

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 4 April 2018 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
E-mail: jane.creer@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Derek Levy (Chair), Vicki Pite and Glynis Vince

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. EXCLUSION OF THE PRESS AND PUBLIC

To consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

4. MED OFF LICENCE, 87 SILVER STREET, LONDON, N18 1RP (REPORT NO. 181) (Pages 1 - 60)

Application to transfer a premises licence.

5. MINUTES OF PREVIOUS MEETING (Pages 61 - 68)

To receive and agree the minutes of the meeting held on Wednesday 7 March 2018.

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MUNICIPAL YEAR 2017/18 REPORT NO. 181

COMMITTEE:
Licensing Sub-Committee
4 April 2018

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003

Agenda – Part1	Item4
<p>SUBJECT: Application to transfer a premises licence</p> <p>PREMISES: Med Off Licence, 87 Silver Street, LONDON, N18 1RP.</p> <p>WARD: Haselbury</p>	

1.0 LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 24 September 2015, an application by Mr Ismail Acay for a new premises licence, which was not subject to any representations, was granted by officers in accordance with delegated powers (LN/201500538). Mr Acay was also the named Designated Premises Supervisor (DPS).
- 1.2 In January 2017 an application by Mr Hasan Alkomen for transfer of the Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers. Mr Alkomen was also the named Designated Premises Supervisor.
- 1.3 In February 2017 application was made by Mr Alkomen for a minor variation of the Premises Licence, which added conditions to the licence in relation to illicit goods being sold at the premises. This was at the request of the licensing authority, following seizure of illicit tobacco from the premises. The minor variation was subsequently issued.
- 1.4 In March 2017 an application by By Group Ltd for transfer of the Premises Licence, which was not subject to any representation from the Police, was granted by officers in accordance with delegated powers. Mr Erhan Sabri was also the named Designated Premises Supervisor.
- 1.5 The current Premises Licence permits:
- Hours the premises are open to the public: Daily from 07:00 to 01:00.
 - Supply of alcohol (off supplies only): Daily from 07:00 to 01:00.
- 1.6 A copy of a location map of the premises is attached as Annex 1.
- 1.7 A copy of the current Premises Licence is attached as Annex 2.

2.0 THIS APPLICATION:

- 2.1 On 27 February 2018, Mr Behrouz Alidoost applied to the Licensing Authority for a Transfer of Premises Licence (LN/201500538).

2.2 A copy of the application is attached as Annex 3.

3.0 RELEVANT REPRESENTATIONS:

3.1 **Metropolitan Police:** Notice was given (under S.42(6)) that grant of the transfer application would undermine the crime prevention objective. The Police states that it is appropriate, for the promotion of the licensing objectives, to object to the transfer of Premises Licence (LN/201500538).

1.2 A copy of the representation is attached as Annex 4.

1.3 Mr Alidoost was notified of the Police representation and indicated he did not want to withdraw the transfer application. Mr Alidoost has responded to the representation in writing and for the Licensing Sub-Committee to consider, which is attached as Annex 5.

4.0 RELEVANT LAW, GUIDANCE & POLICIES:

4.1 The paragraphs below are extracted from either:

4.1.1 the Licensing Act 2003 ('Act'); or

4.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or

4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

4.2 General Principles:

4.2.1 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

4.2.2 The licensing objectives are:

4.2.3 the prevention of crime and disorder;

4.2.4 public safety;

4.2.5 the prevention of public nuisance; &

4.2.6 the protection of children from harm [Act s.4(2)].

4.3 In carrying out its functions, the Sub-Committee must also have regard to:

4.3.1 the Council's licensing policy statement; &

4.3.2 guidance issued by the Secretary of State [Act s.4(3)].

4.4 Transfers of premises licences – General

4.4.1 Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder. (Guid 8.93)

4.4.2 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). (Guid 8.94)

4.4.3 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police. (Guid 8.95)

4.4.4 In its consideration of applications where representations have been received, where relevant, particular regard will be given to the factors shown under Special Factors for Consideration. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives. (Pol 10.1)

4.4.5 Special Factors for Consideration: Methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods. (Pol 12.1.9)

Decision - Transfer:

Having heard from all parties, the Licensing Sub-Committee may be minded to either:

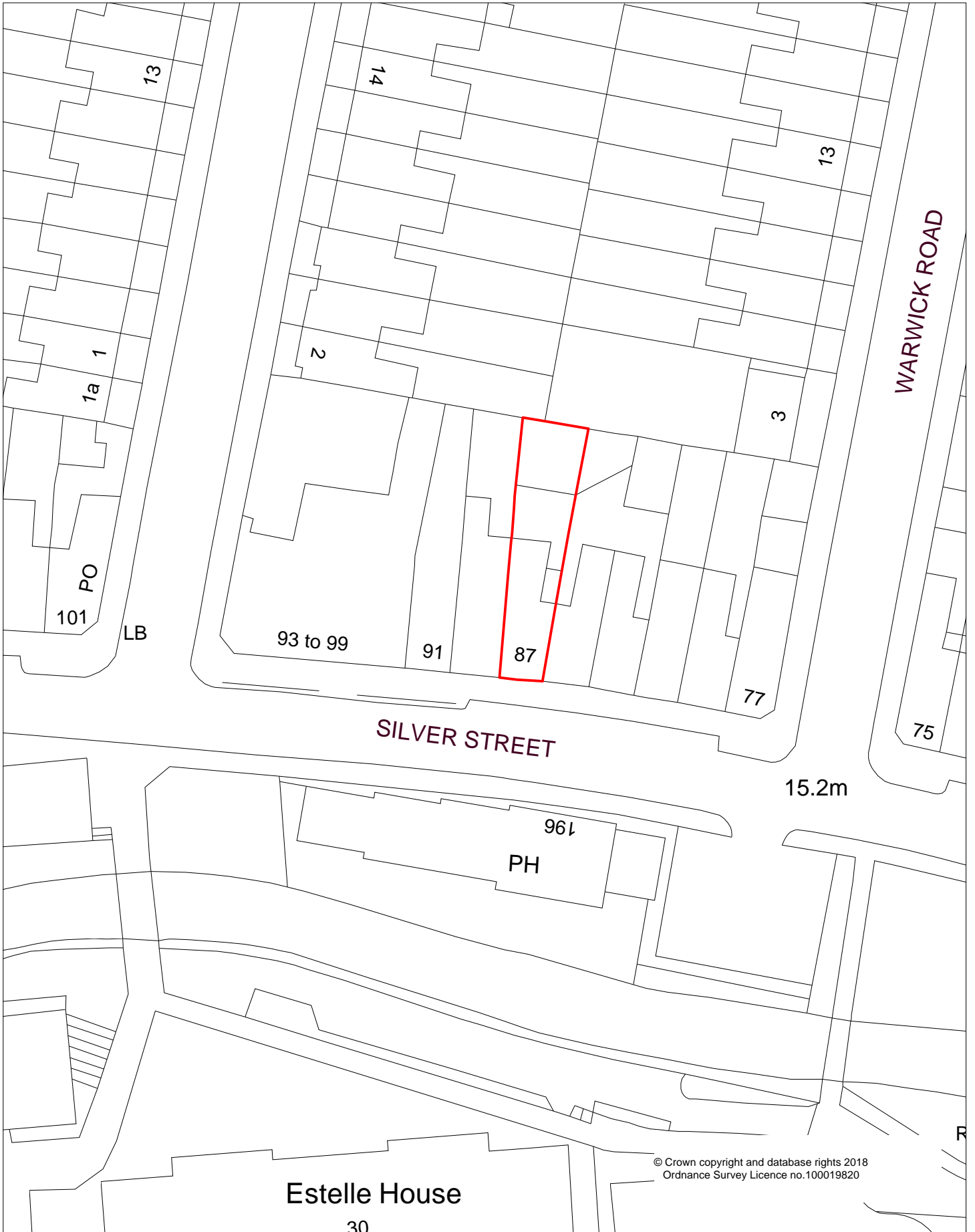
- Grant the licence as per the transfer application;
- Reject the transfer application [Act s.44 (5) (b)]

Background Papers:

None other than any identified within the report.

Contact Officer:

Ellie Green on 020 8379 8543



87 Silver Street, Edmonton N18 1RP



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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500538

Part 1 – Premises Details

Postal address of premises :

Premises name : Med Off Licence

Telephone number : Not provided

Address : 87 Silver Street LONDON N18 1RP

Where the licence is time-limited, the dates : Not time limited

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :

(1) **Open to the Public - Whole premises**

Sunday :	07:00 - 01:00
Monday :	07:00 - 01:00
Tuesday :	07:00 - 01:00
Wednesday :	07:00 - 01:00
Thursday :	07:00 - 01:00
Friday :	07:00 - 01:00
Saturday :	07:00 - 01:00

(2) **Supply of Alcohol - Off supplies**

Sunday :	07:00 - 01:00
Monday :	07:00 - 01:00
Tuesday :	07:00 - 01:00
Wednesday :	07:00 - 01:00
Thursday :	07:00 - 01:00
Friday :	07:00 - 01:00
Saturday :	07:00 - 01:00

Part 2

Name and (registered) address of holder of premises licence :

Name :	By Group Ltd
Telephone number :	Not provided
e-mail :	[REDACTED]
Address :	[REDACTED]

Registered number of holder (where applicable) : 9911314

Name and (registered) address of second holder of premises licence (where applicable) :

Name :	Not applicable
Telephone number :	
Address :	

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :

Name :	Mr Erhan Sabri
Telephone number :	[REDACTED]
e-mail :	[REDACTED]
Address :	[REDACTED]

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

Personal Licence Number :	LN/201600903
Issuing Authority :	London Borough of Enfield

Premises Licence LN/201500538 was first granted on 24 September 2015.

Signed : 

Date : 22nd June 2017

**for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578**



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. 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.**
- 2. 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 the premises licence.**
- 3. 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.**
- 4. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**
- 5. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 6. 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.**
- 7. At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.**
- 8. 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.**
- 9. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse or glass bottles outside between 23:00 hours and 08:00 hours.**
- 10. Deliveries will not be made to/from the premises between 20:00 hours and 08:00 hours.**
- 11. The premises shall install and maintain a comprehensive CCTV system.**
 - (1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition.**

- (2) All recordings shall be stored for a minimum period of 31 days with date and time stamping.
- (3) Recordings shall be made available immediately upon the request of Police or authorized officer throughout the preceding 31 day period.
- (4) The CCTV system should be updated and maintained according to police recommendations.
- (5) 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 is open to the public. This staff member must be able to show a Police or authorized council officer recent data or footage with the absolute minimum of delay when requested.

12. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (1). All crimes reported to the venue
- (2). All ejections of patrons
- (3). Any complaints received
- (4). Any incidents of disorder
- (5). All seizures of drugs or offensive weapons
- (6). Any faults in the CCTV system
- (7). Any visit by a relevant authority or emergency service

13. The venue will operate a can marking scheme agreed in writing by the Police and Licensing Authority. All cans of alcoholic beverages will be marked with either indelible ink marker pens, UV marker pens or other can marking scheme ie. Stickers.

14. Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and / or tobacco stock.

15. Alcohol and tobacco stock shall only be purchased from registered wholesalers.

16. 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 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. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.

17. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable



London Borough of Enfield

Application to transfer premises licence to be granted 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/We

(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN/201500538

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

Med Off
License
87 Silver Street

Post town

London

Post code

N18 1RP

Telephone number at premises (if any)

Please give a brief description of the premises (see note 1)

This is a Off License shop which provide general grocery products plus alcoholic/ non alcoholic

Drinks

Name of current premises licence holder

1

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

a) an individual or individuals*

Please tick yes

please complete section (A)

b) a person other than an individual *

i. as a limited company

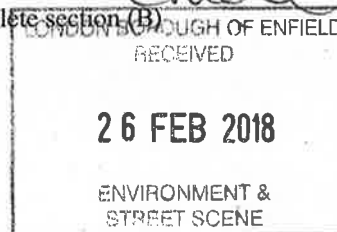
please complete section (B)

ii. as a partnership

please complete section (B)

iii. as an unincorporated association or

please complete section (B)



- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
 (for example, Rev)

Surname

Alidoost

First names

Behrouz

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises



address

[Redacted address]

Post town

London

Post code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

E-mail address

[Redacted e-mail address]

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

Other title
(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

Scanned form has been sent over.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

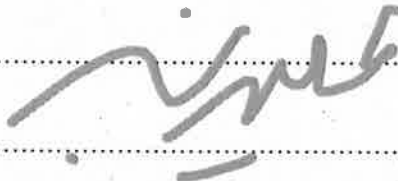
I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....



Date

.....

24/02/2018

Capacity

.....

For joint applicants signature of second applicant, second applicant’s solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

.....

Date

.....

Capacity

.....

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)	
E-mail address	

Consent of Premises Licence holder to transfer


I/We BOYAN VELEV (BY GROUP LTD)
.....
(full name of Premises Licence holder(s))

the premises licence holder of premises licence number
LN/201500538 (insert premises licence
number)

~~87~~ MED OFF LICENCE, 87 SILVER STREET N18 1RP
.....
(name and address of premises to which the application relates)

hereby give my consent for the transfer of premises licence number
LN/201500538
.....
(insert premises licence number)

to BEHROUZ ALIBOOST
.....
(full name of transferee)

Signed name(s) 
(please print) BOYAN VELEV
Date 02.11.2018

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Annex 4

**POLICE REPRESENTATION**

Name and address of premises: **Med Off Licence**
87 Silver Street
Edmonton
N18 1RP

Type of Application: **Transfer of a Premises Licence**

The Application

This is an application to transfer the premises licence from Boyan Valev to Behrouz ALIDOOST

Supply of Alcohol	Monday to Sunday 07:00 – 01:00
Opening Hours	Monday to Sunday 07:00 – 01:00

Location

This venue is situated within a parade of shops with residential properties above and opposite.

The Police would like to object to the application on the grounds that it would undermine the Prevention of Crime and Disorder Licensing objective.

Police have carried out research on their systems which has raised concerns as to the suitability of Behrouz ALIDOOST holding the premises licence.

Due to the sensitive nature of the information further investigation needs to take place and it is uncertain when this will be complete.

I reserve the right to submit further representations

Officer: Karen Staff PC237YE

Tel: 0208 379 3915

Ye-licensing@met.pnn.police.uk

Date: 13th March 2018

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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REF: WK/
217011901

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Med Off Licence	
Premises Address	87 Silver Street, London, N18 1RP	
Time of Visit:	Start: 11-25	Finish: 11-35

During an inspection of your premises on ...Wednesday 30th Aug 2017....., the following was checked:

Part B of Premises Licence displayed? Yes No Part A was on display

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
	full licence inspection.
C2e3e4	Training records not available at time of visit - please email these to officer.
C7	only one member of staff present during inspection. must be 2.
C8	leave quietly poster to be displayed.
C13	Can marking scheme needed.
	/

Any other matter(s) that need addressing: ...officer will email a 'think 25' poster & refusals book to you along with a leave quietly poster. Premises does not sell tobacco. Part B of the licence to be displayed.

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: <i>Charlotte Palmer</i>	Signature: <i>B. Midoo</i>
Print Name: CHARLOTTE PALMER	Print Name & Position: B. Midoo
Email/Tel: 0208 379 3965 Charlotte.Palmer@enfield.gov.uk	Email/Tel: [REDACTED]

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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NOTICE OF SEIZURE

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No 1539

KMS/2

ENFIELD
Council
www.enfield.gov.uk



Name: Mod Off Licence

Address: 87 Silver Street

N18 1RP

Trading Standards

Civic Centre

Silver Street

Enfield

EN1 3XH

trading.standards@enfield.gov.uk

Telephone: 020 8379 8505

Fax: 020 8379 8506

The following items have been seized by the officer named below as they may be required as evidence by virtue of powers contained within the following legislation:

Consumer Rights Act 2015 / Tobacco & Related Products
Regs / Standardised Packaging of Tobacco Products Reg

Non-duty paid cigarettes in bag no. R00857220

15x Marlboro

11x Davidoff

3x Karelia

3x Parliament

from wife's handbag. No other items
in handbag.

NB. Blunt papers with just colour eg 'Red' may
be sold but must be kept out of sight in
display cupboard with other tobacco.

Blunt papers with flavour eg 'Gin' may not
be sold & must be removed.

IF YOU BELIEVE THE OFFICER DID NOT HAVE REASONABLE GROUNDS FOR SEIZING ALL OR SOME OF THE ITEMS LISTED YOU MAY APPEAL AGAINST THE SEIZURE. IF YOU WISH TO APPEAL PLEASE WRITE/TELEPHONE THE MANAGER OF TRADING STANDARDS USING THE CONTACT INFORMATION GIVEN ABOVE.

Authorised Officer: C. Palmer

Date: 26/1/18

Signature: [Signature]

Direct Dial: 0208 379 3265

Received by: Mr B. Aidoo

Position in Business: Owner

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REF: WK/ 2170 70579

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Med Off Licence	
Premises Address	87 Silver St, N18 1RP	
Time of Visit:	Start: 12.55	Finish: 13.47

During an inspection of your premises on 7 February 2018, 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
3	Training completed but unable to produce records. Need to send a copy once found eg take photo + email it.
6	Refusals book kept but unable to produce. As above for sending a copy.
7	Only one member of staff at time of visit. (Wife ill, other employees maring) Advised must be 2 staff at all times during licensable activity.
11	CCTV time is slow by 5 mins.
12	Incident log book not available. Send as above.

Any other matter(s) that need addressing: Advice given to transfer licence also to vary DPS position once you have obtained your personal licence from Ber. not Council.
 C.13 - cans not marked with premises + pen.
~~Free~~ Can apply to remove - variation application
 Advise to speak to PC Staff first*

You are required to have the above matters attended to withindays of this notice. Failure to rectify the above reaches 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: C. Palmer	Print Name & Position: Mr Behrouz Alidoost
Email/Tel: 208 379 3965 charlotte.palmer@enfield.gov.uk	

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

<Karen.staff@enfield.gov.uk



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Mr B. Alidoost
 Med Off Licence
 87 Silver Street
 London
 N18 1RP

Please reply to : Charlotte Palmer
 Senior Licensing Enforcement Officer
 E-mail : charlotte.palmer@enfield.gov.uk
 Phone : 02083793965
 Textphone :
 Fax :
 My Ref :
 Your Ref : WK/217070579
 Date : 21st February 2018

Dear Mr Alidoost

Licensing Act 2003

Med Off Licence, 87 Silver Street, LONDON, N18 1RP – LN/201500538

On 26th January 2018 your premises was searched for counterfeit and non-duty paid alcohol and tobacco. Officers also checked the premises for cigarettes and tobacco that did not comply with standardised packaging legislation. The following items were found and seized;

Non-duty paid:

15 x Marlboro (20 pack);
 11 x Davidoff (20 pack);
 3 x Karelia (20 pack);
 3 x Parliament (20 pack)

On 7th February 2018 Licensing Enforcement Officers visited the premises to carry out a full licence inspection. You advised that you are now the owner of the premises and that you would be submitting a Transfer Application and Vary DPS application once you have your Personal licence. The Transfer application has since been received. The following conditions were not being complied with:

Condition 3 – Unable to find training records
 Condition 6 – Unable to find Refusals Book
 Condition 7 - Only one member of staff on premises at time of visit.
 Condition 11 – CCTV – time out by 5 minutes
 Condition 12 - Incident log book not available
 Condition 13 - No can marking system in place (if you wish to have this condition removed from the licence you will need to apply for a full licence variation).
 Advised to send evidence to officers.

A revisit was carried out on 16th February 2018. Two people were working at the premises but other than that the same issues remained. You were again asked to email evidence of

Ray James
 Director of Health, Housing
 and Adult Social Care
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY


EQUALITY
 FRAMEWORK
 FOR LOCAL
 GOVERNMENT
 EXCELLENT

Phone: 020 8379 1000
 Website: www.enfield.gov.uk

compliance to Officer.

On 21st February 2018 evidence of the training and refusals were received.

Conditions must be complied with at all times. Failing to comply with any condition attached to a Premises Licence is a criminal offence, which on conviction is punishable by an unlimited maximum fine, up to six months imprisonment or both.

In relation to the non-duty paid good, please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, the Licensing Authority shall take immediate action to have the premises licence permanently revoked and or to prosecute you.

You must buy tobacco, alcohol and any other branded product from a reputable seller. These products must be evidenced by receipts which must be available for inspection upon request.

If you have any queries about the contents of this letter please contact me via email:
charlotte.palmer@enfield.gov.uk

Yours sincerely

Charlotte Palmer
Senior Licensing Enforcement Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

By virtue of paragraph(s) 7 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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LICENSING SUB-COMMITTEE - 7.3.2018

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 7 MARCH 2018**

COUNCILLORS

PRESENT (Chair) Derek Levy, George Savva MBE and Glynis Vince

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), PC Karen Staff (Metropolitan Police Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: On behalf of Metropolitan Police Service:
Mr James Rankin, Barrister, Francis Taylor Building
Applicant, Elvan Food Centre: Mr Uygar Altun
Applicant, The Hyde Arms PH: Mr Mansur Duzgun

502**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Levy as Chair welcomed all those present at the hearing, which had been postponed due to adverse weather conditions the previous week, and explained the order of the meeting.

503**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest.

504**ELVAN FOOD CENTRE, 614-616 HERTFORD ROAD, ENFIELD, EN3 5TD****RECEIVED**

- (1) the application made by Mr Uygar Altun for the premises now known as and situated at Elvan Food Centre, 614-616 Hertford Road, Enfield, EN3 5TD for a transfer of Premises Licence (LN/201100797).
- (2) the application made by Mr Uygar Altun for the premises now known as and situated at Elvan Food Centre, 614-616 Hertford Road, Enfield, EN3 5TD for the Variation of the Designated Premises Supervisor to be named as Mr Uygar Altun on Premises Licence LN/201100797.

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NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. There were two applications for consideration: a transfer application and a vary DPS application.
 - b. The premises was situated at 614-616 Hertford Road, and had been known by various names, including Mevlana Food Centre.
 - c. The current premises licence permitted opening 24 hours and supply of alcohol from 08:00 to 02:00, as set out in Annex 2 of the report.
 - d. The original premises licence was held by Mr Tekim Teymuroglu, with Mr Abdullah Gul as the designated premises supervisor (DPS).
 - e. Mr Uygur Altun had applied to hold the licence in his own name and was present at this hearing to represent himself.
 - f. Mr Altun had simultaneously applied to vary the DPS, naming himself as DPS, as set out in Annex 4 of the report.
 - g. It was confirmed that the application fees had now been paid in full.
 - h. The Police objected to both applications on the grounds that it would undermine the Prevention of Crime and Disorder licensing objective. The police representation was set out in Annex 5 of the report.
 - i. Within Annex 5 decision notices KMS1 and KMS2 were referred to, but were not reproduced in the agenda pack. Apologies were given for the omission, but it was confirmed that those exhibits had been sent to the applicant by email and there had been subsequent communication with the applicant, and copies were available today.
 - j. On 14/2/18 Mr Teymuroglu submitted notification to the Licensing Team that he wished to surrender the premises licence, but this was not accepted or valid as set out in para 2.7 of the report, and the hearing would proceed as per Section 43 of the Licensing Act 2003. It was confirmed that Mr Teymuroglu had been advised and would be notified of the outcome of the hearing.
 - k. Mr James Rankin from Francis Taylor Building was present to represent PC Karen Staff. The Police representation advised that should the transfer application by Mr Altun be granted, they sought an undertaking to submit a minor variation to modify times and conditions. Mr Altun had notified the Police and the Licensing Team of his agreement to that, if the application was granted.

2. The statement of Mr James Rankin, on behalf of the Metropolitan Police Service, including the following:
 - a. The primary position of the Police was the fundamental objection to the transfer and vary DPS applications. It was only if the sub-committee was minded to grant they would insist on the undertaking to submit a minor variation as described. He wanted to make it clear that the Police did not regard Mr Altun as capable or fit to hold a licence for this premises.

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- b. The policy considerations were set out on page 3 of the report, highlighting that “in exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer...”. This was one of those cases. Policy 10.1 was also relevant: “particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the licensing objectives.”
 - c. The Police position was clear regarding Mr Altun running this premises (where he had been involved since July 2017) and another premises (Asya Wine Centre): that he was incapable of running either premises properly. This was based on the evidence set out in Annex 5 of the report.
 - d. The Police objection detailed a long history of malfeasance and criminality at Asya / Hertford Wine Centre. Analysis started in March 2012 when the first of a number of breaches of licence conditions and attempts to avoid duty were noted, including discovery of 1000 non-duty paid cigarettes and 54 bottles of non-duty paid spirits. A warning letter was sent that such behaviour would not be allowed to continue.
 - e. Subsequent inspections showed repeated breaches of the licence conditions.
 - f. Mr Altun changed his name in January 2014.
 - g. A second instance when non-duty paid cigarettes were sold to an officer, happened in August 2014. Subsequently the Licensing Authority applied for a review of the licence with the aim of revoking it. The decision KMS1 referred to the initial decision in February 2015 to revoke, which went to appeal and the committee’s decision was upheld (KMS2).
 - h. After the licence was revoked, a new premises licence application for Asya Wine Centre was granted to a different person, with the condition that Mr Altun would not have any involvement with the business.
 - i. In September 2015 a third inspection again detected non-duty paid goods, found between two locked doors. A vehicle belonging to Mr Altun was parked in the back yard: it appeared this was for the purpose of storing goods so there were not large amounts in the shop itself.
 - j. From February 2016 the Council started receiving information that illicit goods were being sold at Elvan Food Centre. The four occasions when officers visited were detailed in Annex 5 and the behaviour of Mr Altun in respect of this premises for which he was applying for the licence was reported, starting from June 2017.
 - k. Shortly before this application was submitted, a visit to Elvan Food Centre on 25/1/18 found a number of packets of foreign cigarettes underneath the counter, and alcohol in the fridges with foreign labelling.
 - l. Police were thoroughly dissatisfied with Mr Altun as a proper person to hold a premises licence.
3. The panel members confirmed they had no questions in respect of the Police representation.

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4. The statement of Mr Altun, including the following:
 - a. Information given had been about another business
 - b. He had since opened another page and did not want to be like that or to do those things.
 - c. He just wanted one chance to get the business working the right way.

5. Mr Altun responded to questions as follows:
 - a. The Chair remarked that it had been heard in representations that Mr Altun had already had four chances, including one in respect of this business, and noted that it had taken quite a long time for the application fees to be paid in full for this application. He asked when Mr Altun changed his attitude and what would he do now to be a more effective licence holder. Mr Altun stated that what had happened had been his first business and he knew what he needed to do now as he had the experience. In response to further queries from the Chair, Mr Altun said that he did not often have hidden compartments to hide products.
 - b. In response to Councillor Vince's questioning of the evidence that Mr Altun had seen the light, and how he would guarantee being law-abiding in the future, Mr Altun advised he was going to do everything about getting stock properly and controlling staff, and he would stay on the premises. Most of what had happened in the past was not his fault and was not done by him.
 - c. In response to Members' further queries why he did not previously take advice seriously, and why he did not heed the requirement to keep away from Asya Wine Centre, and what assurances he could give that his behaviour would be different and he would be worthy of holding a licence, Mr Altun re-iterated that he had experience from the last business and of losing a business, and he wanted to operate legally.
 - d. In response to queries regarding any training received, Mr Altun confirmed that he had received training from NARTS in October 2017.

6. The closing statement of Ellie Green, Principal Licensing Officer, including:
 - a. Having heard the representations from all parties it was for the Licensing Sub-Committee to consider whether the transfer and the vary DPS applications were appropriate to grant or reject.
 - b. Guidance from the Home Office and the Council's Licensing Policy was set out on page 3 of the agenda pack.

7. The closing statement of Mr James Rankin, on behalf of the Metropolitan Police Service, reminding the panel of the most recent visit to Elvan Food Centre on 25/1/18, when the same pattern as previously had been seen.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely

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disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having read, heard, and listened to all the representations, the Licensing Sub-Committee resolved to refuse both the application for a transfer of a premises licence for the Elvan Food Centre into the name of Mr Uygur Altun, and the variation of the Designated Premises Supervisor to be in his name.

The case presented by the Metropolitan Police Service, through its representative Mr Rankin, was made in full, supported his assertion that the exceptional circumstances prompting the police objection prevailed, and was compelling.

This was borne out by the chronological evidential detail contained in the bundle of papers, and was in clear accord with the Council’s Licensing Policy 10.1, and in particular 12.1.9 dealing with “Special Factors for Consideration”.

The Licensing Sub-Committee gave weight to the particular issue whereby the premises under consideration received a routine inspection during January 2018. At the time of that visit, the evidence was that Mr Altun appeared to display and be repeating the same patterns of behaviour and disregard of licensing principles that had brought him before past Licensing Sub-Committees regarding another premises.

As such, this Licensing Sub-Committee was persuaded by the contention advanced by Mr Rankin that Mr Altun lacked all capability to promote the licensing objectives appropriately, and reflected a complete lack of fitness “to hold a premises licence in this Borough, or anywhere in the Kingdom”.

The Licensing Sub-Committee sought to gain evidence from Mr Altun that might demonstrate the claim that he had learned from previous business and licensing failures. Under questioning, he failed repeatedly to answer every concern raised by panel members, and thereby failed completely to satisfy the Licensing Sub-Committee that he was a reformed character.

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This, together with the litany of historical evidence before the Licensing Sub-Committee, materially persuaded the Licensing Sub-Committee to come to its decision.”

3. The Licensing Sub-Committee resolved that both the applications be refused.

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THE HYDE ARMS, PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB

RECEIVED the application made by Mr Mansur Duzgun for the premises now known as and situated at The Hyde Arms Public House, 137 Victoria Road, London, N9 9BB for a transfer of Premises Licence (LN/200501812).

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following:
 - a. The current premises licence permitted opening hours and various licensable activities from 11:00 to 00:30 latest, and was included as Annex 2 of the report. The original licence holder was Mr John Martin Cross.
 - b. This application to hold the licence in his own name was from Mr Mansur Duzgun, and was included as Annex 3 of the report.
 - c. Mr Duzgun had simultaneously applied to vary the DPS to Ms Re-Anne Cunsamy: this application was included as Annex 4 of the report.
 - d. The Police objection to the licence transfer application was set out in Annex 5 of the report.
 - e. Mr Duzgun’s response to the representation was included as Annex 7 of the report.
 - f. Mr Duzgun had also notified the Police and Licensing Team that should the transfer be granted he would undertake to submit a minor variation application to modify the licence conditions.
 - g. The Police did not object to Ms Re-Anne Cunsamy as DPS, but as the application was made by Mr Duzgun it would not be valid if the transfer was not granted.
2. The statement of Mr James Rankin, on behalf of the Metropolitan Police Service, including the following:
 - a. The Police were no longer objecting to the transfer application, but were unhappy with the state of affairs in respect of the existing premises where Mr Duzgun held a premises licence: Kalamis Fish Restaurant, which had been subject to review proceedings. There was a lengthy and detailed chronology of contact with the Enforcement Team and Mr Duzgun in respect of that premises.

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- b. At a Licensing Sub-Committee hearing on 29/11/17 in respect of Kalamis Fish Restaurant, the Police were content that the licence was suspended for two weeks to be satisfied that all conditions were in compliance. It was difficult to suggest that Mr Duzgun was not a fit person to hold this licence if conditions at Kalamis Fish Restaurant were in compliance.
 - c. Police would like Mr Duzgun to apply for a variation of conditions within two weeks. They wanted it to be known that this will be closely monitored. If a pattern of behaviour was repeated, there would be no hesitation in coming forward and applying for a review of these premises as well.
 - d. Confirmation was given at the Chair's request that the Police were not asking for the application to be rejected; that Mr Duzgun had agreed to make a variation application within two weeks; and that the sub-committee was not permitted to apply conditions on a transfer application.
3. The statement of Mr Duzgun, applicant, including:
- a. He confirmed he was happy to make the variation application.
 - b. He understood there had been problems at Kalamis Fish Restaurant, but he sub-let that property and was a third party to everything that happened in that venue. Also some of the allegations about drugs and noise related rather to the next door pub car park.
 - c. He confirmed that there had been dialogue with officers and a variation application would be submitted within two weeks.
 - d. His only concern was the need for an agent to be employed, which he considered unnecessary and expensive. He would be running this property himself. In response, PC Staff clarified that, as premises licence holder, Mr Duzgun was responsible for what went on in the property. Issues at Kalamis Fish Restaurant were not fixed until an agent was employed. Therefore there was concern now that Mr Duzgun was taking on a larger property and that problems may arise again.
 - e. Mr Duzgun confirmed his understanding, and that he would employ an agent for now. PC Staff confirmed that an agent would not be required permanently if there was compliance with the licence conditions.
 - f. Parties had agreed an amendment in respect of checking CCTV was working each day, to give a 48 hour grace period.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“The Licensing Sub-Committee was advised at the hearing by Mr Rankin – representing the Metropolitan Police Service (MPS) – that the position of the MPS had modified from its earlier stance taken to object to the transfer of the premises licence for The Hyde Arms into the name of Mr Mansur Duzgun.

The Licensing Sub-Committee heard that despite certain residual reservations over another premises, the objection to this transfer was to be withdrawn.

We further heard that the MPS and Mr Duzgun had come to an accord in terms of the strengthened conditions being applied to this licence. Mr Rankin made it clear that the modified position of the MPS was itself conditional upon Mr Duzgun agreeing to submit a written application to vary the now agreed conditions; and he also sought an oral undertaking from Mr Duzgun that he will make such an application within two weeks.

Mr Duzgun duly gave that oral undertaking to the satisfaction of the Licensing Sub-Committee, enabling it to formally resolve that the application for a transfer of this premises licence be granted.”

3. The Licensing Sub-Committee resolved that the application be granted.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 29 November 2017.

AGREED that the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 29 November 2017 be confirmed and signed by the Chair as a correct record.