-Committee had no confidence in the licensee/designated premises supervisor to uphold the licence. The Sub-Committee considered all the other options available to it, as detailed within the report, including consideration of possible conditions that could be attached to the licence and suspension of the licence. However the Sub-Committee was satisfied that none of these would adequately address the likelihood of further breaches re-occurring. Consequently, the Sub-Committee believed it was necessary and appropriate to revoke the premises licence.

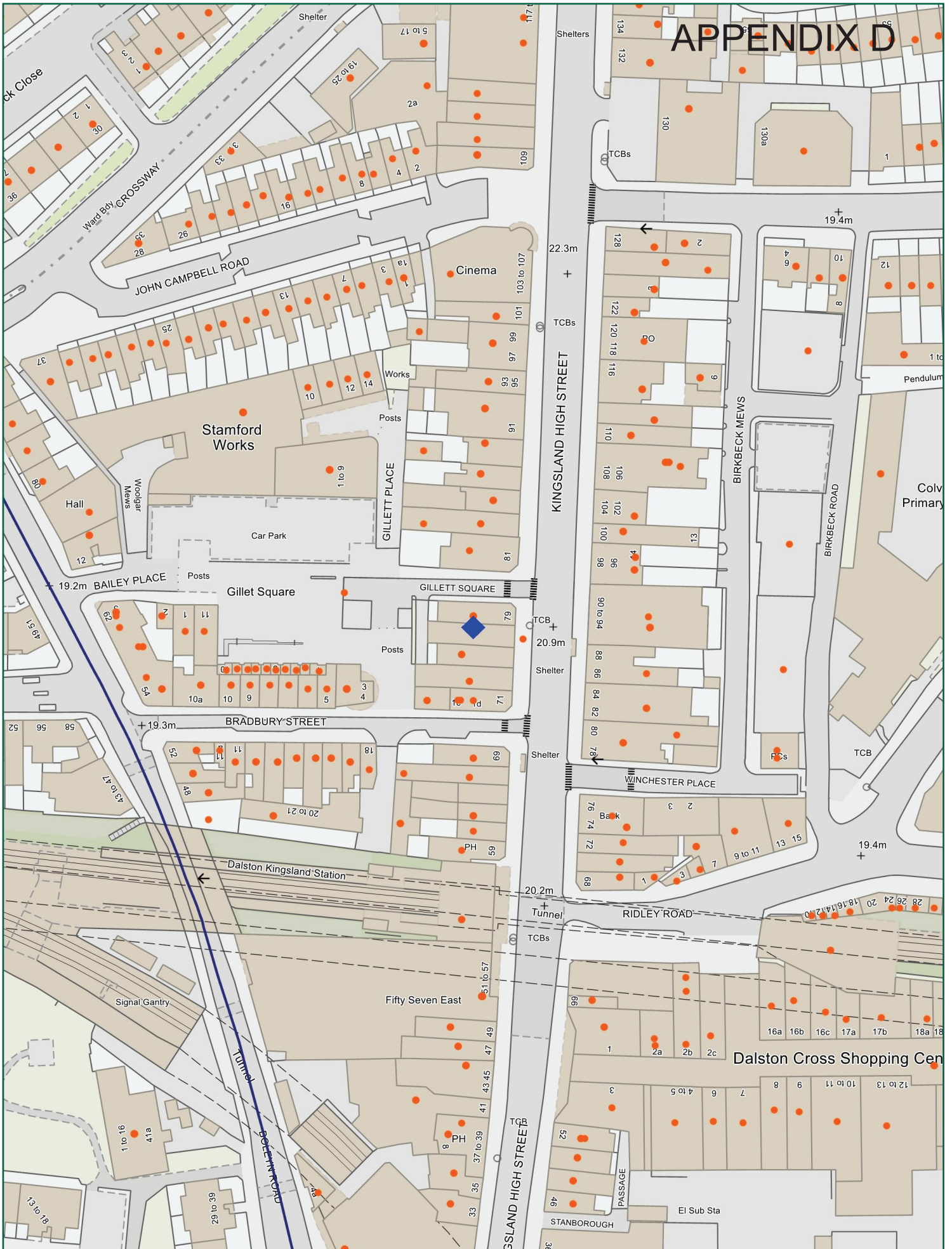
It should also be noted that the Sub-Committee had regard to the statutory guidance and in particular paragraphs 11.10 and 11.18.

9 Temporary Event Notices - Standing Item

9.1 There were no temporary event notices to be considered.

Duration of the meeting: 7.00 - 9.10 pm

APPENDIX D



Scale: 1:1250 at A4

Kingsland Food & Wines, 77 Kingsland High Street, E8 2PB



Ref:

24 July 2018

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