

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 21 January 2015 at 10.00 am  
Council Chamber, Civic Centre, Silver Street,  
Enfield, EN1 3XA

Contact: Jane Creer  
Committee Secretary  
Direct : 020-8379-4093  
Tel: 020-8379-1000  
Ext: 4093  
Fax: 020-8379-4455  
Textphone: 020 8379 4419  
E-mail: [jane.creer@enfield.gov.uk](mailto:jane.creer@enfield.gov.uk)  
Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

Councillors : Derek Levy (Chair), Nesimi Erbil and Dogan Delman

## SUPPLEMENTARY AGENDA – PART 1

### 3. **ORDNANCE SUPERMARKET, 115 ORDNANCE ROAD, ENFIELD, EN3 6AF (REPORT NO. 151)** (Pages 1 - 12)

Application to review a premises licence.

PLEASE SEE ATTACHED LICENSING AUTHORITY REPRESENTATION :  
ADDITIONAL INFORMATION

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**LICENSING AUTHORITY REPRESENTATION**

**ADDITIONAL INFORMATION**

**Name and address of premises:** Ordnance Supermarket  
115 Ordnance Road  
Enfield  
EN3 6AF

**Type of Application:** Review of Premises Licence

**This document includes additional information, not previously mentioned in the review application. It also includes all Officer Observations and Inspections carried out since the review was submitted on 24<sup>th</sup> October 2014:**

**28<sup>th</sup> September 2011** – A letter was sent to the premises licence holder recommending that they submit a minor variation application to strength the licence conditions following the discovery of 3 bottles of counterfeit wine at the premises. The letter included a warning stating: 'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, Trading Standards shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance'. **See Appendix 1 and 2.**

**28<sup>th</sup> May 2014** – A letter was sent to the premises setting out the new updated Mandatory Licence Conditions, one of which specifically relates to the price of alcohol. At the end of the list of conditions is advice from Trading Standards which states:

'You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person'.  
**See Appendix 3.**

**22<sup>nd</sup> October 2014** – Trading Standards inspected the counterfeit Glens that was found at the premises and believe the bottles to be genuine but the back label counterfeit which suggests that it is also duty diverted. This information have been past to HMRC.

**Friday 24th October 2014** – 19:40 – 19:55 - Full licence inspection carried out. Condition 8 - No UV light available, Condition 10, 11 - No training records available, Condition 13 - No refusals book. Given 7 days to comply. Hand delivered review

application. Whilst on premises officers found 1x Zubrowka Biala Vodka, 1x Krupnik Vodka, 1x De Luxe Zoladkowa Gorzka and 1x Zurbrowka Bison Grass on display. These had foreign labels over the lids and were the same brands seized by HMRC. The Officers also saw similar wine - 4x Corte Dorata, 9x Memorie Merlot, 4x Vento Merlot, 6x Valdespino Merlot, 4x Casaldivino, 31x Lancinni (various types). HMRC informed. **See Appendix 4 – Inspection Report and Appendix 5 – photo of alcohol.**

**Friday 7<sup>th</sup> November 2014** – 21:15 - Revisit to check compliance. C8 - The UV light didn't work. Also advised to record all refused sales as there were no refused sales since July 2014. Given 14 days to comply.

**Friday 21<sup>st</sup> November 2014** - 19:25 - 19:30 - Licensing Enforcement Officers visited the premises to check the outstanding licence conditions - all compliant.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)



Signed:

Date: 13<sup>th</sup> January 2015

Mr Baris Salman  
Ordnance Supermarket  
115 Ordnance Road  
Enfield  
EN3 6AF

Please  
reply to:

Charlotte Palmer  
Business Regulation, PO Box 57, Civic  
Centre, Silver Street, Enfield, Middlesex  
EN1 3XH

Tel: 020 8379 3965

Fax: 020 8379 2190

Email: trading\_standards@enfield.gov.uk

My Ref: WK/211043787

Your Ref:

Date: 28<sup>th</sup> September 2011

Dear Mr Salman,

**Ordnance Supermarket, 115 Ordnance Road, Enfield, EN3 6AF - Licensing Act 2003**

I write in relation to the premises licence that you hold for the above premises.

On 20<sup>th</sup> July 2011 Enfield Trading Standards visited the premises and discovered some counterfeit wine for sale. **This is a criminal offence.**

As a result of this visit and discovery Enfield Trading Standards is considering reviewing the premises licence. Trading Standards believe that additional conditions need to be added to the premises licence to strengthen the licensing objectives.

However, in considering any review application, the Council's Licensing Sub-Committee may choose to:

- revoke the licence;
- suspend the licence for up to three months;
- remove the DPS from the licence;
- exclude a licensable activity from the licence; and
- modify the conditions of the licence.

As an alternative to having your licence reviewed Trading Standards are prepared to offer you the opportunity to apply for a minor variation to voluntarily add conditions to the premises licence and / or to improve some of the current conditions.

Enclosed is a document showing suggested amendments to the conditions. The additional conditions are designed to help prevent crime and disorder associated with the sale of counterfeit and / or non-duty paid items on the premises in the future and to further support the licensing objectives.

If you agree to apply for the minor variation please do so **within 14 days of the date of this letter**. A minor variation application form is enclosed.

If you do not agree to submit the minor variation, it will leave Trading Standards with no choice but to pursue a review of the premises licence. You will then run the risk of having the licensing committee impose stricter restrictions on the premises licence and possibly even suspend or revoke the licence.

**Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, Trading Standards shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance.**

If you have any queries about the enclosed list of conditions or are unable to apply for a minor variation within the time frame given please contact me on the above telephone number.

Yours sincerely,

Charlotte Palmer  
Licensing Enforcement Officer

cc: Mr Baris Salman, 41A Ordnance Road, Enfield, EN3 6UT.

## Appendix A

Amended / additional conditions to be added to premises licence for:

**Ordnance Supermarket, 115 Ordnance Road, Enfield, EN3 6AF**

No.	Current Condition	TS Agree	Amended to read
3	Alcohol shall not be sold or supplied except during the following permitted hours: (a) On weekdays (other than Christmas Day or Good Friday) 08:00 - 23:00; (b) On Sundays (other than Christmas Day) 10:00 - 22:30; (c) On Good Friday 08:00 - 22:30; (d) On Christmas Day 12:00 - 15:00 & 19:00 - 22:30.	N	Remove – times are already specified on the licence
4	Alcohol shall not be sold in an open container or be consumed in the licensed premises.		
	<b>Annex 3 Proposed Conditions - additional</b>	<b>Agreed by Applicant</b>	
	There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.		
	The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers.		
	The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained on the premises for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request.		
	An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.		
	A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.		
	All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of this premises licence.		

	All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.		
	The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.		
	A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.		
	Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.		
	Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.		

The posters, training material, training records and refusals book are all available from Trading Standards.





**Mr Baris Salman**  
**41A Ordnance Road**  
**ENFIELD**  
**EN3 6UT**

**Regeneration & Environment**

Please reply to : Licensing Team  
: PO Box 57  
: Civic Centre, Silver Street  
: Enfield, Middx. EN1 3XH  
Tel : 020 8379 3578  
Fax : 020 8379 2190  
Minicom : 020 8379 4419  
Email : [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)  
My ref : Mandatory Conditions  
Your ref : LN/200500760  
Date : From 28 May 2014

**IMPORTANT – PLEASE READ**

**THIS LETTER CONCERNS YOUR NEW LEGAL RESPONSIBILITIES AND ANY FAILURE TO ACT ON THESE MATTERS COULD LEAD TO YOUR PROSECUTION**

Dear Mr Baris Salman

**Re: Ordnance Supermarket, 115 Ordnance Road, ENFIELD, EN3 6AF**

I refer to your Premises Licence and/or Club Premises Certificate, under the Licensing Act 2003, in respect of the above premises/club premises.

If your licence/certificate authorises the sale/supply of alcohol then you must comply with the contents of this letter. If alcohol is *not* authorised under the licence/certificate please disregard this letter.

As you are aware, you must ensure that the operation of the premises/club premises, complies with the conditions set out in Annexes 1, 2 and 3 of the licence/certificate document.

I am writing to advise that new Mandatory Conditions have been attached to your licence/certificate by Parliament. You must ensure that the operation of the premises/club premises, under the licence/certificate, *also* complies with the Mandatory Conditions, even though they are *not* printed on your licence/certificate document.

Failure to comply with the conditions of your licence/certificate and/or the Mandatory Conditions is a criminal offence with a maximum penalty, on conviction, of 6 months imprisonment and a £20,000 fine.

The Mandatory Conditions are set out below:

1. (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.  
(2) For the purposes of the condition set out in paragraph (1) —

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979(a);

(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(b).

(3) Where the permitted price given by Paragraph (b) of paragraph 2 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) — (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 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.

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual

in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.
5. (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 sale or supply of alcohol.  
(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.
6. The responsible person shall ensure that—
  - (a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures—
    - (i) beer or cider: ½ pint;
    - (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
    - (iii) still wine in a glass: 125 ml; and
  - (b) customers are made aware of the availability of these measures.

NB. The “responsible person” means—

(a) in relation to licensed premises—

(i) the holder of a premises licence in respect of the premises,

(ii) the designated premises supervisor (if any) under such a licence, or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) 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 him to prevent the supply in question.

The Home Office have produced Guidance (on banning the sale of alcohol below the cost of duty plus VAT) and a Permitted Price Calculator. These documents may be viewed, down-loaded and printed via the following web-link: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

**TRADING STANDARDS ADVICE :**

You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person.

Yours sincerely



pp. The Licensing Team

\*'licence' includes licences, certificates, permits, registrations, notices, notifications, approvals and authorisations

REF: WK/ 21405874)

LICN\_1

**LICENSING ENFORCEMENT INSPECTION REPORT**

Premises Name	Ordnance Supermarket	
Premises Address	115 Ordnance Road Enfield EN3 6AF	
Time of Visit:	Start: 19.40	Finish: 19.55


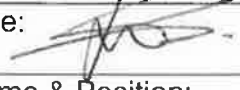
During an inspection of your premises on 24th October 2014, the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
8	No U.V. light available
10 + 11	No evidence of records of training
13	No refusals book

Any other matter(s) that need addressing: Hand delivered with your application

You are required to have the above matters attended to within 7 days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT/OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: <u>N. JOHNSON</u>	Print Name & Position: <u>BARIS SALMAN</u>

Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 020 8379 1767  
 Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk).

Download the appropriate application forms at [http://www.enfield.gov.uk/info/200007/licensing\\_and\\_registration](http://www.enfield.gov.uk/info/200007/licensing_and_registration).

Material such as leave quietly signs, training guidance and refusals book is available to download and print at [http://www.enfield.gov.uk/downloads/download/2316/compliance\\_documents](http://www.enfield.gov.uk/downloads/download/2316/compliance_documents)



