

Decision Notice

**REVIEW OF PREMISES LICENSE FOR CAMBRIDGE OFF LICENCE, 36 GREAT
CAMBRIDGE ROAD, TOTTENHAM, LONDON, N17 7BU (WHITE HART LANE**

The Committee carefully considered the application for a review of the premises licence for Cambridge Off Licence, the representations of Trading Standards, and the Licence holder, the Council's Statement of Licensing Policy and the s182 Licensing Act 2003 Statutory Guidance.

The Committee resolved to :

- a) Suspend the Licence for a period of 3 months,
- b) Remove the Designated premises supervisor and
- c) Impose the following conditions on the Licence
Conditions
 1. The business shall adopt a "Challenge 25" policy.
 2. All staff responsible for selling alcohol shall receive regular training in the requirements of the Licensing Act 2003 and all other age restricted products stocked on the premises including tobacco and vapes. Written records of this training signed and dated by the person receiving the training and the trainer shall be retained and made available to Police and authorised council officers on request.
 3. Posters shall be displayed in prominent positions around the till advising customers of the "proof of age" required under the "Challenge 25" policy at the premises.
 4. A refusals book shall be kept at the premises to record details of all refusals to sell alcohol and age restricted products. This book shall contain:
 - The date and time of the incident,
 - The product which was the subject of the refusal
 - A description of the customer,
 - The name of the staff member who refused the sale
 - The reason the sale was refused.This book shall be made available to Police and all authorised council officers on request.
 5. The Designated Premises Supervisor shall regularly check the refusals book to ensure it is being consistently used by all staff. They shall sign and date when inspected.

6. The Premises License Holder and Designated Premises Supervisor shall ensure persons responsible for purchasing alcohol do not take part in any stock swaps or lend or borrow any alcohol goods from any other source unless the source is another venue owned and operated by the same company who also purchase their stock from an authorised wholesaler.
7. The Premises License Holder shall ensure all receipts for alcohol and tobacco goods purchased include the following details:
 - I. Seller's name and address
 - II. Seller's company details, if applicable
 - III. Seller's VAT details, if applicable
 - IV. AWRS registration number
 - V. Vehicle registration detail, if applicable

Legible copies of receipts for alcohol purchases shall be retained on the premises for six months and made available to Authorised Officers on request.

8. Ultraviolet light shall be purchased and used at the store to check the authenticity of all stock purchased which bears a UK Duty Paid stamp.
9. When the trader becomes aware that any alcohol or tobacco may not be duty paid, they shall inform the Council of this immediately.
10. Only tobacco products which are not on the covered tobacco display cabinet shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
11. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter in order to make a sale.
12. Only tobacco and alcohol which is available for retail sale shall be stored on the premises.
13. After evidence of any legal non-compliance relevant to the promotion of the Licensing Objectives is found, the licensee shall attend a meeting, upon reasonable request, with appropriate Responsible Authorities at the Council Offices or other suitable location. This condition does not require the licensee to say anything while under caution.
14. A CCTV system should be installed and maintained which should be able to record colour footage for a period of 31 days (about 1 month) and be able to capture clear video of people's faces and shoulders when they enter the premises and cover the area of the sales counter. These images should be able to be loaded onto disc or other electronic media should a Police Officer or Authorised Council Officer require a copy. Where copies of recordings are requested, they should be provided in a reasonable time and in a format which can be viewed without specialist

- software. Any malfunction in the operation of the CCTV system shall be reported to the Licensing Authority within 24 hours.
15. All Staff left in charge of the premises should be trained in the operation of CCTV and the production of copies of recordings.
 16. Any breakdown or malfunction of the CCTV system which is likely to prevent the recording of CCTV images shall be reported to the Licensing Authority immediately.

Reasons

The Committee had regard to the 182 guidance which recommends that where licensed premises are being used for criminal activity such the sale or storage of illegal Tobacco, this should be treated particularly seriously.

The Committee were satisfied that because the Licence holder was a member of the Council's Responsible Retailer Scheme and received yearly compliance visits, he was aware of his statutory obligations and the requirements of good practice in respect of the licensed premises and sale of illegal goods.

On 27 April 2022 Trading standards found illegal cigarettes at the premises hidden in an empty whiskey box and on 12 October 2022 the premises were found by Trading Standards to be stocking illegal electronic cigarettes/Vapes The licence holder was sent warning letters on 3rd May 2022 and 13th October 2022, which he denies receiving.

Trading Standards found it necessary to submit this review application because on 3rd January 2024 a test purchase was carried out on the premises and an individual was able to purchase a 20 pack of illegal cigarettes. This was followed up on 19 March 2024 when Trading Standards carried out an inspection, using a specially trained dog, and more illegal cigarettes were found at the premises including some hidden in a microwave. A letter under caution was sent to the Licence holder on 16th April 2024 requesting information about where he bought the cigarettes and why he sold them, but he did not respond. He again denies receiving this letter.

The large number of illegal cigarettes found on 19th March (1,180 cigarettes and seven pouches of hand rolled tobacco) suggest that the license holder who is also the Designated Premises Supervisor with day to day control of the premises, should have been aware of them. The License holder advised the Committee that he is present at the premises three to four days a week after 17:00 hrs and the Committee therefore did not find it credible that he did not know about the illegal cigarettes and that he had not received the letters sent to him.

The licence holder advises that on all four occasions in 2022 and 2024 and it was his staff that were responsible for the illegal tobacco products and he suggested that they hid them from him, even though there were different staff working for him in 2022.

He admitted that the situation would not have happened if certain safeguards had been in place.

The Committee were of the firm view that the licensee has demonstrated persistent breaches of the prevention of crime and disorder licensing objective and there has been a major breakdown in due diligence. The Committee consider it appropriate to remove the

Licence holder as DPS as he has not acted responsibly. It noted the Licence holder's agreement to nominate someone else and that he has someone in mind for the DPS role.

That however, is not sufficient to promote the Crime and Disorder licensing objective and the conditions above are appropriate to ensure that goods are being properly sourced and stored, that staff have proper training, keep proper records etc, so that the licensing objectives are being promoted. The licence holder indicated that since the start of the review process he is making changes but he has been unable to specify what they are apart from giving training to his employees (the same employees who he holds responsible and has indicated to the Committee that he intends to replace), and submitting an application to replace the DPS.

The Committee have decided that a 3 month period of suspension is appropriate to allow time for the DPS to be replaced, staff to be replaced and trained, and proper controls to be implemented as set out in the conditions.

The Committee seriously considered revocation of the Licence in accordance with paragraph 11.28 of the statutory guidance as illegal goods have been found on four occasions. The Licence holder's explanations for the failings that led to the review were not credible and indicate poor management of the business. The Licensing Authority's trust and confidence in the licensee's ability to comply with his obligations has broken down as a result of the persistent criminal activity.

However, it had regard to the representations made by the Licence holder and his intention to take his responsibilities seriously and put things right going forwards with the assistance of a new DPS and new staff.

The Committee thought that proportionality was very narrowly tipped in favour of a period of suspension rather than revocation. subject to far more robust conditions and new personnel.

The Committee could not stress enough how serious the lapses by the license holder have been, As well as undermining the prevention of crime and disorder licensing objective, selling illegal tobacco undermines the public safety licensing objective by posing a risk to health because the health warnings on the packets are not in English. Having carefully considered the s182 Guidance, the Committee has treated the persistent illegal activity seriously and imposes a 3 moth suspension of the licence. It hopes will also act as a deterrent to the Licence holder from allowing these breaches in future.

The Committee understands that a high proportion of the business' revenue comes from the sale of alcohol and that Christmas trade will be affected, which the licence holder says will be catastrophic. However, the suspension is proportionate and appropriate given the persistent sale of illegal tobacco products, the license holder's failure to take steps to put things right after the warnings he was given and his failure to engage with Trading Standards until the review application was made.

Informative

The Committee would like the License holder to be in no doubt that the licensing objectives have to be promoted and the Licence holder has to be actively involved to make sure that this happens. Even if he replaces the DPS, he cannot avoid his responsibilities and would risk the revocation of his licence if there was to be another review.