

ADDITIONAL PAPERS

LICENSING SUB COMMITTEE

Tuesday, 30 May 2023, 7.00 pm - Microsoft Teams (watch the live meeting [here](#) and watch the recording [here](#))

Members: Councillors Sheila Peacock (Vice Chair), Barbara Blake and Nick da Costa

Quorum: 3

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT MAXXI FOOD & WINE, 42 TOPSFIELD PARADE, LONDON, N8 (CROUCH END) (PAGES 1 - 34)

To consider an application for a review of a premises licence.

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Head of Legal & Governance (Monitoring Officer)
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Thursday, 18 May 2023

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Fri 14 Apr 2023 - 20:43

I have just gone outside and saw two young girls one white one black sitting on the stairs next to mine inhaling nitrous oxide from balloons. Not more than fifteen years old.

Talked to them and asked them to leave. One was rude and saying life is not worth Living. Tried to talk to them and told them that they are damaging their health. Also on the steps empty bottles of vodka. Whiskey and cans of beer.

How on earth did they manage to buy them most likely from Maxxi shop. Its so sad to see.

Sat 15 Apr 2023 - 11:20

Photos of remnants from last night:





Mon 17 Apr 2023 - 12:52

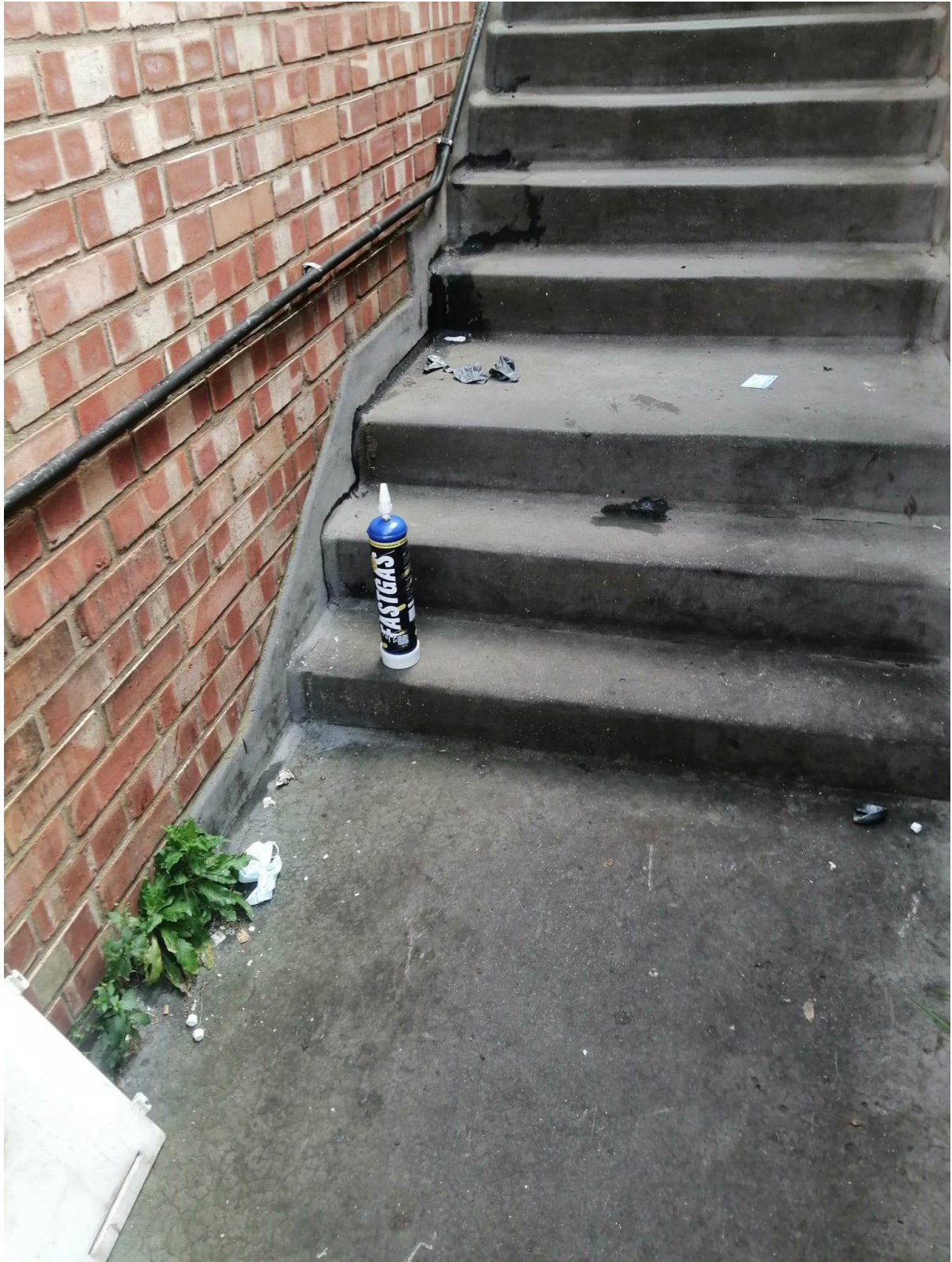
Saturday mid day I saw a nice expensive car with two women parked on the road in front of the alleyway entrance using nitrous oxide and inhaling balloons.

I was coming back from shopping after twenty minutes they saw me looking at them as previously and then left in a hurry.

Also last night at nine o'clock next door to my place a young girl and another person who was wearing a hood I could not see the face they were using nitrous oxide and inhaling from balloons also bottles of alcohol scattered on the stairs. Same young girl from before.

Wed 19 Apr 2023 - 16:49

Remnants from last night. Same place next to mine again:





Thurs 20 Apr 2023 - 17:06

Today







**COMPLETE
LICENSING**

MAXXI FOOD AND WINE

CRIME & DISORDER REPORT

Version 1.0

1.1 PERSONAL INTRODUCTION

- 1.1.1 I retired from the Metropolitan Police in 2019, having joined in 1980. During my police service, I worked in several uniform and non-uniform roles, including a long spell as the 'village policeman' for Soho in the City of Westminster and then as office manager for Westminster Police Licensing Team, based in Westminster City Hall. Whilst working in Soho I was frequently called upon to observe and report on disputes between licensed premises and local residents. I also liaised with licensed premises to promote best practice.
- 1.1.2 During my time at West End Central, I was commended twice, once for professionalism, initiative and dedication leading to the arrest of a gang of prolific burglars and a second time for sensitivity and detective ability when uncovering and dealing with vulnerable women, trafficked for prostitution.
- 1.1.3 Whilst managing the Westminster police Licensing Team, I was responsible for dealing with all aspects of licensing, including processing and dealing with hundreds of licence applications, thousands of TEN notices and many Expedited Reviews, including:
- Amika, South Molton Street;
 - Madam Jo Jo's, Brewer Street;
 - Studio Valbonne, Kingly Street;
 - Avalon, Shaftesbury Avenue;
 - along with other premises in Dean Street and Piccadilly.
- 1.1.4 All of the above were closed as a result of serious crime and disorder, often coupled with management teams that failed to engage with us in the police service. In addition to these late-night bars and nightclubs, which were formally closed, I was responsible for closing the Embassy Club in Old Burlington Street and Jalouse in Hanover Square on behalf of the police, supported by the evidence-based cases I was able to build, based on serious crime and disorder. In both cases the premises management realised that Reviews would follow, so they surrendered their licences and closed voluntarily and permanently. I have also liaised with well-known nightclubs to prevent the need for Review, including:
- Novikov, Berkeley Street;
 - Whisky Mist in the Hilton, Park Lane; and
 - Dstrkt, in Soho,
- 1.1.5 From my experience, I have seen first-hand the need for the police to work with business operators to identify problems and resolve issues through a collaborative approach whenever possible.



- 1.1.6 I represented the Metropolitan Police at weekly licensing hearings in front of Westminster Licensing Committee. I have extensive experience in licensing applications, compliance, and Reviews. I worked with premises that caused the Metropolitan Police concern, suggesting action plans or Minor Variations to promote the licensing objectives. I was responsible for training new staff in Westminster and provided training in licensing across the Metropolitan Police area. Frequently officers from other licensing teams would come and spend time with me to gain knowledge and experience. Whilst working in the Westminster Police Licensing Team, for several years, I sat on Gold Advisory Groups at both Scotland Yard and at the Mayor's Office at London City Hall, for both Gay Pride and Notting Hill Carnival. I later acted as licensing advisor to Sector Commanders at both events for a number of years.
- 1.1.7 I understand that my duty is to help the licensing authority and court to promote the licensing objectives in an appropriate and proportionate way by giving independent assistance by way of objective, unbiased opinion on matters within my expertise, both in preparing reports and giving oral evidence. I understand that this duty overrides any obligation to the party by whom I am engaged or the person who has paid or is liable to pay me. I confirm that I have complied with and will continue to comply with that duty.

1.2 VISIT 21ST APRIL

- 1.2.1 On Friday, 21st of April 2023 I went to the above address in response to allegations of anti social behaviour, resulting from the sale of Nitrous Oxide gas . Allegations that gas has been sold to under age people, who then are using balloons to inhale the gas.
- 1.2.2 I arrived in the area, shortly after 8.30 pm and started to walk the streets close to the premises. I was looking specifically for evidence of misuse.. empty gas containers or balloons.
- 1.2.3 The surrounding streets are made up of houses and gardens which are well kept and the area is generally of a very good appearance. On Middle Lane, in a grassed area, behind a bench, I found one small empty gas container. It had no markings on it, but was probably an empty nitrous oxide container . There was no other paraphernalia and the small green was otherwise litter free. I met two ladies, walking a dog here. They confirmed that they lived locally, but said they'd never seen anti social behaviour in the area.
- 1.2.4 I continued to walk the surrounding streets and found no more gas bottles or other drug paraphernalia.



- 1.2.5 At 21.11 I received a phone call from Mr Erdal Aslan, a representative of the premises. He told me that he was at the store. I was about 20 minutes away, but went and joined him. Together, we searched the store. There was no sign of any Nitrous Oxide canisters anywhere in the shop, neither on display, behind the counter or the store room. I spoke to the cashier, who explained that gas was no longer being sold at the premises. Mr. Aslan spoke Turkish to the cashier, asking him the same question. Mr. Aslan confirmed that gas was no longer on sale.
- 1.2.6 The shop had a wide range of goods; there were groceries, many of which were high end with vegan and organic products, a wide range of wine, beers and spirits along with household goods. The shop was clean and well presented. There was a cctv monitor on the wall, opposite the cashier, to allow the whole shop to be surveilled from the till.
- 1.2.7 I then went for another walk, this time with Mr Aslan. We walked along the main road, in which Maxxi is situated. Next door, Mr Aslan pointed out a recessed area outside of a café/ restaurant which was closed at the time. Mr Aslan explained that the covered, recessed, area is often used by people to drink and use balloons. This does not surprise me as it is recessed by about 3 metres from the pavement line, dry and has no lighting other than from street lamps. Throughout my time in the area, I saw nobody using this place.
- 1.2.8 Recessed doorways are a source of ASB in many urban settings. When I worked in Westminster, I successfully lobbied the authority to allow doors, including fire doors, to be at street level in Soho.
- 1.2.9 We walked further around the area. There were very few pedestrians at all. There were small groups smoking outside of the many restaurants.
- 1.2.10 At about 11.30 pm, we were joined by Mr Sutherland, who is representing the premises. He spoke with Mr Aslan who then left the area. I took Mr Sutherland into the store and we then walked around the local streets. In a rear entrance, off a pedestrian alley, off Elder Avenue, we spotted a large, empty Nitrous Oxide cannister and a dark coloured balloon . I photographed this and is produced as JS/1.
- 1.2.11 With Mr Sutherland, I walked around the area and showed him the only place I'd found an empty gas canister. The streets were very quiet both with few vehicles of pedestrians. Just after midnight, Mr Sutherland left and I returned to Maxxi food and wine.
- 1.2.12 On entering the shop, at about ten past midnight , I could see a man pointing at the cctv monitor and speaking to the cashier. I heard him asking to be shown some CCTV. I took out one of my business cards and offered it to the man, asking him who he was. I explained to him that I was a licensing consultant, employed by the premises. He explained that he was a noise and nuisance officer for Haringey Council. I asked for his ID, which he readily produced. I tried to photograph it, so that I had



a record of his details, but he explained that he wouldn't permit this, but would write his details down for me. I gave him some paper and he wrote his details down. He was Mr Amir Darvish.

- 1.2.13 I asked him why he was requesting the cctv. He explained that he had seen two people, 60 seconds away, using a balloon to inhale gas. He claimed that the two people were 'under age' and that he had seen them in Maxxi prior to using the gas. I told him that the store had been searched by me and the management and that gas was no longer sold from the premises. Mr Darvish insisted that he wanted to see the cctv. The sale of alcohol had already ended, and the cashier was in the process of closing the shop. The cashier had told me earlier that the shop would be shut by quarter past midnight. I explained to Mr Darvish that if he returned with a written, Data Protection Act compliant, request then he would be furnished with cctv. There was a brief exchange when he indicated the manager had allowed him to view images in the past. My view was that a proper request should be made as it is important that data protection controls are followed and a copy be provided.
- 1.2.14 I then asked Mr Darvish to show me where he'd seen the under age people using balloons. He explained that I'd need a car. I said that he'd told me that it was 60 seconds away. He replied, yes, by car! He told me to follow him. I set the trip counter of my car and we went a quarter of a mile along the main road and stopped on a hill, opposite Crescent Rd it took nearly 3 minutes, even in relatively few other vehicles. There's a 20 mph speed restriction. His colleague, who had been outside the store earlier, showed me a picture of two men in dark clothing. One of the men had an inflated green balloon to his mouth. Together, the three of us searched for drug paraphernalia, but found nothing. There was no sign of the people. We then had a brief discussion whereby I explained that gas was no longer being sold. The female council officer explained that they had another call. I wished Mr Darvish 'Eid Mubarak' and he left. Can you attach a map to show location in relation to shop?
- 1.2.15 On Saturday morning, 22nd April, I spoke by phone to Mr Aslan . He told me that whilst waiting for me in the shop, he had seen the cashier explain to two separate groups of two men, that gas was no longer sold at the premises. He agreed that he would obtain cctv of these events. I asked Mr Aslan to obtain cctv of the refusals and that I'd try and find details of the alleged offence with the young people, in case the refusals were other people.
- 1.2.16 I emailed Mr Darvish, explaining the two refused sales that had been witnessed and asking for times and details of the people he claimed were under age and had been sold gas. At time of writing, I've not had a reply, but recognise that he was working nights.
- 1.2.17 I have read a statement from a PCSO who apparently went door to door, asking where premises in the street got their nitrous oxide from. I'm not surprised with the reported replies, as the restaurant staff may well have felt intimidated by a uniformed representative of the police asking who their suppliers were. It may be that people purchasing the gas, said they were from cafes and restaurants



but were not providing accurate or complete information as the café and restaurant staff didn't wish to disclose their suppliers. I have seen no proof of any test purchases of nitrous oxide by people under 18, either by police or local authority. Often local authorities will use young people to attempt to purchase restricted items. It's a shame that the PCSO didn't make patrols to deter the alleged anti social behaviour or make observations and question young people leaving the shop, to see if they'd purchased restricted products.



1.3 CRIME FIGURES

1.3.1 I have searched recorded crime on the Police.uk website, updated by police forces across the country, therefore a reliable source of crimes recorded. Figures for March are not available, however, working back by month, the following data is clear:

February, 5 crimes were recorded in Topsfield Parade out of a total of 107

January, 1 crime was recorded in Topsfield Parade, out of a total of 72

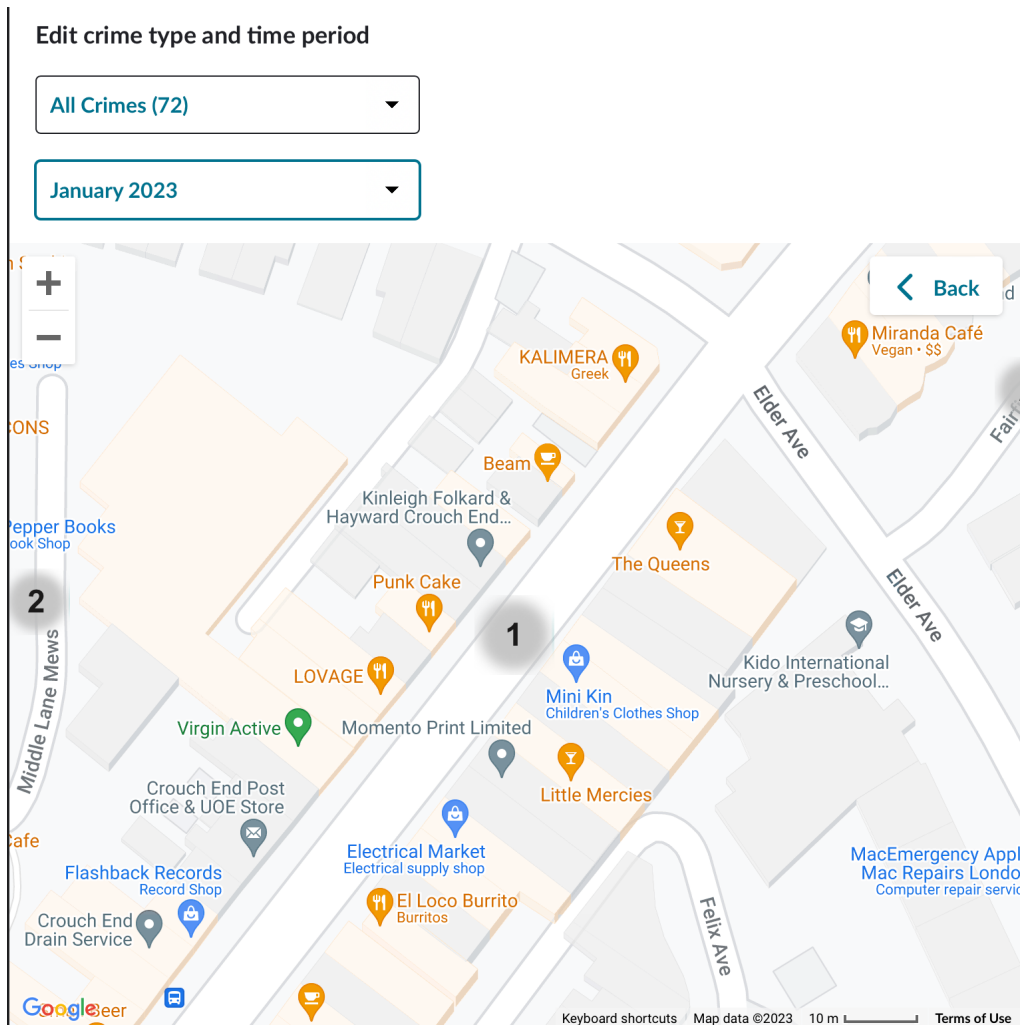
December, 6 crimes were recorded in Topsfield Parade, out of a total of 97

November, 3 crimes were recorded in Topsfield Parade, out of a total of 106

October, 2 crimes were recorded in Topsfield Parade, out of a total of 118

September, 6 crimes were recorded in Topsfield Parade, out of a total of 108

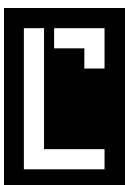
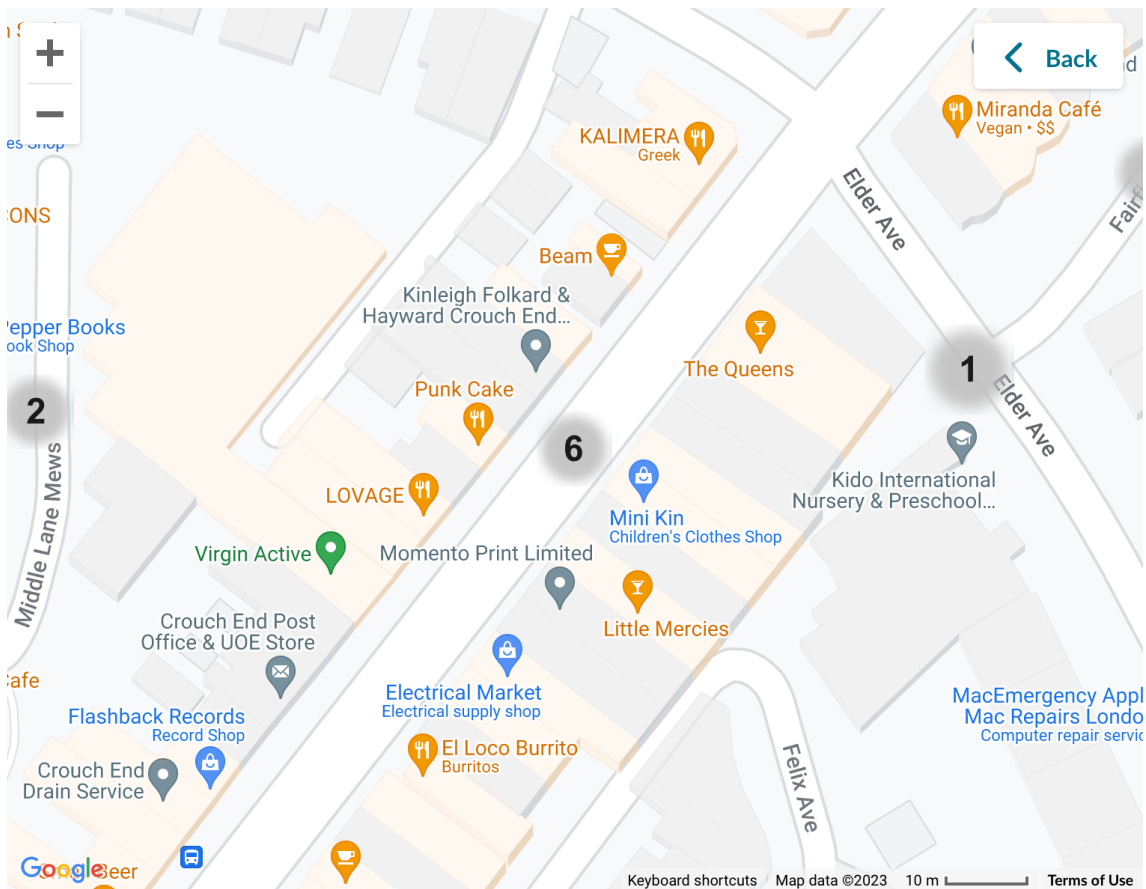
I have attached screenshots of the above data.



Edit crime type and time period

All Crimes (97) ▼

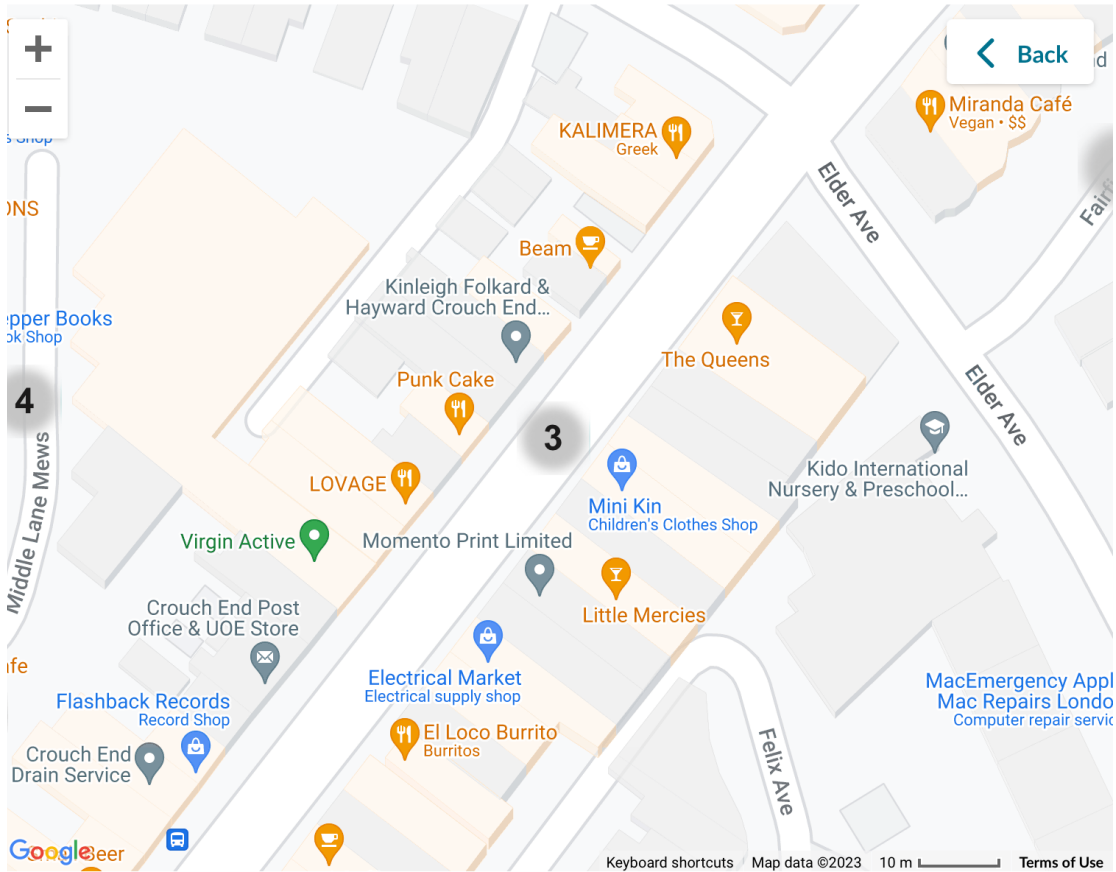
December 2022 ▼

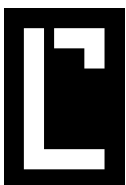
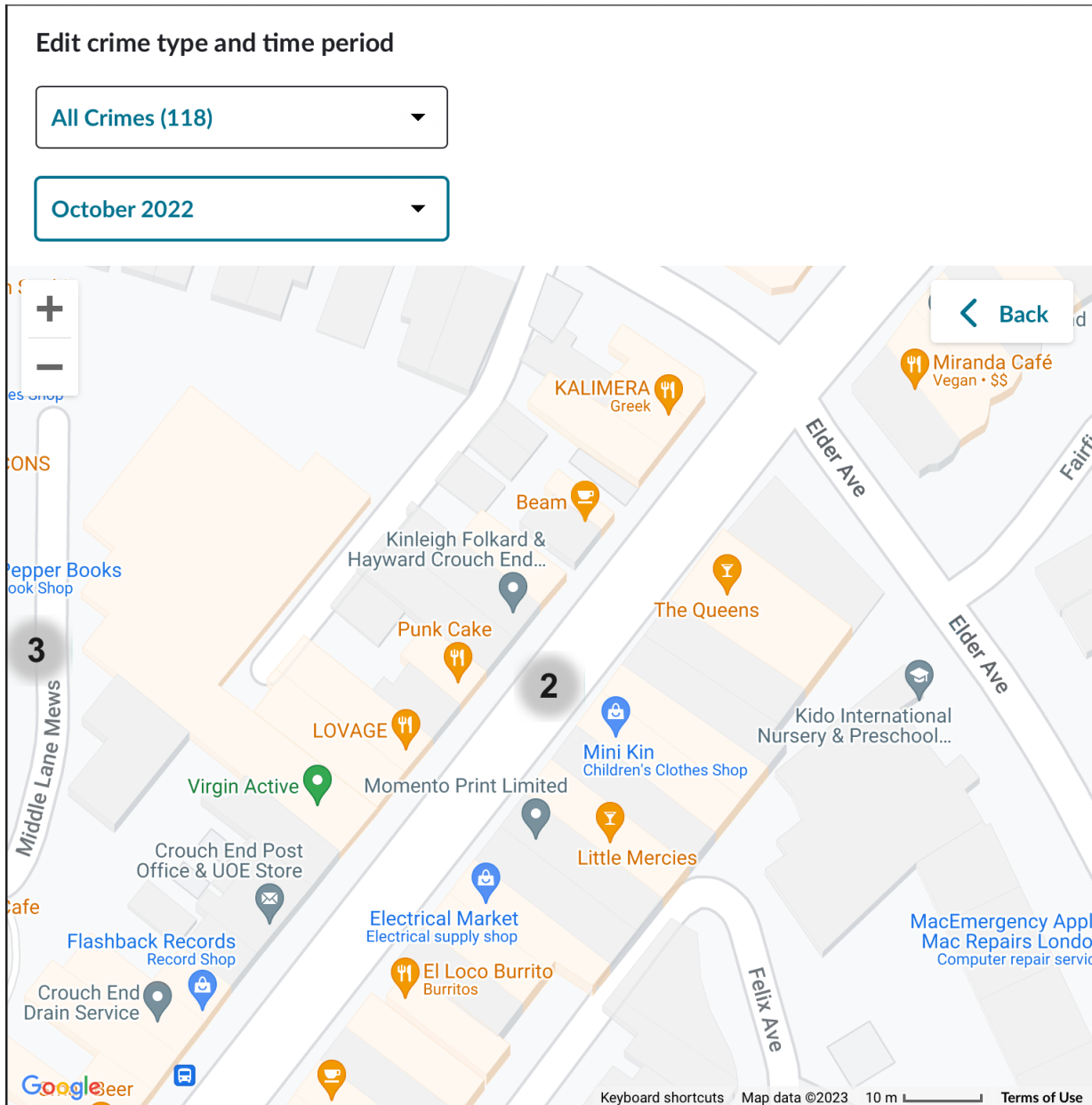


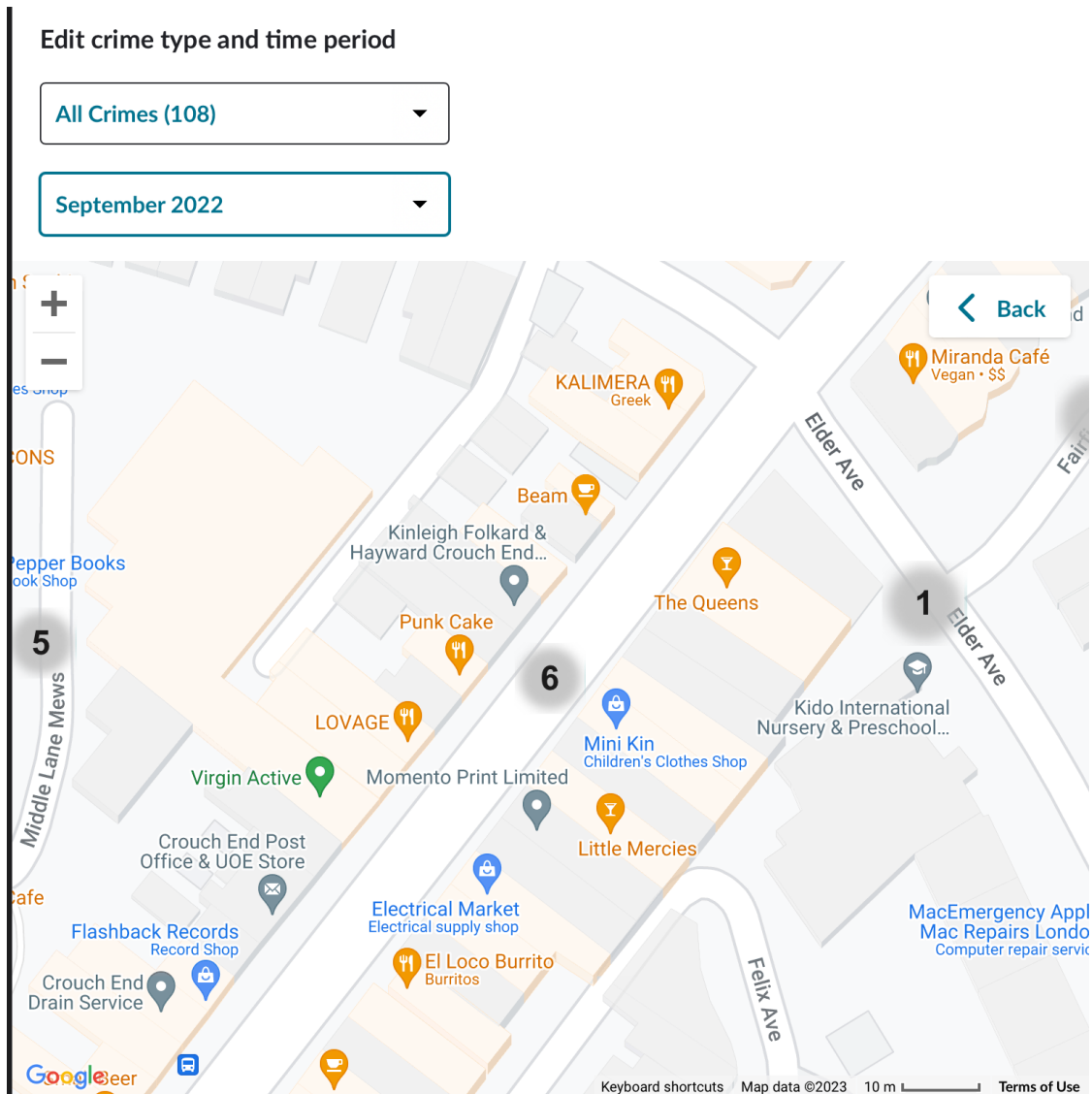
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All Crimes (106) ▾

November 2022 ▾

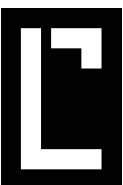






1.3.2 In my opinion this reflects a relatively low level of recorded crime and possibly explains why the PCSO or other police resources haven't been targeted to Topsfield Parade.

1.3.3 Throughout the time that I was in the area, I saw no uniform foot or vehicle patrols by police. Nor were the council noise and nuisance staff wearing any uniform or conspicuous identification. The noise and nuisance officers were in plain clothes in an unmarked car.



1.4 FUTHER OBSERVATIONS

- 1.4.1 I have seen photos of gas canisters around the Borough, some near a school $\frac{3}{4}$ of a mile away. On Friday night, I found one small and one large canister. Nitrous Oxide abuse and the associated paraphernalia is a public nuisance, with empty canisters a nuisance and safety hazard as they're easy to slip on. The abuse of the gas represents a health hazard. The gas produces temporary euphoria and often loud celebration and laughter.
- 1.4.2 Having read through the many representations, though there are suggestions that Maxxi are the only source of Nitrous Oxide in the area, there is no direct evidence from the authorities, nor any test purchasing. The sale of Nitrous Oxide is subject to very little regulation and is on sale from many outlets and from the internet.
- 1.4.3 On the night of my observations, the noise and nuisance team saw people using balloons $\frac{1}{4}$ mile away and alleged that the gas was sold in Maxxi. However, I had previously searched the store earlier and there was no gas on the premises. CCTV at the premises shows no gas sales. This is a clear example of the confirmation bias suffered by the premises and clearly asks the question, 'what other incorrect assumptions have been made?'



1.5 CONCLUSION

- 1.5.1 Having spent from 8.30pm to 1.00 am in the area on a Friday night. I saw no anti-social behaviour. I found only very limited drug paraphernalia. Indeed, I could smell cannabis smoke from more side street windows and doors than I found gas canisters.
- 1.5.2 I discussed the sale of Nitrous Oxide with Mr Aslam who assured me that it's no longer part of the business plan, notwithstanding that it's not an offence to sell it.
- 1.5.3 I note that many of the representations refer to ASB in the early hours of the morning. I believe that the withdrawal of the sale of gas will no longer attract ASB. Certainly, the store closed soon after permitted hours for the sale of alcohol when I was watching. If this were to continue, whilst there is little evidence of antisocial behaviour caused by customers of the shop, I am confident there would be little to no ASB.
- 1.5.4 Whilst I do not doubt that there has been ASB in the area close to these premises, I believe that the poor design of some of the buildings allows this to happen. Various people have complained that ASB is happening on their stairs or doorways. I believe that a lot of the ASB could be 'designed out' by using gates, shutters or anything else a Crime Prevention Expert recommends. People are choosing to focus their attention on this shop, to prevent the ASB, when they should be looking at removing the opportunity for ASB to take place. It is not currently an offence to sell Nitrous Oxide.
- 1.5.5 If the premises were to have their licence revoked, I suspect that the business would return to selling gas, to remain profitable.
- 1.5.6 I believe that a condition on the premises licence, preventing the sale of Nitrous Oxide, will permit enforcement and show the community that the premises has responded to their concerns.





ATLAS
LICENSING

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DATE

DPS

Location

Address

MAXI FOOD & WINE

TRAINING MANUAL
FOR LICENSED PREMISES

MAXI FOOD & WINE



ATLAS
LICENSING

ATLAS LICENSING, 453 West Green Road, London, N15 3PW, admin@atlaslicensing.co.uk, 020 8881 7466



ATLAS

LICENSING

Premises Licence		İşletme Lisansı
Full/Minor Variations		Alkol İşletme Ruhsatı Değişiklikleri
Personal Licence		Kişisel Alkol Satış Lisansı
Street Trading		İşyeri Onu Masa Ve Sandelye Ruhsatı
Late Night Refreshments		Geç Saatlerde Açma Lisansı
Temporary Event Notices		Geçici Lisansı Başvurusu
Food Hygiene		Gıda Hijyeni
Planning Permissions		Plan Başvurusu

The Four Licensing Objectives

The Prevention of Crime and Disorder

Examples included in this objective: anti-social behaviour, any type of a criminal offence, breaches of a) licensing conditions b) authorised activities or c) authorised hours.

Public Safety

Examples: Overcrowding (leading to an increased risk of violence or to the safety of people in the premises), Fire issues, anyone being injured or having an accident in licensed premises.

The Prevention of Public Nuisance

Public nuisance could include low-level nuisance, affecting a few people living locally as well as major disturbance affecting the whole community. Examples of nuisance could include: noise, threats to community safety, litter, odour, smoke, lights.

The Protection of Children From Harm

This objective relates to the protection of children from moral, psychological and physical harm. This includes protecting them from early exposure to: strong language, sexual expletives, adult entertainment, drinking alcohol, drug-taking, gambling, violence.



ATLAS
LICENSING

Foreword

This Training Manual has been developed to assist employees of:

and understand the laws and regulations in relation to age-restricted products, in order to prevent unlawful sales of those products.

Whilst the emphasis is on the prevention of unlawful alcohol sales, all the other age-restricted products are also covered. We believe that this comprehensive Training Manual will assist you in fulfilling your legal and social responsibilities in relation to the sale of age-restricted products and that will contribute to raising our standards as a whole.

Please read this manual thoroughly and, if in any doubt about the requirements, ask your Manager for clarification. A training review will be carried out and recorded every 6 months to reinforce these requirements and ensure you are complying with them.

These requirements are to be implemented immediately.

Designated Premises Supervisor

IMPORTANT INSTRUCTION
THE TEN GOLDEN RULES

1. (a) Young persons under the age of 18 must not be permitted to buy alcoholic drinks. (Our Company Policy is that anyone appearing to be under 25 must prove that they are 18 or over, by providing acceptable proof of age ID)
1. (b) Young persons under 18 must not be permitted to sell alcohol without direct supervision by a senior member of staff, who must be over 18.
2. Persons who are under the influence of drink must not be sold alcoholic drinks.
3. A Police Officer in uniform must not be sold alcoholic drinks.
4. You must not allow people to drink on or outside the premises.
5. You must ensure that the “Challenge 25” prohibitive sign and the Trading Hours are prominently displayed.
6. Be very aware of persons over 18 who try to buy for under 18’s. Refuse the sale and record in the refusal book.
7. Be vigilant, constant supervision of the drinks area is not only necessary to deter pilferage, but to prevent under 18’s trying to select alcohol.
8. Before each transaction identify the customer. If in doubt ask for proof of age.
For this you can accept:-
 - a) a Recognised proof of age card with the PASS logo which include the Bite, Portman Group, Citizen, Connexions, Validate, Young Scot etc. identity cards, showing photo, date of birth and signature.
 - c) a Current Passport
 - d) the new style Driving Licence with photo

THE OLD STYLE DRIVING LICENCE WITHOUT A PHOTO IS NOT ACCEPTABLE

THE MAXIM YOU MUST FOLLOW IS:-

9. If in doubt do not make the sale. You have the right of refusal which will be backed up by the Manager and the Company. If a refusal is actioned, record the details in the refusal book e.g. male/female, date, time, reason – underage, drunk abusive.
10. Be aware of the licensing hours and ensure that the blinds are down or tensor barriers in place to prevent access to alcohol displays outside of permitted alcohol trading hours and that no sale takes place outside these hours.

For signature:-

I have read and fully understand my responsibility in ensuring that I conform with the laws and regulations covering the sale of alcohol.

Print Name	Signed	Date	Position

Contents

Foreword

Unit 1: Unlawful Sales

1.1 The reasons why the law restricts the sale of certain products

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- 1.1.3 Categories of harm resulting from underage sales of age-restricted products

1.2 Alcohol

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- 1.2.2 Strength of alcoholic drinks
- 1.2.3 How does alcohol affect us?
- 1.2.4 Units of alcohol
- 1.2.5 Sensible drinking

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- 1.3.2 Authorising bar and counter staff to make alcohol sales
- 1.3.3 The four licensing objectives

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- 1.4.3 Sale of alcohol to drunks
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- 1.5.4 Products that may be supplied only to persons aged 16 and over
- 1.5.5 Products that may be supplied only to persons aged 15 and over
- 1.5.6 Products that may be supplied only to persons aged 12 and over
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- 1.5.8 Further information on selling fireworks
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- 2.1.2 Problem drinking
- 2.1.3 Recognising the signs of drunkenness
- 2.1.4 Spotting problem group

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- 2.3.1 Knowing the product range and further information
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2.4 Standing your ground and seeking support

- 2.4.1 Dealing with threatening and abusive responses
- 2.4.2 Seeking support

2.5 Record keeping

- 2.5.1 Recording admission and service refusals

2.6 Management Control System

Önsöz

Eğitim Kitabı,

ın çalışanlarına yardımcı olmak ve yaş sınırlaması olan ürünlerin satışında kanunların çiğnenmesini önlemek üzere, bu ürünlerle ilgili yasal düzenlemeler ve kanunların anlaşılması amacıyla hazırlandı.

Alkollü içeceklerin kanunsuz satışını önlemeye yoğunlaşılmasıyla birlikte, satışında yaş sınırlaması olan diğer ürünler de Eğitim Kitabının kapsamına alındı. Geniş kapsamlı Eğitim Kitabımızın, yaş sınırlaması olan ürünlerin satışıyla ilgili yasal ve sosyal sorumluluklarınızı yerine getirmenizde size yardımcı olacağına ve kendi standartlarımızı bir bütün olarak yükseltmemize katkıda bulunacağına inanıyoruz.

Eğitim Kitabını okuyunuz ve istenen şartlarla ilgili anlamadığınız bir yer olduğunda lütfen yöneticinize danışınız. İstenen şartların yerine getirilmesini desteklemek ve şartlara uyduğunuzdan emin olmak amacıyla her 6 ayda bir eğitim tekrarlanarak kayda geçirilecektir.

Yerine getirilmesi istenen şartlar acilen uygulanmalıdır.

İşletme Yöneticisi (DPS)

REFUSALS



COMPLAINTS



TRAINING RECORDS



[Incident Report Log Book]

MAXI FOOD & WINE

Company Name: _____

Address: _____

Post Code: _____

Contact Name: _____ Tel: _____

Email: _____