

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 25 APRIL 2018**

**COUNCILLORS**

**PRESENT** (Chair) Derek Levy, Dinah Barry and Glynis Vince

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Karen Staff (Metropolitan Police Licensing Officer), Antonia Makanjuola (Legal Services Representative), Jane Creer (Democratic Services)

**Also Attending:** On behalf of Hertford Food Centre:  
Mr Robert Sutherland, Licensing Agent, Licenses-R-Us  
Director Cayan Foods Centre Ltd: Mr Cuma Aksu  
Proposed Designated Premises Supervisor: Mr Cemal Topal  
Translator and family member: Mr Demir

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**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Levy as Chair welcomed all those present and explained the order of the meeting.

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**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest.

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**HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, ENFIELD, EN3 5BL  
(REPORT NO. 193)**

RECEIVED the application made by Cayan Foods Centre Ltd for the premises situated at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5BL for a new Premises Licence.

NOTED

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1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
  - a. This was a new premises licence application in respect of Hertford Food Centre, 236 Hertford Road.
  - b. The applicant was Cayan Foods Centre Limited, and the Director Mr Cuma Aksu and proposed Designated Premises Supervisor (DPS) Mr Cemal Topal were in attendance at the hearing.
  - c. The application sought 24 hour opening and had initially proposed supply of alcohol from 08:00 to 03:00. Yesterday in correspondence the hours sought for supply of alcohol were formally reduced to 08:00 to 01:00.
  - d. The application had been further amended by offering that the hours for supply of alcohol from 01/11/18 would be 08:00 to 00:00 every day. Mr Sutherland, licensing agent for the applicant, would expand on this during the hearing. That condition had not been agreed by the responsible authorities.
  - e. A premises licence for the venue was already in force permitting 08:00 to 01:00 opening and supply of alcohol 08:00 to 00:00.
  - f. The premises was located within the Enfield Highway Cumulative Impact Policy (CIP) area. There was therefore an automatic presumption of refusal of new applications outside the CIP core hours ie. beyond 00:00.
  - g. The Licensing Authority and the Metropolitan Police Service had made objections in respect of the hours sought in the light of the premises' history, but were satisfied that a licence be granted within the CIP core hours. They maintained that supply of alcohol to 01:00 would be excessive hours.
  - h. The proposed conditions set out in Annex 7 were agreed by all parties, with one slight amendment to Condition 2 (11) where it was agreed that digital images must be kept for 28 days rather than 31.
  - i. It was for the applicant to present why their application should be exempt from the CIP policy and measures they will take to mitigate the impact.
  - j. There were errors in some of the Temporary Event Notices (TENs) dates set out in para 1.18, but they had primarily been over Christmas and New Year and bank holidays.
2. The introductory statement of Charlotte Palmer, Licensing Enforcement Officer, including:
  - a. She was pleased to see that all recommended conditions had been agreed by the applicant, and that the hours sought had been reduced. However, the Licensing Authority still had objections in respect of prevention of public nuisance and prevention of crime and disorder.
  - b. The premises was in a Cumulative Impact Policy (CIP) area. This location was already of concern regarding crime and disorder and public nuisance. There were residential properties above some of the shops in the parade.

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- c. The onus was on the applicant to make their case and to demonstrate that their application would have no negative impact. There was no condition proposed or further information submitted by the applicant and no such case had been made.
  - d. The Licensing Authority did not consider that an additional condition which time limited any later licensing hour was reasonable, and instead recommended the midnight terminal hour. If it was showed that the licence was successfully complied with over one year, the applicant would be in a better position but would still need to make a case why the CIP should not apply.
  - e. Responsible authorities were keen to ensure that there was no connection with the previous licence holders and that previous issues did not recur.
  - f. On 28/3/18 officers met with the applicant and agent as well as the proposed DPS and his nephew. All three denied knowing the people named on the licence who should not be involved in the business operation. However, a screen print from Mr Cemal Topal's Facebook account showed he was friends on Facebook with Sefer Govtepe and they admitted that they did know him and that they were from the same village. Officers therefore had concern and that this had affected any confidence in the applicants.
  - g. Given the premises' history and links with previous operators, Licensing Officers would not have agreed to the hours sought even if the CIP was not in place, and they would recommend that the applicant showed that they could operate the licence in full compliance for at least a year before applying for later hours.
3. The statement of PC Karen Staff, Metropolitan Police Service, to confirm that the Police were supporting the objections of the Licensing Authority because of the history of this premises, and that finding that the proposed premises licence holder knew the previous licence holder when the licence was revoked was a cause for concern.
  4. In response to the Chair's queries regarding the TENs at this premises, it was confirmed that the CIP did not apply to a TEN, and that the TENs had not been applied for by this current applicant.
  5. The statement of Mr Robert Sutherland, licensing agent on behalf of the applicants, including:
    - a. The current licence was held by Mr Nurettin Ulger and he had given consent that an application for transfer could be made. The formal acquisition of the property had completed only yesterday and therefore the transfer application had not yet been submitted. Whatever decision was made by the Licensing Sub-Committee (LSC) at this hearing, a transfer application would be submitted today, and an application to vary the DPS. If the LSC made a decision to grant today's application in a manner which was acceptable to the applicant, the old licence would be surrendered. If the LSC made a decision to refuse today's

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application, the other licence would be reverted to and an application made for it to be transferred. (The Chair advised that the objections made had simply been in respect of hours and that the LSC were being asked to grant today's application, in full or in part.)

- b. In respect of the links with Mr Sefer Govtepe, it was understood that he was from the same village as Mr Cemal Topal, but the applicants were aware of the problems experienced with Mr Govtepe and wanted to distance themselves. They did not know him other than from connections via Facebook. The site listed a lot of 'friend' connections: that was the way the internet worked.
- c. Mr Aksu and Mr Topal had made a substantial investment in this premises.
- d. The Chair provided a reminder that the LSC wished to hear the reasons why the applicant considered the CIP should be relaxed to allow operation beyond the core hours.
- e. A condition was proposed to time limit the extra hours to 1/11/18 only. The purpose behind it was to give a trial period should this LSC grant the application to 01:00 for sale of alcohol then the licence would revert back to core hours from 1/11/18 for ever.
- f. The premises had had a licence for a number of years and the chequered history was acknowledged.
- g. The Chair advised that the history of the premises had been dealt with and mitigated by conditions, and the LSC wished to focus on the current application and additional steps proposed in respect of the licensing objectives in order to be considered exempt from the CIP policy.
- h. This was a general store which also sold alcohol. It was open 24 hours and that would continue. Viability was affected by other local premises. Shops at no.246 Hertford Road and no.194 Hertford Road were permitted to sell alcohol to 01:00. The premises 219-221 Hertford Road could sell alcohol 24 hours.
- i. If this premises licensed to 00:00 was causing an impact that would have been raised as part of other reviews. This additional hour would not have a negative impact. By allowing this small exception to policy it would demonstrate that the applicants were as good as their word. They would like a chance to prove this over six months.
- j. This was a personal application from applicants regarding their business in which they had made an investment. One of them would be present at the premises at all times. Both held a personal licence. They could not afford for the operation to fail, and gave their own commitment they would demonstrate compliance. The reason why this application should be an exception to the CIP was that personal exception.
- k. In response to the Chair's query in respect of the applicants' background and their experience in managing and operating licensed premises, it was advised that Mr Aksu owned a takeaway restaurant. That premises did not have an alcohol licence but did have a premises licence and managed late night refreshment. Mr Aksu advised that he

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ran that business in Lowestoft, Suffolk for 12 years and had no issues in that time. Mr Topal advised that he worked in an off licence premises before and worked late hours, from 17:00 to 03:00. Mr Aksu and Mr Topal had limited English language, but Condition 24 would ensure that at least two members of staff shall be on the premises at all times, one of whom shall be fluent in English, and it was confirmed there would always be two other members of staff.

- I. The Chair advised that he offered the widest opportunity for the LSC to hear the fullest reason for granting the application outside CIP hours. Mr Sutherland confirmed that the submission of a trial period was a step in itself. The only additional aspect was that people coming into the shop to purchase other items after 00:00 were not able to also purchase alcohol and had to be directed to other shops and this caused some friction in the store. The applicants had operated the store under the current licence since February under Mr Ulger's authority.
6. The applicants and agent responded to questions, including:
    - a. Charlotte Palmer highlighted that the application in Part M mentioned a schedule of conditions would be supplied to the Police and Licensing Authority for discussion: this was never submitted, but there was a discussion between parties on 28/3/18. The applicants mentioned the possibility of employing door staff but this was not offered formally and she asked for confirmation this was still being offered as it had not been mentioned during the hearing. Mr Sutherland clarified that the offer of door staff stood, if an extension of hours to 01:00 was allowed, on Friday and Saturday. This was linked to concerns in reference to Friday and Saturday nights.
    - b. Charlotte Palmer asked if there was any family or other connection between the applicants and any of the people named in Condition 18. Through the translator, the applicants advised that they had invested a significant amount of money, they were fully aware of the conditions and they would not breach any condition. Mr Sutherland clarified that he spoke to the applicants yesterday on completion of the sale of the premises. The main reason the applicants wanted a brand new licence was because they wanted nothing to do with those people. Mr Aksu believed he would be very responsible in that area.
    - c. In response to the Chair's queries whether this application could be regarded as premature, it was advised that the applicants were unsure initially whether to wait until the business was transferred, but there were other potential buyers and this was a commercial decision. The applicants gave assurance that Mr Govtepe was gone. Mr Govtepe used to also own the lease of the shop next door at the internet café and that had also been sold.
    - d. Charlotte Palmer asked about the shifts that the premises licence holder and DPS were going to work. It was advised that the main pattern would be for Mr Aksu to come in to work around 08:00 until 17:00 / 18:00 and that Mr Topal would take over from the evening to

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- the following morning when Mr Aksu would take over. In addition at least two other members of staff who spoke English would be present.
- e. In response to Ellie Green's request for clarification, it was confirmed that a transfer application would be submitted in any event to change to this company name. If this application was granted to 00:00 the new licence was preferable, having better, more up-to-date conditions; and if there was any pursuance of the application via an appeal it could be done on this licence.
  - f. In response to further queries, the agent advised that unless the licence was transferred it could not be surrendered. Only Mr Ulger could surrender the licence, but he was no longer involved in the business and legally the agent did not have control. Mr Ulger would not be working at the premises. Officers advised that a surrender of the licence by Mr Ulger would be the most sensible action and would save the cost of a transfer. The Chair clarified that this issue did not affect the LSC decision.
7. The closing statement of Ellie Green, Principal Licensing Officer, including:
- a. She confirmed that the other nearby licensed premises mentioned by Mr Sutherland were also in the CIP area, but they had those existing hours before the CIP was introduced. There had been no new licence applications granted in the vicinity.
  - b. Having heard the representations from all parties it was for the Licensing Sub-Committee (LSC) to consider whether this new application was appropriate and in support of the licensing objectives.
  - c. The steps which could be taken by the LSC were set out in para 5.12 of the officers' report.
  - d. The LSC was directed to the relevant guidance and Enfield's Licensing Policy and CIP policy.
8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including:
- a. The Licensing Authority could not see any reason why the CIP should not apply in this case; and that hours for sale of alcohol should not be granted beyond 00:00.
  - b. The conditions on this licence were better, stronger and more suitable for the premises
9. The closing statement of Mr Robert Sutherland, licensing agent on behalf of the applicant, including:
- a. The LSC had heard the reasons why the applicants submitted that this application could be an exemption from the CIP.
  - b. The manner in which they put forward a six month exemption to the policy was a trial and a useful tool by which the LSC could assess the applicants' bona fides.
  - c. This premises had operated for a number of years with no problems for residents or in relation to crime and disorder.

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- d. Issues may arise when an extension of hours was sought in perpetuity, but this submission was for six months.
- e. Door supervisors would be put in place as discussed.
- f. To secure their personal investment, the applicants would be on the premises.
- g. Putting all the above together, the conditions on the licence and the six month trial, the LSC could find there should be an exemption to the policy in this case.

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.

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 listened to all oral representations in addition to considering the written submissions, the Licensing Sub-Committee (LSC) resolves to grant the application for a new premises licence at the Hertford Food Centre in part: enabling licensable hours in accordance with the Cumulative Impact Policy (CIP) – and reinforced by a new set of conditions agreed between all parties.

The principal thrust of the CIP in Enfield requires an applicant to demonstrate how they would take additional steps (during any extended hours being sought) to promote the licensing objectives. In so doing, the LSC needs to hear full reasons provided by the applicant and/or their representatives for it to consider granting exemption.

The written application provided no such reasons, and states only that a schedule of conditions would be supplied to the responsible authorities “for discussion”. We also heard that no such schedule had been forthcoming regardless.

Under repeated questioning, the LSC was given nothing compelling to provide sufficient confidence to determine the application in any way other than to grant a terminal hour of midnight for the sale of alcohol (off supplies only), being the only licensable activity under consideration.

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The only reason submitted was that the new Premises Licence Holder should be granted a trial period of six months to establish the business under licence, based purely on the personal bona fides of the prospective Premises Licence Holder and Designated Premises Supervisor.

The LSC deemed this to be an inadequate and inappropriate reason, determining that those bona fides were not sufficient to inspire confidence that they had qualified experience to operate a new licence within cumulative impact policy considerations which framed the hearing.

The case for exemption was not made. The LSC was of the view that by granting a licence in accordance with CIP, it opened out the possibility of a future application to vary licensable hours supported by an evidence base; and for any such application to be considered by officers and potentially determined by a subsequent Licensing Committee.”

3. The Licensing Sub-Committee resolved that the application be granted in part as follows:
  - (i) Hours the premises are open to the public: from 00:00 to 00:00 daily.
  - (ii) Supply of alcohol (off supplies only): from 08:00 to 00:00 daily.

Conditions (in accordance with Annex 7): Conditions 1 to 27.

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### **MINUTES OF PREVIOUS MEETING**

RECEIVED the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 4 April 2018.

**AGREED** that the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 4 April 2018 be confirmed and signed by the Chair as a correct record.