

Decision Notice – Application for a Review of a Premises Licence under the Licensing Act 2003 for Star Food & Wine, 23 Westbury Avenue, Wood Green, London, N22 6BS

The Licensing Sub Committee carefully considered the application for a review of a premises licence for Star Food & Wine, 23 Westbury Avenue, Wood Green, London N22 6BS. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the written and oral representations of the Parties.

The Committee resolved to:

- (i) To suspend the licence for a period of 6 weeks; and
- (ii) Modify the conditions on the licence to incorporate the recommendations of Trading Standards as set out on pages 14 and 15 of the Committee agenda pack as follows:
 - 1. All tobacco products which are not on the covered tobacco display cabinet or on the under counter shelf marked for 'Tobacco Stock' shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the storeroom or behind the sales counter.
 - 2. Tobacco shall only be taken from the covered tobacco display cabinet behind the sales counter or the undercounter shelf marked for 'Tobacco Stock' in order to make a sale.
 - 3. Where a locked safe, cupboard or stock storage area is maintained at the licensed premise immediate access to these locked areas shall be provided on request to any Police or Authorised Council Officer who wishes to carry out an inspection during licensable hours. Where keys or codes necessary to access these locked areas are not immediately available to staff on the premises they shall be provided by a responsible person/keyholder within 20 minutes of a request for access or within a reasonable time as agreed at the discretion of the Authorised officer.

Reasons

The Committee had careful regard to the fact that the premises had been used in connection with criminal purposes, namely the sale of illicit tobacco, which the Guidance advises should be treated as being particularly serious.

The Committee considered that, as a minor variation had resulted in numerous additional conditions being placed on the licence following an agreement with Trading Standards in July 2021, the Licence Holder would have been in no doubt that the sale of illicit tobacco was an offence and that such an offence would have put his licence at risk. It concluded that there was a clear and deliberate failure by the Licence Holder to

uphold and promote the Licensing Objectives of the prevention of crime and disorder and public safety.

The Committee was troubled by the Licence Holder's admission that, had the opportunity arisen, he would have sold the illicit tobacco found on the premises. Further, the Committee was concerned to hear the reports of the industry test purchases during which illicit cigarettes were purchased from the Premises.

The Committee considered the Licence Holder's representation that an employee had been dismissed for selling illicit cigarettes but found it to be unsatisfactory that the Licence Holder could not confirm whether it was the same employee who had made the test sales.

The Committee further considered the Licence Holder's representation that he has recently installed an updated CCTV system to enable him to increase his supervision of employees.

The Committee seriously considered whether to revoke the licence or impose a period of suspension; the Committee recognised that a revocation or suspension of the licence could have a serious financial impact on the Licence Holder's business. Overall, the Committee concluded that it would be appropriate and proportionate to suspend the licence for 6 weeks to act as a deterrent to the Licence Holder from using the premises for criminal activity in the future and to provide the Licence Holder with time to resolve any outstanding personnel issues and ensure all training was up to date and of a satisfactory standard.

Informatives

The Committee wanted the Licence Holder to be in no doubt that the Licensing Objectives have to be promoted and it is for the Licence Holder to take affirmative action to ensure this happens. Notwithstanding the same, the Committee decided that it would afford the Licence Holder a further opportunity to demonstrate that he would comply fully with the law and his obligations as a licence holder. The Committee wanted the Licence Holder to be aware, however, that should this matter come before the Committee again it would take a dim view of any repetition of the activities highlighted in this review.

The Committee would like to encourage the Licence Holder in joining the Responsible Trader Scheme as evidence of the Licence Holder's commitment to promoting the Licensing Objectives.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.